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LEGISLATIVE ASSEMBLY.

Tuesday, 30th January, 1923.

The Assembly met in the Assembly Chamber at Eleven of the Clock. Mr. President was in the Chair.

STATEMENT OF GOVERNMENT BUSINESS.

The Honourable Sir Malcolm Hailey (Home Member): We have proceeded further with the allotment of business. Honourable Members will find that Thursday's list has already been distributed to them. We propose to have no meeting on Friday. On Saturday we propose to ask that the Report of the Joint Committee on the Workmen's Compensation Bill be taken into consideration, and we anticipate discussion on this important measure will also occupy us again on Monday. On Tuesday we assume that there will still be some discussion left over on the Workmen's Compensation Bill, and after that we shall proceed with the further consideration of the Criminal Procedure Code Bill. On Wednesday we shall again proceed to the consideration of the Criminal Procedure Code. On Thursday there will be discussion on the private Resolution regarding Company *versus* State management of Railways. I shall subsequently announce the business that is fixed either for Friday or Saturday following. On the following Monday we propose to again consider the Criminal Procedure Code Bill and also on Tuesday the 13th. Wednesday is a public holiday. On Thursday the 15th we propose to consider the Resolution regarding the Fiscal Commission's recommendations.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): May I know, Sir, with regard to the business on Thursday the 8th, supposing the Indianisation of the Army question is concluded, will some other Resolution be allowed to be brought up on that day or is the whole day to be given to that question?

The Honourable Sir Malcolm Hailey: Thursday, the 8th, Sir, is a public day, which we have given up for the consideration of the question of Company *versus* State management of Railways. I think it is unlikely that we should be able to take any further business on that day.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan Urban): And will that be on a Government Resolution?—Company *versus* State management of Railways?

The Honourable Sir Malcolm Hailey: It is a Government day but we have allowed a private Resolution to come forward on that day as it is a matter of great importance to the Assembly, and the Assembly will remember that they asked that I should bring this on as early as possible. I may say, of course, that it was open to us to use this public day for a Resolution of our own, but, as a private Resolution had been tabled on the same subject we propose instead to take the opportunity of discussing it on that day.

MESSAGE FROM THE GOVERNOR GENERAL.

Mr. President: I have to acquaint the Assembly that I have received a Message from His Excellency the Governor General:

"In pursuance of the provisions of sub-section (3) of section 67A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Financial Statement is under consideration.

(Sd.) READING,
Governor General."

The Assembly will now resume consideration of the Report of the Joint Committee on the Indian Mines Bill.

THE INDIAN MINES BILL.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I beg to move the following amendment:

"That to clause 23 the following sub-clause be added:

'(*d*) for not more than 11 hours in a day'."

I will take the latter part of my amendment separately. Sir, the evils which my amendment seeks to remedy are the evils of long hours of work in one day. By the Bill we have provided that there should be 54 hours of work in a week underground and 60 hours of work on the surface. Sir, by providing merely a limit for the week's work we do not stop the evils of the long hours of work. As a matter of fact, it was admitted during the discussion of the hours of work for the week that the workmen in the mines do not work generally more than 54 hours a week at all. Therefore, when that limit was placed, it was not placed to remove any evil because the evil of the long hours of work in a week did not exist at all. That limit was placed in order to satisfy the Washington Convention: that is all. But, even when you have a limit of 54 or 60 hours a week, you do not prevent long hours of work during the day. It is quite possible that the 54 hours may be worked in three days of 18 hours. Sir, it is not an exaggeration when I say that sometimes people do work for 18 hours a day in the mine and finish their week's work in that way. As a matter of fact this has been admitted both by Government and my Honourable friend, Mr. Sircar.

Mr. N. C. Sircar (Bengal: National Chamber of Commerce): I did not admit it.

Mr. N. M. Joshi: He says he did not admit it. Sir, he at least admits that there are not more than 54 hours in a week and he also admits that these people do not work for more than 3 or 4 days in a week. After working for 3 or 4 days these people go home. Sir, if these people work for 2 or 3 days or at most 4 days and finish the week's work which is about 54 hours' work, I think I am right in saying that the people in the mines must be working more than 18 hours and even sometimes 18 hours in a day. My Honourable friend, Mr. Sircar, may refuse to admit the fact which all the same exists. How does he propose to divide the work of 54 hours in three or four days' time unless the people work for 18 hours or at least more than 18 hours a day?

If my Honourable friend, Mr. Sircar, and the Government maintain that people do not work even for 54 hours a week, I can understand it.

But if they say that the people do not work for 54 hours, my contention is, why did they not accept the amendment of my Honourable friend that there should not be more than 48 hours in a week? If people do not work more than 48 hours in a week why should they object to the amendment? As a matter of fact people do work more than 48 hours. They work 54 hours and therefore the 54 hours' limit was accepted. Sir, this evil is not imaginary. Not only people work up to 18 hours in a day but sometimes a large number of people remain in the mine for the whole day including night and for days together. Sir, I do not wish to request the House to take my word unsupported by an authority. I therefore propose to read a sentence from the latest report of the Chief Inspector of Mines. The Chief Inspector of Mines in his latest report says:

"The practice of sleeping underground is only too common although it is usually forbidden."

(*An Honourable Member*: "What does 'sleeping' mean?") "Sleeping" means spending their night. Sir, as a matter of fact, people cannot but do that. Both Government and my Honourable friend Mr. Sircar will admit that they do not make provision for the housing of all the people who go to work in the mines, and if there is no provision of a residence on the surface, people do not mind sleeping underground and go on working as long as they can work. Both Government and my Honourable friend have admitted this fact that a large number of people come from their village to the mines.

Mr. N. C. Sircar: I rise to a point of order, Sir. I did not say that they are not provided with housing accommodation. What I said was that people coming from a distance of 5 or 6 miles do not go home every day. They go back home after their work is over.

Mr. N. M. Joshi: Sir, my contention is that all the people who work on the mines have not been given residential quarters in the mines. Are there residential quarters in the mines for all the people that work there? Again, there are a large number of people who come from the villages to work on the mines. Do you mean to say these quarters have been built for not being occupied at all? As a matter of fact, a large number of people have not got sufficient residence on the mine. Therefore a large number prefer to go on working from one morning to the next morning, having practically little rest, sleeping somewhere and again beginning work and finishing the 54 hours for the week. This has been going on for a long time and the remedy that we have proposed in this Bill is no remedy for that evil. We simply propose that there should be 54 hours in a week. That is no remedy for stopping over-work during one day. Sir, the evil effects of the long hours of work in a day are both economic as well as from the point of view of health. If people go on working without sound sleep and without sufficient rest in the day for three or four days continuously, their health is bound to suffer. Again, from the economic point of view, neither the workman gains nor do the employers gain. The workman has to work 54 hours in a week. If he works these 54 hours after taking sufficient rest at intervals, I am quite sure he will be able to produce more during the 54 hours than if he works those 54 hours without sufficient rest. From the same point of view the employers also do not gain very much. Neither do the employers gain by this practice nor do the workmen gain economically. From the point of view of the health of the workmen there is a great loss. Thus, this practice of working without any limit of rest during the day is harmful from all points of view.

[Mr. N. M. Joshi.]

If that is so, I should like to know what the objections are which Government or my Honourable friend Mr. Sircar may take to the proposal which I am making, namely, that there should be a limit of work for the day. I propose that the limit should be 11 hours of work. Sir, I have proposed the limit of 11 hours not because I feel that a smaller limit is not desirable, but because I want the support of the whole House if I can gain it. I have particularly kept the limit at such a high figure as 11 hours simply because I want to carry, if possible, the whole House with me. Now, Sir, what can be the objections to this proposal? My Honourable friend Mr. Chatterjee yesterday said that these people working on the mines must work decent hours of work. I ask him whether he will take objection to my proposal of 11 hours on the ground of decency. I hope he will not. Neither will my Honourable friend Mr. Innes nor my Honourable friend Mr. Sircar will take objection to my proposal on the ground that 11 hours' work is not a decent amount of work.

Then, Sir, there were some objections taken yesterday to the proposals for the week's limit of work on the ground that the earnings of the workmen will suffer. There cannot be any objection to my proposal even from that point of view. I do not propose that the total week's work should be reduced. Let the total week's work be of 54 hours. I only propose that this 54 hours' work should be more evenly and fairly distributed. Instead of people being allowed to work 54 hours in 8 or 4 days' time, I only propose that these 54 hours should be worked in 5 or 6 days' time. Therefore, from the point of view of the earnings of the workmen there cannot be any objection to my proposal. Then, Sir, what can be the other objection? The objection which either the Government or my Honourable friend Mr. Sircar will take is that of the habits of the people. It is said that those who work on the mines belong to some class of people who have not got regular habits of work. They are the Santhals or some such people, and their habits of work are irregular. They will not be trained, they will not be disciplined to regular work. That is the main ground on which objection can be taken to the proposal which I am making. Sir, I would like to know from my Honourable friend Mr. Innes or any supporter of his whether this objection of the habits of the people was not taken whenever there was a proposal for regulating the hours of daily work. I want to know whether, when the Factory Act was discussed and when the limitation of the hours of work in factories was discussed for the first time, objections were not taken on the ground that the habits of the people in India differ. Not only that, but even to-day, those who have an opportunity of speaking to people who employ a large number of people in factories in Bombay, not the Santhals of the Central Provinces or Bihar, but in Bombay, will always hear complaints that the habits of the people prevent their reduction of the hours of work. So this complaint about the habits of the people is not a new one. It is an old complaint, and it has been brought forward not only in India but in all the countries of the world whenever there was an attempt to limit the hours of work for the day. Therefore, there is nothing special in this objection which the Government propose to take. As a matter of fact, it is feared that people work longer hours and they are not also disciplined because we do not make an attempt to regulate their life. It is necessary that their life should be regulated, and because it is necessary to do so, the factory legislation has come into existence. If there are any people who say, "Why should we limit, why should we regulate the life of the working classes",

my answer to them is that they are too late in the day. The principle that the hours of work for the working classes should be regulated has been accepted by this country, by this Government, as well as by the whole world. Therefore if they say we should not interfere with the liberty of the working classes, I say they are too late in the day.

Then, Sir, when this question was discussed last time and even yesterday, it was said that I have no personal experience of the mines in India. Sir, I admit this disadvantage and I regret it, but I want to know how my Honourable friend, Mr. Innes, who insisted upon visiting one mine before he introduced the Bill, and my Honourable friend, Mr. Chatterjee, who insisted upon visiting a dozen mines,—how did they learn by merely visiting these mines once or even a dozen times the habits, sentiments and the feelings of the working classes! Is there any one here who will believe that it is possible for such high officials as my Honourable friend, Mr. Innes, and my Honourable friend, Mr. Chatterjee, by simply going to a mine, to learn the habits, the sentiments and the feelings of the working classes? Sir, I do not myself believe it and I do not think there will be any one here who will believe that by their going there they had learnt the habits, the feelings and the sentiments of the working classes. I therefore feel that I am not at a greater disadvantage than they are in this matter.

Then, there is another point of view from which Government is likely to take objection to my proposal and it is this. Yesterday, the Honourable Mr. Innes said that this proposal and any other proposal for limiting the daily hours of work will be impossible of supervision. Sir, I want to know from the Honourable Mr. Innes and those who support his view, if it is possible for the Inspectors of the Government to enforce the rule regulating the weekly hours of work, it is equally possible, nay, easier to enforce the daily hours of work and to see that the daily hours of work are properly observed. I want to know how any Inspector is going to see whether a man has worked 54 hours or more without finding out how much the man has worked during one day. If he has to find out the weekly hours of work, he has to find out the daily hours of work. Therefore, it is no more difficult for an Inspector to inspect mines for the sake of this rule, for the sake of the rule which I am proposing than if he could inspect the mine for the sake of the rule which the Government has already made. Therefore, there is no more difficulty from the point of view of supervision.

Sir, it was said that when I made these proposals I have not had the advantage of the advice of such experienced people as the Factory Inspectors, and especially the Chief Factory Inspector who has got great experience of this matter. It was said so last time. Sir, I again say that I am at a disavantage. I have not got advisers who get salaries which the Chief Inspector of Mines gets, but it is quite possible for even a humble man like myself to get some adviser who knows the conditions in mines. But, Sir, I should like to know from the Government—I admit they have got the advantage of the advice of the Chief Factory Inspector, but whether they follow the advice of the Chief Factory Inspector, that is more important than having his advice at their hands. Sir, in order to tell the House how the Government of India follow the advice, the opinions of the Chief Factory Inspector, I propose to read one more passage from the latest report of the Chief Factory Inspector. I am sorry I have to read this passage from the "Times of India." (*Mr. N. C. Sircar*: "Inspector of Factories or Mines?") Mines. I am sorry that I committed that mistake and I am very glad that my Honourable friend has corrected

[Mr. N. M. Joshi.]

me. I say, Sir, I have to read the passage from the "Times of India" as the Honourable the Home Member has refused to give us free copies of the reports of the different Departments. This is the passage:

"The practice of sleeping underground is only too common, although it is usually forbidden. The institution of regular shifts would discourage this and many managers would welcome a statutory regulation of hours of labour. They are at present deterred from regulating hours by the fact that miners would probably resent the enforcement of the regulations and leave their mines for other mines where such regulations were not in force. Were the hours of labour regulated, many difficulties in respect of supervision would disappear and the efficiency of inspection by officials would increase."

That is the opinion of the Chief Inspector of Mines, namely, were the hours of labour regulated, many difficulties in respect of supervision would disappear; not only will there not be greater difficulties of supervision, but the difficulties of supervision will disappear. That is the opinion of the Chief Inspector of Mines on this point. Sir, I want the House to see that when the Chief Inspector of Mines talks of the regulation of hours, he is talking not of the regulation of the weekly hours, but the regulation of the daily hours of work. This is clear from the fact that he is, at the beginning of the paragraph, mentioning the habit of sleeping underground. Moreover, not only does the Chief Inspector of Mines consider this practice desirable, but he says that many managers also consider this practice desirable. Therefore, the only difficulty in their way is that they fear that the miners may not like this regulation. It is true that the miners will not like the regulation. Nobody likes any control, nobody likes any regulation when first introduced. But, Sir, the Government has got experience of regulating the hours of work in other directions. They have regulated the hours of work of people who were not in the habit of having their hours of work regulated in the factories. People naturally would resent in the beginning, but I am sure the working classes would take to it if Government once introduced this regulation. The real difficulty in introducing this limit voluntarily is that when one mine introduces such a limit the mine owner is afraid he would lose his labour, and the labour might go to some other mines. Therefore, this regulation cannot be introduced voluntarily. It can only be introduced by legislation. That is the opinion of several managers of the mines. That is the opinion of the Chief Inspector of Mines. I hope, Sir, the Government will follow the advice of their Chief Inspector in this respect.

Lastly, I would only like to say one or two words to the Members of this Assembly. I have specially made the amendment so moderate, putting the daily hours of work at such a high figure as 11, because I want to make the principle of the regulation of daily hours of work recognised. If there is any Member here who can show any other way of getting the same principle recognised, I shall be only too glad to accept his suggestion. If there be any Member here who makes a proposal that the 11 hours of work should be increased but we shall recognise the principle of the limitation of the hours of work, I shall seriously consider that proposal. But what I want the House to do is that this principle of the regulation of daily hours of work should be recognised.

Sir, there is one point on which I should like to speak before I finish and it is this. Members of the House are likely to be told by Government that the Local Governments have not been consulted. I repeat my yesterday's argument. Local Governments must know that this point would be discussed if they had followed the discussion that took place in the Simla Session on the appointment of the Joint Committee. If the Local

Governments and the mine owners have not considered that point, it is not my fault. The Members also may be told that as Government are opposed to this amendment Government may withdraw the Bill and there may be difficulties. The Bill may be at least postponed. Members need not entertain any fear on that score also. The Bill is going to come into operation at the end of July 1924, 18 months from to-day. So, if Government wants to introduce any modifications they like, they can do so. There will be no postponement of the Bill at all because the Bill will come into operation from July 1924, 18 months from to-day. There is no likelihood of any delay being caused by our accepting this amendment. I therefore hope that the Members of this Assembly by a majority will accept my amendment.

The Honourable Mr. C. A. Innes (Commerce and Industries Member): Sir, I wish first to take up some points which Mr. Joshi has raised against me. He first admitted that he himself had never been to the coal fields and had never studied the conditions of life in the coal fields. He then asked what advantage Mr. Chatterjee and myself had gained from going to the coal fields and making inquiries there for ourselves. He pointed out that in the course of a visit or two one could not enter into the feelings of the labourers in the mines. Now Mr. Joshi has made one mistake. My friend, Mr. Chatterjee, here has not only visited in his capacity as Secretary to the Government of India in the Industries Department many coal fields but he has spent many years of his life in those fields. He tells me that he lived there for many years as a child and therefore Mr. Chatterjee may claim real acquaintance not only with the conditions of life but also with the feelings of the labourers in the field and, as for myself, I possibly approach this coal problem from a point of view which is perhaps wider than that of Mr. Joshi. Mr. Joshi stands before this Assembly as the representative of a class. He asked this Assembly to consider class interest only. We on the Government Benches have to take other points of view into account. We have to consider the effect of any legislation which we may pass upon the country as a whole. I would ask the House to remember that this legislation which we are dealing with to-day affects in a very peculiar degree the most important industry in all India. Coal is the life blood of Indian industries. Any hasty legislation and any ill advised legislation which we may pass must have the most disastrous effect. It may send up the price of coal for every industry in India. It may even have the result that there will not be enough coal to go round and I hope, Sir, that the House will bear that fact in mind. I speak with some experience of this matter. For the last three years one of the most constant anxieties of the Government of India has been the coal position of India and I do hope that the siren voice of Mr. Joshi will not lead the House to adopt measures which will make an already difficult position much more difficult. Mr. Joshi then asked why it was that we did not adopt the advice of the Chief Inspector of Mines. He read an extract from the Chief Inspector's last Report. In that extract the Chief Inspector said that not only he but many mine managers in the fields were strongly in favour of a system of shifts. Sir, the Chief Inspector has been consulted in every line of this Bill. The Chief Inspector, as Mr. Joshi well knows, was present at the meetings of the Joint Committee and, Sir, I have assured myself that the Chief Inspector, however much he may be in favour of a system of shifts, is quite satisfied that it is impossible either to introduce a shift system at present or to impose a daily

[Mr. C. A. Innes.]

limit of hour. I have also satisfied myself by meeting many of the leading mine managers in the coal fields (and I say here and now that I have never met a more enlightened set of men), that these men are entirely in favour as we are all in favour, of a system of shifts if it can be introduced, but deprecate any immediate statutory imposition of that system of shifts. Then, Sir, as I said when this Bill was discussed last September, not very long ago we had a committee which inquired into the whole question of labour in the fields. That committee also referred to this question of introducing the system of shifts. They admitted that many mine managers in their evidence had said that what the coal fields really wanted was a system of shifts but they went on to say they were afraid that it was premature to introduce such a system by legislation and surely, Sir, when we appoint a representative committee of this kind we must attach weight to their words. As I said, I entirely agree that we could not confer a greater benefit upon the coal field than if we could assist mine managers to introduce a system of labour by shifts. But I deprecate attempting to do so before the time is ripe and I think the best way of dealing with that problem would be to deal with it in the same way as we have dealt with the equally difficult problem of women labour. That is when we address Local Governments in the terms of the Joint Committee's Report on the question whether a time limit could not be given for the employment of women in the fields we might at the same time consult them as to the possibility of setting a time limit by which a statutory system of shifts should be introduced throughout the fields. That I think will be the wisest and the best way of dealing with that problem. I am not in favour at this time of imposing a statutory limit of hours. I think, Sir, no one can accuse us of being reactionary in this Bill. We have made in the Bill some very real advances. We have for the first time prohibited the employment of children down mines. We propose, if the House will agree, to prohibit even the presence of children in the mines and that will inevitably reduce the number of women who go down those mines. That will reduce the labour population in the mines and this House has got to remember that the real difficulty which confronts every coal manager in India is the difficulty of getting sufficient labour. I say, that those measures are sufficient for the present and I am not in favour of going further and at this moment imposing a daily limit of hours. We have imposed a weekly limit of hours. Mr. Joshi asks what is the difference between a weekly limit and a daily limit. He says:

"If you are prepared to enforce a weekly limit, why can you not equally enforce a daily limit."

Then he went on to say that the reason that he wanted a daily limit was that he merely wished to enforce a principle. Now, Sir, that is the very reason why we have begun by imposing a weekly limit. We want to enforce a principle, but I do not say and I have never claimed that that weekly limit is going to make any material difference to the amount of hours' work in the fields. To the best of my belief, miners do not work 54 hours a week below ground, but we think it important that in this Bill we should recognize the principle of a weekly limit of hours. I may say here now that I would not have included that provision in the Bill had I thought that the enforcement of the provision would disorganize labour and the miners and would involve many prosecutions of mine managers for infringement of the rule. But it is different with the daily limit. Mr. Joshi, as he said, wishes to impose a daily limit merely to recognize the principle. My fear is that if you impose a daily limit, it will not be

possible at all to enforce it without a very large increase in the inspecting staff, and even if we did make that increase in the inspecting staff, and did try to enforce the limit, it would mean numerous prosecutions and disorganization of the whole of the coal field labour. We have got to consider what the conditions of labour on these fields are. The men do not go down at any stated time of the day, they do not come out at any stated time of the day. They are not paid by time, they are paid by results. Labour in the fields is a labour under small raising contractors. The labourers go down when they like. They cut coal, they put it into the tubs, and they are paid so much per tub. How, therefore, are we going to enforce a daily limit? As I have said, the whole of the labour does not go down at the same time and does not come up at the same time. The only way of enforcing a daily limit of hours would be to have an inspector in each mine, for that inspector to check for each man down in the mine precisely at what time he went down in the mine and whether he had exceeded the daily limit. We have been advised by the Chief Inspector, we have been advised by every mine manager, that it is impossible to do that,—that the only way we can enforce this method would be to impose a shift system and I have already given reasons why we wish to take the reform slowly.

Then I wish to point out to this House that it is not a question of men working 11 hours a day for 6 days in the week. Many of these miners, especially in the Raneegunge coalfields, are agriculturists; they come in, it may be, 6, 8, or 10 miles to the mines. They live in their villages and work in their fields. But they come into the coalfields, they go into the mines, they cut as much coal as they think necessary, they rest, possibly sleep, down the mine, and then they go back to their villages. They are not working 24 hours at a time; they are not working all the time, for half the time they are sleeping; and when they go back to their fields, they have cut 6 or 7 tubs of coal in order to supplement their earnings in the fields. The House has got to remember that this is not a question of miners working day after day 11 hours a day. It is a question of agriculturists coming in and spending two or three days at the outside, sometimes only 24 hours, in a mine, working as it suits them,—possibly sleeping down the mine and then going back to their fields. Mr. Joshi says that they sleep down the mines because houses are not provided for them. He has accused the coal miners of not providing sufficient house accommodation. That charge, to the best of my belief, is entirely inaccurate. Houses,—bustees—are provided by every coal miner at every mine. But people who come in, who live 5, 6 and 7 miles away, they do not want houses; if they sleep in the mine, it is because it suits them and their convenience to do so. Now, Sir, I think I have met most of the points which have been brought against us by Mr. Joshi. I wish this House to remember that this is a very important question. I wish this House to remember that Government have put forward a Bill which goes as far as they are prepared to go. We may be accused, and when we come to clause 25 we shall be accused, of having gone too far, but I shall ask this House not to be in a hurry, not to run the risk of disorganizing a very important industry merely in order, as Mr. Joshi says, to enforce a principle, to enforce the principle of a daily limit of hours. I have said that I am quite prepared to consult Local Governments whether we could not fix a time limit within which a system of shifts should be introduced in the coal fields; and I think the House will agree that that is the right way to advance in the direction in which we all wish to go.

Mr. N. C. Sircar: Sir, Mr. Joshi has said that the miners sleep down below because of want of house accommodation. I invite Mr. Joshi to go to the coal mines and see if there are not houses for them. There are houses, and the houses are now being regulated by the Mines Board of Health,—and in a few days the miners will get as good houses as many of us would like to live in. There are houses in the collieries in which the permanent labour lives,—and there are also houses in the collieries, which are purposely meant for sojourners who come and work for certain hours and go back. I must tell my friend, Mr. Joshi, that when he says there is a want of houses, that we do not provide houses for labourers, that he must be labouring under a mistake. Mr. Joshi has said that I said yesterday that the miners work for two or three days in the week. I never said so, that is a wrong statement. Then my friend says about the habits of the people. I invite him to go to the coal mines and see what sort of labour we have to deal with. We have 101 castes of labour, and everyone in the House can imagine how difficult it is to change the habits of so many castes and creeds, especially illiterate as they are. Then my friend says about 11 hours' work. I welcome if the labourers will work 11 hours, but as a matter of fact they do not.

Mr. N. M. Joshi: Then why do you oppose?

Mr. N. C. Sircar: I am coming to the point. As a matter of fact I shall be too pleased if the underground labourer would work for only 8 hours, but as my friend, Mr. Mukherjee, pointed out yesterday, 54 hours, that is 9 hours a day, have been the utmost limit. But as a matter of fact we do not get more than 48 hours' work. Then about the 11 hours I was going to say that as my Honourable friend, Mr. Innes, has said, no daily working hours can be fixed until the shift system can be introduced, and it is impossible at the present moment unless and until we are a bit independent of the labour by electrifying our coal mines and introducing electric coal cutters. Some of the miners are resident of villages 5 or 6 miles away from the collieries. As has been pointed out by my Honourable friend, Mr. Innes, they are also agriculturists. They work in their fields in the morning and go down the mines in the afternoon and work up to such time as they please; some times they sleep underground and some times come to the surface to sleep and go down again about 2 o'clock in the morning, work till sunrise and then go home, after which they are 24 hours off. So, unless and until we are independent of this class of labour, and unless and until we can introduce the shift system, I cannot see how it is possible to introduce a daily system of 11 hours; and if the Legislature attempts to introduce such a system we shall, I am afraid, lose a good deal of our underground labour. The House knows what difficulty we were put to in 1921, having to buy ten lakhs of tons of coal from foreign countries at a cost of about two crores of rupees over and above what we would have paid in this country for same. With these remarks, Sir, I oppose the introduction of an 11 hours' working day.

Rai Bahadur Bakshi Sohan Lal (Jullundur Division: Non-Muhammadan): Sir, the object of limiting the number of working hours in a week to 60 and 54 provided by clauses (*b*) and (*c*) is to protect the health and eventually the life of the labourer. But will that provision alone have the desired effect if a greedy labourer works 18 hours daily for three days consecutively and takes three days holiday consecutively? It may be admitted without much argument that 18 hours work a day continuously may do much more injury to the labourer's health than 9 hours daily work for six days. Therefore it is more necessary to limit the hours of work a

day than the number of hours in a week. Without limiting the number of hours work in a day, the limiting of the hours in a week is of no avail. The labourer may become a total invalid after 18 hours work in a day or after 54 hours in three days. Unless such daily work is limited, the provisions of clauses (*b*) and (*c*) may also be evaded easily by the labourer working three days under one mine owner and three days under another mine owner without being detected. Neither mine owner will know the hours he has worked with the other. I consider that even 11 hours work in a day is excessive. The labourer requires at least two hours off for preparing his food; that makes 13 hours, which means the whole day continuous work during summer and more than the day continuous work during winter. Thus 11 hours daily work is too much, but as the amendment comes from Mr. Joshi who represents labour, I am bound to support it.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I am really surprised at the change in the attitude of the Government of India, during the last decade about the limitation of working hours. It is easy for the Honourable Mr. Innes with his persuasive eloquence to convince everybody that the key industry, coal mining, would be ruined unless we sacrifice human beings for that purpose. When the attempt was made for the limitation of working hours, in introducing changes in the Factory Act in the year 1905, the Government of India were unable to pass the Bill, or perhaps they were unwilling to pass it. At any rate the Bill was not passed. But subsequently, in spite of the advice of the Factory Commission to the effect that no such limitation should be made—their advice being:

"We are strongly opposed to any direct limitation of adult working hours, because we consider that there is no necessity for the adoption of this drastic course, because we are convinced that it would cause the greatest inconvenience to existing industries, most of which have never worked long hours, and because we think that such a measure would seriously hamper the growth of industrial enterprise."

That is what the Commission said, and most of the members who represented the Bombay cotton mills strongly opposed the limitation of working hours of the operatives in their factories. But in spite of that, Sir, the then Government were more influenced by the humanitarian point of view than the industrial point of view. On the advice of the late Mr. Harvey, the Government of India said, they "were unable to accept the recommendation of the Factory Commission that an indirect method should be adopted for obtaining a limit to the working hours of factories." After throwing out the recommendation of the Commission, in the Act XII of 1911, it was enacted that "no woman shall be employed in any factory for more than eleven hours in any one day. No child shall be employed in any textile factory for more than six hours in any one day. And no person shall be employed in any textile factory for more than twelve hours in any one day." Have we not then proceeded any further since the year 1911? Mr. Joshi has asked for the enunciation of a principle admitting the utility and the necessity of restricting hours of labour. We have it already in the Factory Act. It is bad enough that women are allowed to work in mines; it is bad enough that they are allowed to sleep underground; but now Government says that the industry would be ruined if we do not sacrifice these men and permit them to be employed for over 11 hours a day. Of course it is easy to see that it would not be their policy to overwork them; but these are people whose interests ought to be protected by others who know better. It is opposed to human nature for any person to work above or below ground for more than 11 hours a day.

[Mr. B. Venkatapatiraju.]

Is it not therefore the business of the Government in introducing such a Bill to limit the hours of work to even eleven hours a day? I therefore strongly support the Honourable Mr. Joshi's amendment and I hope the House will unanimously agree to that small modicum of mercy meted out to these unfortunate people in order to improve their condition.

Mr. B. S. Kamat (Bombay Central Division: Non-Muhammadan Rural): Sir, I believe the quotation which my friend, Mr. Raju, gave the House is likely to mislead the House, as quotations very often do. The quotation had reference only to factory labour, which is much more organized, where the hours of work are under the control both of the Manager and probably of Government. With regard to mine labour, the whole question, as the Honourable Mr. Innes has told us, is working and cutting the coal by results. That is the most differentiating factor between the two. The workman in the mines works voluntarily for certain hours just as it suits him to produce a particular quantity of coal in a particular quantity of time by piece work. I have no practical experience, I must admit, of mines, but if it is pardonable to give my practical experience of stone quarries, in which matter I think I have some experience (as I own lime stone quarries of a considerable extent which furnish the stone to a large province, and have had experience extending over some years), I think it would be pardonable if I give my own experience regarding the habits of the people and what they themselves like. Now, I have seen a large number of workmen preferring of their own will and accord to come for work, especially during the hot summer months, not according to the regulated hours but even so early in the morning as 4 o'clock, because it is cool, and go on working from 4 o'clock in the morning say till 12 or 1 or 2 o'clock, as long as they like; not that they work continuously during that time, but they work, for instance say for one hour, then take rest, then continue to work for two hours, again take rest, then continue to work for another hour and then take rest until they earn enough for the day. Now, when I tried to induce them to give up that habit and to regulate the hours both in their interests, in the interests of their health and in our interest for the sake of supervision, I believe they did not like it. Now, I recognise, as my friend, Mr. Joshi, says, that there should be a daily limit introduced sooner or later. In the abstract I do know that that will be to the interest of the workman and to the interest of the industry. But as the Honourable Mr. Innes has rightly pointed out, we are now passing legislation which is of a transitional character and while on the one hand we must not be carried away by purely academic considerations, on the other hand we must also see that in our enthusiasm for regulating labour we do not throttle industries which are for the benefit of the community at large. I therefore think that those of us who have the interests both of the industry and of the labour at heart should not support Mr. Joshi's amendment, howsoever good it may be in the abstract. Mr. Joshi brings to bear upon his discussions, no doubt, a close study of the question of the labour problem, but a study more or less from the academic point of view. I do wish really that he should add to his study a practical experiment, actual experience of handling workmen, even half a dozen workmen for half a dozen weeks, so that he may really see their mentality, what they themselves like and what is to their own real interest and convenience. Looking at it from this point of view, therefore, and the transitional character of this problem on the whole I think it would not be practicable at this particular stage to introduce a daily time limit.

12 NOON.

Munshi Iswar Saran (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I do not own a mine, nor have I ever had the privilege of woking in a mine, either underground or above-ground. As the House is aware, I do not represent, as my friend, Mr. Joshi, is supposed to represent, the working classes, but at the same time I wish to say that I do not feel greatly interested in the mine owners either. My object is to see what is really in the interest of the country as a whole. Before I proceed, Sir, I wish to express my wholehearted agreement with the Honourable Mr. Innes in his statement that there are some very progressive changes introduced into the Bill which Government has placed before us. Mr. Innes has taken Mr. Joshi very politely and very kindly to task, because he has had no experience of mines. If I am not very much mistaken it was John Bright who once speaking in the House of Commons said that on one occasion he had ventured to express some opinion about America without having ever visited that country and he was at once met by people like Mr. Innes who said 'Oh, you have not been to America; how dare you express an opinion about it.' But it so happened that subsequently John Bright's opinion was found to be correct and the opinions of all those who had been to America not once but twice or thrice proved to be wrong. Mr. Innes has been to these mines and Mr. Chatterjee,—whose ability and whose eminence I gladly acknowledge—as a child has lived round about the mines and has therefore come into touch with the mine owners. (*A Voice*: "Mine workers.") Mine workers, yes, that is still worse. Mr. Chatterjee, as I have said, is one of those distinguished Indians of whom we are proud; but if Mr. Innes' description of Mr. Chatterjee is correct, Mr. Chatterjee must have been a very precocious and abnormal child. Mr. Bray says he was; most certainly. Sir, we are told, to use Mr. Innes' words, that coal is the life-blood of our industry. Is it therefore necessary that the life-blood of human beings should be sacrificed in order that the life-blood of our industry should be kept up? We are told that Mr. Joshi's proposal is premature, that it will lead to numerous prosecutions and it will lead to the disorganization of labour. All that may be true and I am not in a position to contradict these statements because I have no intimate knowledge of the working of these mines. But looking at the question perhaps from a point of view of more or less detachment, I wish to ask, Sir, the House to consider in all seriousness whether we shall allow these people to work for more than eleven hours a day. Is it in the interest of their health, is it in the interest of the well-being of that class, which, unfortunately, is to work underground? My friend, Mr. Sircar, says that he will be delighted if these people work for 8 hours. Where, then, I ask, is the difficulty? Why not then introduce a rule that no labourer will be allowed to work for more than eleven hours a day? It is said that this question is academic and so on. Sir, this word academic is a very vague word. I think this question is intensely practical, it is intensely human. I am addressing you as an Indian not in any special manner interested either in the workers or the owners but as one interested in the well-being of the country as a whole. Call me a visionary or whatever else you will. Strong words do not break any bones. I say industry or no industry these people should not be allowed to work for more than eleven hours and if they are willing to work for more than 11 hours as indeed many of them may be, they have to be saved against themselves. This is the need for this legislation. It is said that you must think of your industry; most certainly. There is no enlightened Indian who is not anxious that industries should make progress in India. But, Sir, the industry exists for the people and the

[Munshi Iswar Saran.]

people do not exist for the industry. These are the considerations, Sir, why I think that the House should accept Mr. Joshi's amendment.

Mr. Joshi in his anxiety made one unfortunate remark, and it is this, He said 'I do not mind even if you make it 12 hours provided I am able to enforce this principle.' I entirely dissent from that view. I do not care, Sir, in the least whether this principle or that principle is enforced or accepted. What I am most anxious about is that human beings should not be treated as beasts or at any rate, they should not be allowed even if they so choose to work as beasts.

The Honourable Mr. A. C. Chatterjee (Education Member): Sir, after the perfervid oratory of my Honourable friend, Munshi Iswar Saran, I feel a certain amount of diffidence in addressing the House. I am in entire agreement with the oracular sentiments that he has placed before the House. I entirely agree that we should look at this question in the interests of the country as a whole. I also agree, Sir,—and I believe I have mentioned this before in this House—that industries exist for the people and the people do not exist for industries. But, Sir, unfortunately my Honourable friend has completely lost sight of, or perhaps he had never any knowledge of, the actual conditions of the people in those parts of the country where mostly mines are to be found. Therefore, Sir, in his love or admiration for abstract principles he has forgotten the actual application of those principles. It is on behalf of the miners themselves, Sir, that I would resist the amendment proposed by my Honourable friend, Mr. Joshi. I do not remember whether Mr. Sircar had explained that there were really two classes of workers in these mines. There are a number of wholetime workers, people who come from distant districts and provinces, but a very large proportion of the workers are recruited from the neighbouring villages. When I say neighbouring villages, I mean villages within a radius of about 10 miles of the mine. My friend, Mr. Joshi, tried to make capital of the fact that the owners of the mines did not provide dwellings for these workers and therefore they had to come all this long distance. Mr. Sircar has stated that there are enough dwellings. Personally, Sir, I should be extremely sorry to see all those villagers congregated round the mines, for in that case their conditions will become almost as miserable as of those workers who live in *chawls* in Bombay and Ahmedabad. I would much rather, Sir, that the present system did continue and these people lived comfortably and happily in their homes and came to the mines to add to their livelihood and went back to their homes getting a little bit of the sun and a little bit of the rain of Bengal as well. It is really in order to protect this class of workers from hardship and suffering that Government decided not to introduce at once the principle of a daily limit of work. If that principle is introduced, this class of workers will be entirely deprived of work in the mines. As Mr. Sircar has already explained, they work in the villages on their own fields or on the fields of their neighbours. They come to the mines, walk these 10 miles, arrive at the mines, work for two, three or four days and go back to their villages. They do not want all this regulation of 11 hours inside the mine and then a number of hours outside on the surface to be spent in those wretched *dowras* that exist all round the mines. These *dowras* are much better, I admit, than the *chawls* of Bombay; they may be better even than the quarters provided for labourers in jute mills, but certainly they are not as comfortable or as private as their own homes. They want to go back to their homes; why should you deprive them of those facilities? It is all very well to say that no man should work for more than

11 hours a day. I would certainly endorse that principle if a man is going to work 11 hours a day every day for six days in the week and for 365 days in the year. But when a man works only for two or three days and then takes complete rest, if he works even more than 11 hours a day, I do not think it really hurts his health. I am as anxious to see our workers healthy and comfortable as Mr. Joshi, but I think that he drives what he calls his principles too hard indeed. As a matter of fact, the miners do not work 11 hours a day at a stretch. As Mr. Sircar has explained, they go down the mine, they do a certain amount of work, and then rest and come up for food and drink. In these circumstances, it would be absolutely impossible at the present moment to bind them to a definite shift system; it would be extremely hard on these miners themselves, and I beg the House not to accept this amendment in the interests of the miners themselves.

Mr. President: Amendment moved:

"That to clause 23 the following sub-clause be added:
'(*d*) for more than 11 hours in a day'."

The question is that that amendment be made.

The Assembly then divided as follows:

AYES—29.

Abdul Rahman, Munshi.	Gulab Singh, Sardar.
Abdulla, Mr. S. M.	Hussanally, Mr. W. M.
Agnihotri, Mr. K. B. L.	Iswar Saran, Munshi.
Ahmed, Mr K.	Jatkar, Mr. B. H. R.
Ahsan Khan, Mr. M.	Joshi, Mr. N. M.
Asad Ali, Mir.	Latthe, Mr. A. B.
Asjad-ul-lah, Maulvi Miyan.	Mahadeo Prasad, Munshi.
Ayyar, Mr. T V. Seshagiri.	Misra, Mr. B. N.
Bagde, Mr. K. G.	Nag, Mr. G. C.
Basu, Mr. J. N.	Reddi, Mr. M. K.
Bhargava, Pandit J. L.	Sarfaraz Hussain Khan, Mr.
Chaudhuri, Mr. J.	Sohan Lal, Mr. Bakshi.
Cotelingam, Mr. J. P.	Venkatapatiraju, Mr. B.
Gajjan Singh, Sardar Bahadur.	Zahiruddin Ahmed, Mr.
Ginwala, Mr. P. P.	

NOES—44.

Abdul Quadir, Maulvi.	Moir, Mr. T. E.
Abdul Rahim Khan, Mr.	Moncrieff Smith, Sir Henry.
Allen, Mr. B. C.	Muhammad Hussain, Mr. T.
Barua, Mr. D. C.	Muhammad Ismail, Mr. S.
Blackett, Sir Basil.	Mukherjee, Mr. J. N.
Bray, Mr. Denys.	Nabi Hadi, Mr. S. M.
Burdon, Mr. E.	Nayar, Mr. K. M.
Cabell, Mr. W. H. L.	Percival, Mr. P. E.
Chatterjee, Mr. A. C.	Pyari Lal, Mr.
Dalal, Sardar B. A.	Ramayya Pantulu, Mr. J.
Davies, Mr. R. W.	Rangachariar, Mr. T.
Faridoonji, Mr. R.	Samarth, Mr. N. M.
Haigh, Mr. P. B.	Sarvadhikary, Sir Deva Prasad.
Hailey, the Honourable Sir Malcolm.	Sassoon, Capt. E. V.
Holme, Mr. H. E.	Sen, Mr. N. K.
Hullah, Mr. J.	Singh, Mr. S. N.
Innes, the Honourable Mr. C. A.	Sinha, Babu L. P.
Jamnadas Dwarkadas, Mr.	Sircar, Mr. N. C.
Kamat, Mr. B. S.	Spence, Mr. R. A.
Ley, Mr. A. H.	Tonkinson, Mr. H.
Lindsay, Mr. Darcy.	Webb, Sir Montagu.
Mitter, Mr. K. N.	Willson, Mr. W. S. J.

The motion was negatived.

Mr. M. M. Joshi: Sir, I beg to move the following amendment:

"That to clause 23 the following sub-clause be added:

'(e) for more than six hours continuously without a period of an hour for meals'."

Sir, this is again a proposal for limiting the hours of work to some extent, and allowing a period for rest and for meals. Sir, it may be said that this is again a proposal for disturbing the coal industry or throttling the coal industry. Sir, this argument of danger to industry has always been brought forward not only on this occasion—but on all occasions when there have been proposals for limiting the hours of work. Was not the same argument of the industry being in danger brought forward when the hours of work in factories were limited? I do not see that there is any danger to the coal industry simply because we try by Statute to give an hour for meals for the workmen. As a matter of fact, I have mentioned before that in India there is no dearth of cheap labour. We have enough labour and more than we want and we send out our labour. It is these very provinces of Bihar and the United Provinces that send men to distant parts, it is these very provinces that send men to Fiji and British Guiana thousands of miles away from their homes. Therefore, if any people say that the coal industry will be ruined by not getting sufficient labour, they are simply deceiving the whole world.

Sir, my friend, Mr. Chatterjee, said these people belong to the villages and he does not want villages to be broken up. He has my sympathies. I do not want the villages to be broken up. It is for that reason that I wanted limited hours of work. As a matter of fact, it is the growth of these industries that has broken up these villages and not any proposals which I have been making. Then, Sir, it was said that, when I make these proposals, I only look to the interests of labour. Sir, I deny that charge. I do not interpret my duty in that narrow spirit. Whenever I have advocated any proposals for the amelioration of labour, I have advocated it because I thought it was in the interest of the country as a whole.

Mr. President: I cannot allow the Honourable Member to revive a discussion which we have just had for an hour and a half on the other amendment. He must adhere strictly to the proposal that no one shall work for more than six hours continuously without a period for meals: from the point of view of the Chair the important word in that amendment is "meals."

Mr. M. M. Joshi: I bow to your decision, Sir. Sir, the proposal is that people working in mines should not be allowed to work continuously for more than six hours without our giving them an hour for meals in the interval. As the House has accepted that these people may go on working up to 18 hours a day, I hope the House will have some mercy upon these people and give them an hour for meals. Sir, Members of this House are very kind-hearted. It has been said that the employers who are represented here in large numbers are very kind-hearted. Sir, shall I be straining their quality of mercy too much if I ask them to give an hour to these people for their meals? I hope, therefore, that these people in the kindness of their hearts will accept my amendment.

The Honourable Mr. C. A. Innes: Sir, I cannot think that my Honourable friend, Mr. Joshi, means this amendment to be treated very seriously. I think, Sir, that his object in moving the amendment was to do what you did not allow him to do, namely, to get in his reply to the speeches on the last amendment. I would point out

to the House that it has just rejected the principle of the daily limit of hours and that being so, what is the necessity or the use of trying to impose a rest period for meals? Let me point out to the House, as I have pointed out before, that there are no fixed hours for these miners. They come when they like, they are paid by the results, and they break off when they like. If they want a rest period for meals or for any other purpose, they can have it at any time they please. That being so, there is no reason at all for this House to impose a statutory obligation that a rest period should be given.

The motion was negatived.

Clauses 23, 24 and 25 were added to the Bill.

Mr. B. N. Misra (Orissa Division: Non-Muhammadan): Sir, clause 26 runs as follows:

"No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground."

My amendment is:

"To omit the words 'be employed in a mine, or '."

This will mean that a child can be employed above ground in the mining work. "No child shall be employed in a mine." Here "mine" must mean above ground as well as under ground. The other part of the clause is "or be allowed to be present in any part of a mine which is below ground." The phrase "which is below ground" qualifies only "or be allowed to be present in any part of a mine." If the construction of the clause is that no child shall be employed or shall be allowed to be present in any part of a mine which is below ground, I have no objection. But my point is that a child should be allowed to work above ground. The construction of this clause as it is, is that no child shall be employed in a mine. I submit it is rather injurious to the labouring class. My proposal is that the words "be employed in a mine" should be omitted from this clause. This will give an advantage. We have defined a "child" to be one under the age of 13. We are aware that these labourers always have children and the children always assist their parents in their work. The Honourable Mr. Innes has already said, and we all very well know, that it is the poor agriculturist class that comes for this labour, and we know that in poor agriculturist families, the children always help their parents in their work. If they have children of 6, 7, 8 or 12 or 13 years of age, they help their parents in the fields. They accompany them to the fields and help them there. They may not go under ground, but they can work above ground and help their parents similarly. They can carry the baskets of coal. They can do some minor work which is not very hard, they can earn some money in that way. Children of poor labourers very often never see schools. We, rich people, who send our children to schools cannot expect these labourers to send their children to any boarding schools or even to any primary schools. They always work jointly with their parents. If we keep them from labouring even above ground or doing some work near about the mine, it will mean not only loss of their earning to the family, but it will also mean that the parents will have to provide for their children and maintain them. Not only that. The children will ruin their own career, because they are not accustomed to go to school, they naturally waste their time in playing, they will not be of any use in future to themselves or to the family. They

[Mr. B. N. Misra.]

won't get used to work. In England even a cobbler's son or a shoe-maker's son can become a Prime Minister, and any poor man or a man of the labouring class can occupy very high positions. That is not so with Indian labourers. You cannot expect from this poor labouring class to get men who will get so much educated or who will rise so much above their class that they can occupy any high position in life. Generally these people continue to be labourers. We know very well how our caste system is working and we know that in India a peasant is always a peasant, a Brahman is always a Brahman, a blacksmith is always a blacksmith.

Mr. President: Order, order. Caste has nothing to do with employment of children in mines.

Mr. B. N. Misra: I am simply showing the analogy. The labourers who work in a mine cannot suddenly turn so rich and earn so much money that they can afford to send their children to schools. If the words, I propose, are omitted, the children will be given an opportunity of working near about the mine and they will earn a livelihood, and will help their parents and also learn how to work so that when they grow up, they can work in the mines or even elsewhere. In these circumstances, I submit that this Honourable House will accept the amendment. If my amendment is accepted, the objection on the part of the mine owners that they will lose labour and the industry will be ruined for want of labour will not hold good and the people will be allowed to work as much as they can above ground. With these words, Sir, I move my amendment, which runs as follows:

"In clause 26, the words 'be employed in a mine, or' be omitted."

The motion was negatived.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move that:

"In clause 26, omit all words commencing from 'or be allowed' to 'ground'."

The effect of my amendment will be, Sir, that the prohibition about the presence of children in the mines will go away. The clause as it stands in the Bill provides not only that the children be not employed in the mine but it also provides that they should not be present or allowed to be present in any part of the mine which is under ground. Sir, I subscribe to the principle that children should not be made to work in the mine. I also subscribe to the principle that they should not be allowed to be present under ground in the mine. But, Sir, if we look to the consequences, we find that this will lead to much obstruction in the working of the mines. This will result in driving away the women from the work. I do realise that the Government have expressed their intention and desire and they have adopted it as their principle that women should not be employed in the mines. But looking to the practical side of the thing I cannot say how far that will be desirable,—I mean industrially, and not from the humanitarian point of view or from the point of view of health. Work in a mine, Sir, is generally on a family system.

Where a man is required to cut coal, the woman is required to carry and take it away. In some places and on some occasions, if a man has not got his wife, he has to employ other women to do the work,—to carry

away the coal cut by him. Sir, those who are acquainted with the system of work that prevails in the part of the country from which these labourers are imported, one will find that most of the work is left to the women and less to the men. (*A Voice*: " Shame.") It may be a matter of shame, but it has been done for ages and continues to be done in that way. The Honourable Mr. Chatterjee will be surprised to hear that in certain backward parts of certain provinces women give birth to a child and immediately after that, take away the child and walk for miles together. That will show how hardy those women are. My object is this, that we should not encourage the employment of women in mines so far as possible, but if you were to stop it for some years before the public opinion amongst those people has developed, the result would be there will be a shortage of labour in the mines and other industrial centres. A man would not like to go away leaving his family at home, because probably the wages may not be attractive for him, and if we make the wages attractive, that will injure the industries a great deal. Therefore, it will be necessary to employ women in the mines and I suggest that it will be much better and more desirable that this provision making it penal for children to be in the mines be deleted. With these words I commend my amendment to the House.

The Honourable Mr. C. A. Innes: The effect of Mr. Agnihotri's amendment, if it is accepted, will be that there will be no prohibition against a child being taken down a mine as long as he is not employed underground. Now, Sir, quite deliberately the Government have included in the Bill this clause. Quite deliberately, we have decided that the Bill should take a step towards the prohibition of the employment of women below ground in mines. Quite deliberately, we have arrived at the conclusion that it is not right that small children, very small children should be taken down by their mothers into the mines and left in the mines when their mothers are working there.

This question of the employment of women in mines has a very old history. As far back as the nineties, we were warned by the Secretary of State that it would be wise in the infancy of coal mining to prohibit at once the employment of women in mines. Unfortunately, we did not take the step then. The Secretary of State warned us that the longer we delayed that step the more difficult it would become, and that is exactly the position that we are now in. There are 250,000 miners in India and not less than 90,000 are women. There are 170,000 miners on an average on the coal mines and 50,000 are women. I do not agree with what Mr. Joshi said yesterday that it will be an easy matter to replace those women. On the contrary, it will be a difficult matter, but I do hold that sooner or later, we have to face this problem of the employment of women in coal mines. As the Joint Committee has recommended, we shall take up with the Local Governments the idea of enforcing prohibition within a specified time. In the meantime, we propose to take this small step. We propose not to allow small babies or children to be taken down mines. We quite recognise that the result may be that some women will not go down the mines at all, and there may be a diminution in women labour; but at the same time, after full consideration with the Chief Inspector of mines, with mine managers in the coal fields, and finally in the Joint Committee we have decided that it is right to face that risk and to take this step, and this being so, I hope that the House will not accept the amendment.

The motion was negatived.

Mr. President: The question is that clause 26 do stand part of the Bill.

Mr. N. C. Sircar: I have got an amendment as regards clause 26, that is, to delete the clause.

Mr. President: Does the Honourable Member want to speak on it?

Mr. N. C. Sircar: Yes. I rise to speak but I am not a speaker, and I do not know if my speech will influence the Honourable Members to come to my side and vote for me—the Honourable Mr. Innes, the Member for Commerce, being on the one side, and Mr. Joshi, who represents the Labour Party on the other side to oppose me. Yet I must speak, because I owe an obligation to the Indian Mining Federation of which I am the unworthy President, and which Federation represents 40 per cent. of the Indian coal mining interests and 300 members, quite a big army to fight the Honourable Member for Commerce in order to exact their dues. Sir, I was associated with the Joint Select Committee appointed to consider this Bill and I did my duty with what you know is the give and take system, but in one particular point, I could not agree with the Committee Members and I was obliged to sound a note of dissent, and the point where I could not agree with them is clause 26 coupled with sub-clause (1) of clause 46, which indirectly contemplate dealing a death-blow to the coal industry and I am going to explain how. The object in view of prohibiting children from going down the mines is, indeed, a laudable one and I am at one with my Labour friends that this should be done, but not at once. The idea underlying this proposal, as has just been explained by the Honourable Mr. Innes, is what we are afraid of. It indirectly contemplates prohibiting female labour from going down the mines, as has already been apprehended, and justly apprehended by the Honourable Member for Commerce. Sir, it is the practice in the coal mines that women when they go down the mines, take their little babies underground, they keep them covered with their clothes in a basket and they go to work with their husbands, and the women thus have an opportunity of watching them there and taking care of them instead of leaving them on the surface with nobody to take care of them. I do not object to the prohibition of the employment and presence of children in the mines who are between the ages of 8 and 13, but what I object to is the prohibition of the presence of infant children in the mines, my reason being that the mothers can take care of the children. It is reported by the Joint Committee and it has been just said by the Honourable Mr. Innes that there are ninety thousand women working in the coal mines of which a fair estimate can be made that about 60,000 work below the mines and then again of these 60,000, a large number must be mothers and if they are prevented from taking their infant children down the mines it will mean that these women may not go down the mines and we will lose a very large quantity of output. A further danger is that these women work in the mines as partners to their husbands. The husband cuts the coal and the wife carries the coal and fills the basket. She is practically the partner of the husband in working in the mines. If the woman is thus deprived of taking her infant child down the mine, the woman would not go down and most likely the husband would not go down also. He will say "Why should I go and work alone below. I would rather take some work on the surface where I can work with my wife and earn a better wage." Now, Sir, what would be the consequence? We will be losing a large quantity of labour of women and most possibly of

men also. The output will go down very very considerably. It must be vivid in the mind of everybody what was the consequence in 1921 of a short output. The Government had to buy about 10 lakhs of tons of coal from foreign countries and at a price Rs. 20 above that which was obtaining here then. It meant a loss of about 2 crores of rupees to the country. As I have said, I do not object to the principle of prohibiting children from going down. There is in the Committee's report that Government is contemplating the prohibition of women from going down the mines and it is in the contemplation of the Committee to recommend a period of five years after which that prohibition is to come into force. As I say I do not object to the principle. I am at one with the Honourable Mr. Innes and I am at one with the Honourable Mr. Joshi. What I want in the interests of the coal trade is that time must be given to adapt the collieries to the change, so that the output may not considerably go down. With these remarks I propose that clause 26 be deleted.

The Honourable Mr. C. A. Innes: My Honourable friend Mr. Sircar began by making an appeal *ad miseri cordiam* that he was not a speaker. We have all heard his speech and I think that we can assure him that he was unduly diffident about his powers. The trouble about Mr. Sircar's amendment here is that it goes a great deal further than he intended. He wishes to take clause 26 entirely out of the Bill and merely to reserve power to the Government of India to restrict or prohibit the employment of children in mines by the rule making power. That is to say, the Honourable Member wishes to place us in exactly the same position as we are in the existing Bill. That is to say, he wishes to remove all our proposed restrictions on the employment of children. We are bound by the Washington Conference not to allow children to be employed in mines, even as we are bound not to allow them to be employed in factories. That is one reason why I say that the Honourable Member's amendment goes too far. But, Sir, he has explained that he entirely agrees in principle that we should take this step sooner or later towards the prohibition of the employment of women. All he asks for is a little longer time. We discussed this point very carefully in the Joint Committee and eventually we came to the conclusion that if we provided that this Bill should come into force in July 1924 we should give the mining industry sufficient notice. It must be remembered that one-half of the mining industry has accepted this clause without any complaint at all. It must also be remembered that in many mines in the coal fields even now small children are not now allowed to be taken down. I have just been reading a report on labour in the coal fields and in that report it is said that where the entrance to a mine is by shaft even now children are prohibited from being taken down that mine. All we propose to do is to extend that prohibition to all mines, whether they are approached by inclines or whether they are entered by means of shafts. I think, Sir, that the House will agree with me that we must take this step and that 18 months is long enough notice to the mine owners interested, especially as half the mine owners have agreed to the clause.

Mr. President: The question is that clause 26 do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 27, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 28, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: I understand from the Honourable Member that the amendment he proposes to move to clause 29 is really consequential, including the proviso at the end.

Mr. N. C. Sircar: That has been already disposed of by my amendment to clause 26.

Mr. President: The question is that clause 29, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 30, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 31, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 32, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clauses 33, 34, 35, 36, 37, 38, 39 and 40, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clauses 41, 42 and 43, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clauses 44 and 45, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: Clause 46. Mr. Sircar.

Mr. N. C. Sircar: Sir, it is consequential on clause 26 and since my
1 P.M. amendment to clause 26 was lost, I do not want to move this.

Clauses 46 to 50 were added to the Bill.

The Schedule was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. C. A. Innes: I move, Sir, that the Bill, as amended be passed.

Mr. President: The question is that the Indian Mines Bill, as amended, be passed.

The motion was adopted.

THE CANTONMENTS (HOUSE-ACCOMMODATION) BILL.

Mr. E. Burdon (Army Secretary): Sir, I beg to move:

"That the Report of the Joint Committee on the Bill further to amend the Cantonments (House-Accommodation) Act, 1902, be taken into consideration."

This Bill was introduced in the Assembly last March, and last September it was referred to a Joint Select Committee of the two Houses. I think I may safely say that the principles which the Bill embodies have from the first met with the general approval of this House, and I need not therefore at this stage detain Honourable Members with a further exposition of what those principles are. The Select Committee have effected a number of amendments in the Bill, chiefly in respect of the procedure and practice which are to be followed in applying its provisions and these are fully set forth in the Report which was presented to the House on the 15th January. I should like, however, to take this opportunity of thanking the Members of the Select Committee for the trouble they have taken in dealing with the Bill and preparing their Report. Some of the points raised were not wholly free from contention and many of them were intricate. In spite therefore of the presence of the few amendments on the paper, I think I may venture to say that the results of the Committee's labours may be regarded as extremely satisfactory. Sir, I move that the Report be now taken into consideration.

Mr. President: The question is:

"That the Report of the Joint Committee on the Bill further to amend the Cantonments (House-Accommodation) Act, 1902, be taken into consideration."

The motion was adopted.

Mr. Pyari Lal (Meerut Division: Non-Muhammadan Rural): Sir, the amendment that I move is that in clause 1, sub-clause (3), the whole of the proviso be omitted.

Sir, it will be seen that section 3 of the Act limits the application of this law to only such houses in cantonments as are required by a military officer or may be required by a military officer, and with that object in view the framers of this law have decided to issue a notification, and before issuing the notification they have provided the procedure to be followed in this respect. But this proviso seems to nullify the provisions of clause 3. This proviso says that any notification issued under section 3 of the Cantonments (House-Accommodation) Act, 1902, that is, the present Act that we are considering, which is in force at the commencement of this Act shall be deemed to be a notification made under section 3 of this Act. Sir, the underlying idea is that there may be any number of houses in a cantonment, for instance there may be 300 houses in a cantonment but only 50 are required for the residence of military officers. The provisions of this Act should apply only to these 50 and not to the other 250, because, Sir, those who have house property in cantonments know it to their cost, that as long as a fear attaches to a house being at any time required or appropriated by military officers, it prevents the general public from going anywhere near it, they won't have it, and if they won't have it, who is to suffer?—The house owners; and therefore the Government have very wisely made this provision in section 3, that is to say, in future this Act shall only apply to such houses as are actually required; but what they give with one hand they want to take away with the other. Therefore if this proviso is allowed

[Mr. Pyari Lal.]

to stand what happens is that the notifications issued before this Act shall remain in force. If they remain in force, what is the good of clause 8? If they want to perpetuate the same mischief which they are going to remedy by clause 8, where is the use? Then, again, Sir, if you read sub-clause (3) of clause 1, you will find it says: 'It shall come into force on the 1st day of April, 1923, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3,' which means that previous notifications which indiscriminately cover all the houses in a cantonment, those notifications shall be in force until the time when notifications under section 3 are issued. I say that this will meet the necessity of the case; but perhaps the cantonment authority might say, 'Oh, while those notifications are there, these houses are liable to be appropriated, but when you pass this Act and cancel all those notifications, what will happen to military people; they will be without any law to appropriate houses for them.' But this sub-clause (3) that I have read meets that case; that is to say, they will be allowed sufficient time to issue their notifications under section 3, clause 3, and until such time those notifications shall remain good. I can understand that, but to provide in the next clause, to put in this proviso, that those notifications shall remain good for all time to come, I say where is the use of clause 8? Sir, with that object I submit that this proviso should be deleted.

Mr. President: In clause 1 amendment moved:

"To omit the whole of the proviso at the end of sub-section (3)."

Mr. E. Burdon: Sir, if the amendment which my Honourable friend has proposed were to succeed, and the Bill with this amendment were to be passed into law, then I should like to explain that the result on the 1st of April next could only be one of two alternatives. The first is that there would be no House-Accommodation Act for cantonments at all, and the second would be that Local Governments would have re-enacted the notifications which were issued under the previous Act. There would be no other course open to us. I quite see the point which my Honourable friend has in mind. The suggestion is, I think, that as under this new Bill the Government will be the tenant of the houses in cantonments instead of individual military officers, and as the Government will take the houses which they lease for a considerable period—the period will be 5 years—therefore it will be possible to arrive at greater stability and greater certainty in regard to the number of houses which should be appropriated; that is to say, it should then become possible for Government to determine more or less, once and for all, how many houses they require to appropriate for the use of military officers, to apply the Act to those portions of the Cantonment in which these houses are situated, and thereafter to exempt from the operation of the Act the rest of the cantonment. I think it is quite possible that something of the kind may be done, but the House will realize that before the limitation which my Honourable friend desires can be put into practice it will be necessary for the local military authorities to assess in the light of the provisions of this Bill the number of houses they will require on an average, to find out those which are most suitably located, and thereafter to submit proposals to the Local Government probably after consultation with the military authorities at headquarters, defining as precisely as possible those portions of the Cantonment which should be set free from the operation of the Act. This is a process which

will take time. I can give my Honourable friend an assurance that we shall endeavour to limit the application of the Act in the manner which he desires; but I do not think that it would be an appropriate way of seeking this end to omit the proviso. The proviso, I think the House will realize, is of a very ordinary character. It merely continues an arrangement which was necessary under the old Act until revised arrangements under the new Bill can be brought into force. There is one further point which I should like to mention. The existing Act may be declared to be operative in any Cantonment or part of a Cantonment; in the present Bill we repeat this provision. "The Local Government, with the previous sanction of the Governor General in Council, may by notification in the local official Gazette declare this Act to be operative in any Cantonment or part of a Cantonment situated in the province." The Bill therefore, in so far as this matter is concerned, does not introduce anything new. As a practical matter, stricter limitation may be possible and we shall endeavour to carry this out, but more as an executive matter. For the reasons which I have given I oppose the amendment.

Mr. President: The amendment moved is to omit the proviso at the end of clause 1 (3).

The question is that that amendment be made.

The motion was negatived.

Mr. President: The question is that clause 1, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. E. Burdon: Sir, I beg to move the following amendment:

"(*i*) That clause 2 (1) (*i*) be omitted and the subsequent sub-clauses re-lettered.

(*ii*) That in clause 2 (2) for the words 'President of the Cantonment Committee' the words 'Commanding Officer of the Cantonment' be substituted."

The amendment is of a purely formal nature. The words "President of the Cantonment Committee" only occur in the passages of the Bill which I have quoted and in no other, and there is no purpose of substance which requires their being retained at all. Actually, the Commanding Officer of the Cantonment is in all cases President of the Cantonment Committee and he is referred to by the former designation in every other clause of the Bill under which functions are vested in him. In principle too, the amendment which I propose represents correctly the facts of the matter. In appropriating houses in Cantonments for military officers the Commanding Officer of the Cantonment acts in his capacity as such, as the representative of Government. He should not and cannot correctly be viewed as acting in his capacity as President of the Cantonment Committee. The matter is of no great practical importance at present but it will become important if, and when, Cantonment Committees acquire more of the character of a local self-government body. For these reasons the amendment which I now move is, I venture to submit, clearly desirable.

Mr. President: The amendment moved is:

"That clause 2 (1) (*i*) be omitted and the subsequent sub-clauses re-lettered."

The question is that that amendment be made.

The motion was adopted.

Mr. President: The further amendment moved is:

"That in clause 2 (2) for the words 'President of the Cantonment Committee' the words 'Commanding Officer of the Cantonment' be substituted."

The question is that that amendment be made.

The motion was adopted.

Mr. President: The question is that clause 2, as amended, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 3, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 4 do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clauses 5, 6, 7, 8, 9 and 10, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. Pyari Lal: Sir, the amendment that I move is:

"That in clause 11, sub-clause (1), the figures and word '21 days' be substituted for the words 'four days'."

This particular sub-section of clause 11 states that when a house owner receives a notice that a certain house is required, the house owner shall vacate it within four days from the service of the notice. But under section 30 the owner who receives this notice is given the right of appeal against such a notice, and for that appeal he is allowed a period of 21 days. Section 30, sub-clause (2), says:

"No such appeal shall be admitted unless made within a period of twenty-one days from the service of the notice aforesaid."

Now, I submit, Sir, that if the house owner has to vacate his house within four days of the receipt of that notice, what use will an appeal be to him, because it is not likely after he has vacated the house and the military are in occupation that they will give it back to him. This provision therefore will cause a great deal of inconvenience and in fact it is directly opposed to the other provision allowing 21 days for an appeal. . .

Mr. E. Burdon: In the interests of the convenience of the House, may I say that I am quite prepared to accept this amendment.

Mr. President: The amendment is:

"That in clause 11, sub-clause (1), the figures and word '21 days' be substituted for the words 'four days'."

The question is that that amendment be made.

The motion was adopted

Mr. President: The question is that clause 11, as amended, do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clauses 12, 13 and 14, as amended by the Joint Committee, stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 15 do stand part of the Bill.

The motion was adopted

Mr. President: The question is that clauses 16, 17 and 18, as amended by the Joint Committee, stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clause 19 do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that clauses 20 and 21, as amended by the Joint Committee, stand part of the Bill.

The motion was adopted.

Mr. President: I think I will take the adjournment at this point, and we will discuss clause 22 afterwards.

POSTPONEMENT OF GENERAL ELECTION IN KENYA.

Mr. J. Hullah (Revenue and Agriculture Secretary): With your permission, Sir, I should like to make an announcement, which I think will be of interest to the House in view of the numerous questions that were recently put to me, on more than one occasion, regarding the political situation in Kenya and the possibility of postponing the general election until the question of the franchise has been settled. Have I your permission, Sir?

Mr. President: Yes.

Mr. J. Hullah: We have received this morning from the Secretary of State for India a telegram informing us that the Secretary of State for the Colonies has authorised the Governor of Kenya to make an announcement in the following terms:

"The unavoidable delay in settling outstanding questions including that of Indian representation has made it necessary for the Secretary of State to choose between a postponement of the general election and dissolution of the new council after its election. In adopting the former course the Secretary of State has been influenced by the fact that from the date of his predecessor's original attempt to secure a settlement by agreement it has been intended that the new constitution should be framed in time for it to be brought into force on the occasion of the general election now due."

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

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock. Rao Bahadur T. Rangachariar was in the Chair.

Mr. W. M. Hussanally (Sind: Muhammadan Rural): Sir, the first amendment that stands in my name is:

"That in clause 22 (1) (*b*) the following words be deleted:

'who shall be persons ordinarily resident and liable to pay taxes, in the cantonment'."

The effect of this amendment, if carried, would be that the two members nominated by the owner concerned will be appointed by him to serve on the Arbitration Committee without any restriction. There will be no limitation to the effect that these two arbitrators named by him should be persons resident within the cantonment or pay taxes to the cantonment fund. I do not think, Sir, many words are needed for me to support this amendment as it is almost self-evident. Under clause 22, the Government have by sub-clause (*a*) the right of nominating two members on their behalf, whomsoever they like, and there seems to be no reason why the house-owner should be limited to select two arbitrators who are necessarily resident within the cantonment and are also paying taxes. I submit, Sir, he should be a perfectly free agent to select any two arbitrators from wherever he likes and he should not be compelled to select two arbitrators necessarily resident within the cantonment. The effect of the clause as it stands would be that, while a common shop-keeper having a stock-in-trade of say Rs. 50 in his shop and paying 4 annas in the shape of halalkore cess to the cantonment fund, becomes a fit person to be an arbitrator, while a very big landlord owning house property within the cantonment area say to the extent of some lakhs and paying thousands of rupees in the shape of taxation to the cantonment fund but having the misfortune of residing within the adjacent civil area, cannot become a fit person to be nominated by the house-owner as an arbitrator. I think, Sir, that this will be a very anomalous position, and so far as the Karachi Cantonment is concerned, I know of certain gentlemen of very high position who own a very considerable amount of house property within the cantonment but reside within the adjacent civil area which is only about a stone's throw. All these gentlemen will be disqualified under these words which I want to be deleted, and I suppose Sir Montagu Webb will bear me out in this statement that several owners of house property within the cantonment area reside in the adjacent civil area of the town. Sir Montagu says—on the other side of the road.

There is another difficulty, Sir, that will also arise, I believe, very shortly if these words are retained. It is, I believe, proposed in several important cantonments, for instance in the Cantonment of Ambala, to remove the Sudder Bazar, which is at present a part of the cantonment, and make it into a separate municipality. Thus the cantonment proper in places where these Sudder Bazars will be removed from the cantonment, will be very much more limited than at present: and it will be a practical difficulty in the way of a poor house owner to find men in whom he has got confidence and who will be fit persons according to this clause to serve as arbitrators. That is a difficulty which we ought to keep in view, but which I believe the Government have not taken notice of. That also serves, therefore, as an additional reason why these words should be deleted.

Primâ facie there appears to be no reason whatever why the discretion of the house owner to name his two arbitrators should be fettered in any way. He may bring two arbitrators from wherever he pleases provided he has got sufficient confidence in them. The only argument that would

probably be advanced from the Government Benches against my amendment would be that if these two arbitrators are resident within the cantonment area, they will be acquainted with the conditions of the cantonment far better than persons residing outside it. That, to my mind, will be the only argument that will be advanced, but I do not think, Sir, there is much force in it. Conditions in the cantonment are not so difficult that a man of common intelligence whether he be resident within the cantonment or not, cannot acquaint himself with, by a little inquiry. After all, what is the purpose of this Arbitration Committee? The purpose of this Committee is to fix rental values, and I suppose that any man of ordinary intelligence can do that without much difficulty after acquainting himself with the conditions prevalent in the adjoining civil area as well as within the cantonment itself. Therefore, I think, Sir, there is no reason why these limitations should be placed on the choice of two arbitrators to be named by the house-owner, and I hope the House will agree with me that these words should be deleted.

Mr. Chairman: Amendment moved:

"That in clause 22 (1) (*b*) the following words be deleted:

'who shall be persons ordinarily resident and liable to pay taxes, in the cantonment'."

Mr. E. Burdon: Sir, I submit that the clause, as approved by the majority of the Select Committee, is for at least two definite reasons better than it would be if amended in the way my Honourable friend, Mr. Hussanally, has proposed. The point of the amendment is, I may say, not a new one. It has been considered and discussed previously. The clause as it stands provides that the Committee of Arbitration shall consist of persons who are responsible persons and who have some local association with the cantonment area in which the subject matter of arbitration arises and may therefore be presumed to have some knowledge of the circumstances which would ordinarily determine the findings of the Committee of Arbitration. Now, this provision is to my mind rightly based and indeed it follows good and established practice. I cannot personally believe that, if the words to which my Honourable friend takes exception are retained, the field of choice will be limited as he seems to anticipate. I think his amendment would only provide for a remote contingency.

The other point which I would submit for the consideration of the House is of a very practical nature. In devising the arrangements which form one of the main purposes of the Bill, namely the arrangements which secure that, when a house is appropriated by Government, rent shall be assessed in a manner which shall be scrupulously fair to the landlord, it has been necessary to provide for certain formalities and elaborations of procedure. Now, it is obviously desirable to limit these complications to the minimum absolutely necessary. We want an Act that will work smoothly and with reasonable expedition. Well, if the recommendation of the Committee of Arbitration is likely to be delayed, inconvenience will certainly be caused to the military officer who may in the meantime want to occupy a house and there will be greater delay if the owner of the house is at liberty to nominate as representatives on that Committee of Arbitration persons who may reside at a considerable distance. My Honourable friend has referred to the possibility of Sadar Bazaars being excluded from

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cantonment areas and to the further limitation of choice which would result if this were to take place. Now, my Honourable friend is perfectly well aware that it has not yet been decided to exclude any particular Sadar Bazzar from the cantonment area. The matter is still under consideration, and in the present Bill we only take into account the existing state of affairs. I wish to lay considerable emphasis on the practical objection which I have put forward. There is a very grave danger that the elaborate procedure of the new Act may place serious practical difficulties in the way of its operation and I hope the House will agree with me that it is desirable to limit the complications of the Act as much as possible. These are the objections which I have to offer to the amendment and I would ask the House to look at the matter in this light. The clause as it stands seems to provide sufficiently and appropriately for the requirements of any ordinary case. More than that I do not think can be expected of any Bill. Sir, I oppose the amendment.

Mr. Pyari Lal: Sir, as a member of the Select Committee, I think it my duty to explain that the considerations suggested by my friend, Mr. Hussanally, were not present to my mind when I agreed to this provision in the Bill as it now stands. It is a fact, Sir, and the Honourable Mr. Burdon has not denied it, that it is in contemplation, or, as he puts it, under consideration, to separate the Sadar Bazaars from the military areas proper or to cut away the civil portion of the population of cantonments from the military portion. Supposing, Sir,—and I have very strong hopes that it will come to pass,—supposing this measure is carried out, then what will happen? There are cantonments now, for instance of Ambala and of Meerut, where the Sadar Bazaars only contain people of intelligence or any social status. These are not to be found in the cantonment areas proper. Then, where will you find fit and proper nominees for the house-owners—surely you do not expect the house-owners to appoint for their arbitrators men who would be petty grocers or petty traders or mere hawkers who would then inhabit the regimental portion after the Sadar Bazaars have been separated and the chief portion of the civil population would have gone. So, if my Honourable friend will consent to it, I would propose that some two or three words might be added to the clause as it stands, that is to say " persons who are ordinarily resident or pay taxes or live in the immediate vicinity of the cantonment." That would provide for these contingencies which he has suggested, that is to say, the persons who are living very near the cantonment area, across the road, as has been said. For persons who are well-to-do do not live in the cantonment proper, yet they are very near it. Or, in case the cantonments and Sadar Bazaars are separated, then the present inhabitants of the Sadar Bazaars would also come in as arbitrators. That would meet requirements of my friend and at the same time retain all those advantages in this provision which we had all along contemplated.

Rai Bahadur S. N. Singh (Bihar and Orissa: Nominated Official): Sir, I do not think this amendment of Mr. Hussanally should be accepted. It is always desirable in such cases to bring in responsible men familiar with the subject-matter of the dispute, and men coming from outside the cantonment area do not necessarily possess any knowledge of the state of things existing in the cantonment and would have in fact no stake therein. Sir, when committees are appointed in municipal areas to revise or review

municipal taxation, the members elected are as a rule municipal rate-payers and I see no reason why any other criterion should be adopted in a cantonment.

Mr. Chairman: Do you move this as an amendment to that clause?

Mr. Pyari Lal: Yes, Sir, I beg to move:

"That the words 'who live in a cantonment or pay taxes or lives in the immediate vicinity' be substituted for all the words after 'persons'."

Mr. E. Burdon: I should be perfectly prepared to accept the sense of the Honourable Member's amendment. The form in which I would put it would be:

"For all the words after 'persons' substitute 'liable to pay taxes in the cantonment and ordinarily resident therein or in the immediate vicinity thereof'."

Mr. W. M. Hussanally: So far as I am concerned, Sir, I have no objection.

The motion was adopted.

Mr. W. M. Hussanally: Sir, the second amendment which stands in my name is:

"(*ii*) That in clause 22 (*1*) (*c*) for the words from 'and not having' to the words 'of the cantonment' the following be substituted:

'to be elected by the four members nominated under clauses (*a*) and (*b*) or a majority of them. Should there be no majority in favour of any person, the District Magistrate shall, on the request of the Commanding Officer of the cantonment, nominate the chairman of his own selection'."

The effect of the clause as it stands is that a chairman must be selected who shall be a person not in the service of the Government or the Cantonment Authority and not having any interest in house-property in the cantonment, which has been appropriated or is liable to appropriation under the Act and who shall be nominated by the Commanding Officer of the Cantonment. My object is to take away this power from the Commanding Officer and to give it to the District Magistrate of the adjoining civil area. The reason why I make this suggestion is that under clauses (*a*) and (*b*) 4 persons are nominated as arbitrators, two by the Government and two by the house owner, and the house owner, as settled only a little while ago by the amendment of my friend Mr. Pyari Lal, is confined to select the arbitrators from amongst the residents of the cantonment or persons paying taxes therein but residing in the immediate vicinity thereof. So that, practically it comes to this. Of the four arbitrators thus selected, two are to a certain extent under the influence of the Cantonment Authority and the Commanding Officer is given the right of nominating the Chairman, he practically gets 3 of the 5 under his influence. Therefore, any decision arrived at by the Committee or the majority of them will not in the eyes of many of the house owners look as very just. At least it will give a handle to the people to think that the arbitration has been more or less one-sided, whereas if the power of nominating the Chairman is vested in the District Magistrate of the adjoining civil area, there is nothing lost so far as the Government is concerned, but the house owner will have reason to think that he has met with fair justice at the hands of the Committee as a whole. I therefore commend my amendment to the House.

Mr. J. P. Cotelingam (Nominated: Indian Christians): Sir, in order to understand the amendment that has been moved by my Honourable

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friend Mr. Hussanally, I would like the House to take the clause as a whole. Clause No. 22 lays down the constitution of Arbitration Committees that will be called into existence when there is a disagreement about the amount of the purchase money of a house between the military authorities and the house owner. A cause of disagreement may also arise where the rent becomes a question of dispute. For these purposes Committees of Arbitration have been constituted, and this clause, as I have said, lays down the constitution of such Arbitration Committees. Two of the members of the Court are to be appointed by the Officer Commanding the Cantonment and in the choice of these two members of the Court he is restricted. He is to appoint one who is an officer of the Military Works Services or of the Public Works Department. The house owner the rent of whose house is a matter of dispute or the amount of the purchase money of whose house is a cause of dispute, has the option of nominating two persons to this Arbitration Committee. Then comes the question of the appointment of the Chairman. Usually a Chairman is elected by the members of the Committee. In other words, the Committee elect their own Chairman. But there are occasions where a controlling authority also appoints the Chairman. There are circumstances which make it very necessary that the Officer Commanding the Cantonment appoint the Chairman of the Arbitration Committee. Honourable Members will see from Chapter IV, which deals with Committees of Arbitration, that the whole matter has to be gone through as expeditiously as possible. Mr. Hussanally proposes that the four members, two elected by the Officer Commanding and two by the house owner, meet and choose their own Chairman. I am not aware of a Committee choosing a Chairman outside its own body. Mr. Hussanally proposes that the four members meet and choose an outsider as their Chairman.

Mr. W. M. Hussanally: Under the Bombay District Municipal Act such an Arbitration Committee can choose a Chairman from outside.

Mr. J. P. Cotelingam: Further, Sir, the Honourable Member says that they may be *elected* by the four members. I do not know how in the absence of an electoral roll for the purpose such a Chairman can be *elected*.

Mr. N. M. Samarth (Bombay: Nominated Non-Official): By votes.

Mr. J. P. Cotelingam: The object of the Arbitration Committee is to expedite business and it may not always be possible for the two members nominated by the Officer Commanding the Cantonment to agree to a Chairman elected or selected by the two men who represent the interests of the house owner. If these are to meet and if they differ one from the other in their choice a good deal of time will be lost, and the object for which the Arbitration Committee is constituted will not be achieved. In the next place, the Officer Commanding cannot exercise any undue influence. He is restricted in his choice of the Chairman. He is to nominate a person not in the service of the Government or the Cantonment authority and not having any interest in house-property in the cantonment. This restriction secures a non-official as the Chairman of the Committee of Arbitration.

This matter was fully discussed in the Select Committee and the majority agreed to the nomination of the Chairman by the Officer Commanding. In the event of any irregularity in the procedure, the clause

provides for the District Magistrate to step in and appoint the Chairman or other member of the Arbitration Court. There is also a further safeguard provided for. If the aggrieved party is not satisfied with the award of the Arbitration Court, he has the right of appeal to a Civil Court. For these reasons, Sir, I think that the clause as it stands in the Bill and supported by a large majority in the Select Committee will commend itself to the House.

Mr. Pyari Lal: I do not think, Sir, that I can support the amendment of my Honourable friend. I think it is a matter of very small importance whether the person who appoints the Chairman is the Officer Commanding of the cantonment or the District Magistrate. We know as a matter of fact that the District Magistrate is a very heavily worked official, and as a rule, he is not in touch with the cantonment affairs. Therefore he would rather consider it very irksome when he is called upon to make the choice of a Chairman in matters which he probably does not care for. The Commanding Officer of the cantonment is a gentleman probably unconnected with any of the parties, a gentleman fresh from England, and a person who does not involve himself in the ordinary civil affairs of the people. And then when you restrict his choice that he shall only appoint a man who is not interested in the property, the subject of appropriation, that he shall appoint a man who is not in Government employ or in any way subordinate to him, I suggest nothing could be fairer than to ask him to make the appointment. Besides, our object in making this provision is to avoid unnecessary delays, because, after all, the house is very urgently required and as soon as possible. If you interpose at every step delays of months and weeks, what will happen? The provisions of this Act will then be absolutely nugatory, mean nothing, and therefore I think the clause as it stands should be allowed.

Mr. E. Burdon: Sir, my Honourable friends Messrs Cotelingam and Pyari Lal have anticipated most of the objections which I have to offer to this amendment. It is quite clear that in substance nothing could be gained by the proposal that the Chairman of the Committee of Arbitration should be elected. In the first place, election could always be made to fail by the two Government Members of the Committee declining to vote for any particular candidates, and they would always do so if there were any element of contention present. Consequently, in every case in which the principle of election would *ex hypothesi* be of value, it would be necessary to resort to nomination. This, of course, was recognised by the framers of the Bill. I need not touch on the point of the undesirability of adding unnecessarily to the delays of the proceedings of these committees of arbitration. Mr. Pyari Lall has explained this matter very clearly.

There are only two further points which I should like to mention very briefly. One is that the clause as it stands gives a guarantee that the Chairman of the Committee of Arbitration shall be a non-official, and that is a point on which very great stress has always been laid by those interested in cantonment reform. My Honourable friend's amendment would not necessarily have the same result. The other point is this. Let us suppose for a moment that the Commanding Officer of the cantonment, in exercise of his powers of nomination, makes an unsuitable choice, and this were to affect the ultimate decision of the Committee of Arbitration, what would happen then? The owner of the house, under the provisions of this Bill, will have the right of appeal to the Civil Court. I have heard it said

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that when you provide this remedy of appeal, you provide everything that any reasonable person can ask for. It is quite clear that the Commanding Officer of the cantonment with the knowledge of this fact before him, namely, that there is the right of appeal, would never deliberately make an unsuitable choice, and he would not do so for other reasons as well. It would be his object to bring the proceedings of the Committee of Arbitration to a close as quickly as possible and to do everything that he could to ensure that the proceedings of the Committee should be non-contentious For these reasons I oppose the amendment.

The motion was negatived.

Clause 22, as amended, 23, as amended by the Joint Committee, 24, as amended by the Joint Committee, 25, and 26 were added to the Bill.

Mr. W. M. Hussanally: As regards this clause 27, I have two amendments standing in my name.

Mr. Chairman: Move them one by one.

Mr. W. M. Hussanally: They are connected with each other and I should like to move them together, because if one is carried the second follows. They are:

"(*a*) That in clause 27 after the words and figure 'Section 7 and' the following be inserted:

'in places where there are no populated civil areas adjoining cantonment areas'.

"(*b*) That to clause 27 the following be added:

'Where, however, there are populated civil areas adjoining cantonment areas, the annual rent on cantonment buildings may be fixed at such percentage on their market value as is for the time being recoverable by way of annual rent on the market value of similar houses in the adjoining civil area in the locality concerned'."

It will be observed that in the amendment as printed there occurs the word "shall" and with your permission, Sir, and the permission of the House, I should like to substitute the word "may" instead of "shall" I shall explain, Sir, why I propose these two amendments.

It was represented to me by some landlords in Karachi, I mean the Karachi Cantonment, that if rental values in the cantonment for such bungalows as the Government commandeers are fixed by reference to the adjoining bungalows in the cantonment, the result will not be satisfactory so far as the landlords are concerned, because the rental values of such bungalows, at any rate, in the Karachi Cantonment were fixed several years back, perhaps 30 or 40 years back. Times have changed since then and the cost of repairs and the prices of materials have gone up considerably. Therefore fixing the rental values for bungalows to be commandeered by Government in reference to the other adjoining bungalows will not necessarily meet the case. Therefore they suggested it to me that a clause should be inserted that comparison should be made between the bungalows in the cantonment and the bungalows in the adjoining civil lines, in cantonments like Karachi, so that a fairer rental value should be fixed for these bungalows which are to be taken over by Government on long leases, and it is with that object that I differentiated between these two classes of bungalows; because if the bungalows are situated in a cantonment which has no civil area adjoining, there could necessarily be no comparison between any bungalows in Civil lines and the bungalows in the cantonment. Necessarily therefore any

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comparison that can be held will only be amongst the bungalows in the cantonment. But when there are bungalows with similar accommodation and construction in the adjoining civil area of a cantonment, reference ought to be made to the rents that exist in these civil areas. But I am told that in certain cantonments this is not possible and that the rents of houses and bungalows in the civil area are much smaller than the rents within the cantonments. It is with the object of meeting that difficulty that I want to remove the word ' shall ' and put in the word ' may ', so that the amendment as I propose now will suit both the cases. When there is a cantonment by itself having no civil area adjacent and no bungalows within the civil area to which the rents of these bungalows within the cantonment can be compared, the comparison should be to the other bungalows in the same cantonment but when, in certain cases like Karachi as I have described, there are civil areas adjoining with bungalows of a similar kind the comparison should be made between the cantonment bungalows and the other bungalows, so far as the rental value is concerned and I hope that this amendment will be acceptable.

Mr. Pyari Lal: I strongly object to this amendment. My Honourable friend is probably unaware of the state of things in this part of the country. There is a great deal of difference in the value of the houses situated in the civil area and those within the limits of a cantonment. There are different considerations altogether in judging both these cases. The considerations that apply in one case will not apply to the other. In cantonments, the site of the houses belongs to the Government. We are liable to be turned out at any moment. We do not consider it to be our property at all and therefore when we build houses we practically take a very serious risk and for that risk we are paid by way of compensation a higher rental value. In cantonments I know, for instance Ambala or Meerut, the annual rental value of the house is about 12 per cent. of the estimated market value, whereas in the city it is only 8 or 4. Persons who have spent Rs. 10,000 for their houses in the civil area get about Rs. 25 or 30 rent, whereas persons who have spent a similar amount on their houses in these cantonments get Rs. 100. Therefore to have any recourse for purposes of comparison to the houses in the city will not be advantageous to the house owners and therefore will never do.

Mr. W. M. Hussanally: Quite the reverse is the case in Karachi.

Mr. Pyari Lal: My friend wants to change ' shall ' into ' may '. He wants " to run with the hare and hunt with the hounds." In one case he wants a particular rental and in another case another rental. That will not do. There must be a uniform rate and I think the method of calculating the rent suggested in the Act as proposed is a very sound one.

Mr. E. Burdon: My Honourable friend, Mr. Pyari Lal, has, I am afraid, taken the words out of my mouth. If I have understood my Honourable friend Mr. Hussanally correctly and if I may speak colloquially, he wants " to have it both ways." If rents in the adjoining civil area are high, then rents in cantonments should be raised by an artificial process irrespective of natural causes. On the contrary if rents in the adjoining civil area are low, then those in cantonments should be maintained at their existing high level. I now wish to put the case, if I may, as I see it myself. Houses in cantonments only are to continue as in the past liable to appropriation for the use of military officers and it is

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only in houses in cantonments that military officers are permitted to live. They are not allowed the option of residing in any adjoining civil settlement. Now these facts have a necessary effect in determining the value of houses situated in cantonments and the value of houses in adjoining civil areas has nothing whatever to do with the matter. The criterion which my Honourable friend seeks to introduce for the purpose of fixing rents in cantonments would be clearly alien and inapposite. I do not think, however, that I need elaborate the argument I have no doubt the House will appreciate the point I have put forward. With these remarks I oppose the amendment.

Mr. Chairman: The question is:

"That in clause 27 after the words and figure 'Section 7 and' the following be inserted:

'in places where are no populated civil areas adjoining cantonment areas',' and that to clause 27 the following be added:

"Where, however, there are populated civil areas adjoining cantonment areas, the annual rent on cantonment buildings shall be fixed at such percentage on their market value as is for the time being recoverable by way of annual rent on the market value of similar houses in the adjoining civil area in the locality concerned."

The motion was negatived.

Mr. Pyari Lal: The amendment which I beg to move is that to clause 27 the following proviso be added, namely:

"Provided that due allowance shall be made in respect of the cost to the lessee of maintaining the house in a state of reasonable repair during the period of the lease."

I am sure that this is an amendment that my Honourable friend Mr. Burdon will jump at and I propose it simply to show that when he has been just generous to us in the matter of the provisions of this House Accommodation Act we are equally prepared to meet him in the same fair minded attitude. Sir, this amendment can be inferred from the various portions of the Act. But I only introduce it to put the matter in plain words and beyond all doubt. In the Act itself it is provided that the house will be taken for five years certain, that in the beginning the repairs will be done at the expense of the owner, and for the period during the tenancy, the repairs will be done by the tenant, and in the matter of assessing rent we shall be allowed the same amount as to the other house-owners possessing similar houses in the cantonments. But we know as a matter of fact that other house-owners have to meet the cost of these repairs annually, so that the rent which they receive is minus the cost of these repairs. We want to put the Government tenant on the same footing as these other tenants. These tenants have not to bear the cost of repairs; and therefore I propose that this amendment might be accepted. Again, Sir, it might be said that in the matter of ordinary tenants there is generally no dispute about repairs. In the case of military officers there is always a great deal of heart-burning and trouble over the extent and the cost of these repairs. They generally are persons of dainty taste who want much more repairs than the house owners can afford, and more often than not, the whole of the rent hitherto, used to be absorbed in these repairs alone, and so the owners practically got nothing. So it might be objected that by the provision that I am now introducing the same state of things may recur. But I say, no. Mr. Burdon has been kind enough to define the phrase 'reasonable repairs'. Now

it can never be disputed. Clause 2, sub-clause (*j*) defines what the phrase 'reasonable repairs' means:

"A house is said to be in a state of reasonable repair when (*i*) all floors, walls, pillars and arches are sound and all roofs sound and watertight"—*there can be no dispute that this is just*—(*ii*) all doors and windows are intact, properly painted or oiled, and provided with proper locks or bolts or other secure fastenings—*again, there can be no dispute*—(*iii*) all rooms, out-houses and other appurtenant buildings are properly colour-washed or whitewashed."

Beyond this, under this Act the Government cannot go, and therefore those former disputes are not likely to arise. I must, Sir, congratulate the Honourable Mover on his introducing into this Assembly a Bill of this just and generous character.

Mr. Chairman: You will have time to do that when the motion is made that the Bill be passed into Law.

Mr. Pyari Lal: I shall say one word, with your permission.

Mr. Chairman: Later on. Amendment moved:

"That to clause 27 the following proviso be added, namely:

'Provided that due allowance shall be made in respect of the cost to the lessee of maintaining the house in a state of reasonable repair during the period of the lease'."

Mr. E. Burdon: Sir, I gladly accept the amendment proposed by Mr. Pyari Lal. It is obvious that the Committee of Arbitration should not be entitled to include in the rent which they fix as payable to the owner the cost of repairs which are being directly and separately borne by Government. The omission was, I must acknowledge, due to an oversight, and I am much obliged to my Honourable friend for providing me with the means of remedying it. Sir, I accept the amendment.

Mr. Chairman: The amendment before the House is that to clause 27 the proviso which I have already read be added.

The motion was adopted.

Mr. Chairman: The question is that clause 27, as amended by the Joint Committee, stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clauses 29, 30, 31 and 32, as amended by the Joint Committee, stand part of the Bill.

The motion was adopted.

Clauses 29, 30, 31 and 32 were added to the Bill.

Mr. Chairman: The question is that clause 33 stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clauses 34, 35 and 36, as amended by the Joint Committee, stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clause 37 stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clause 38 stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clause 39, as amended by the Joint Committee, stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that this be the Schedule to the Bill.

The motion was adopted.

The Title and the Preamble were added to the Bill.

Mr. J. Chaudhuri (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I should draw the Honourable Member's attention, before he moves that the Bill be passed, to an obvious omission in sub-clauses (*i*) (*j*) of clause 2—' a house is said to be in a state of reasonable repair when (*i*) all floors, walls, pillars and arches are sound and all roofs sound and water-tight '. But there is no mention of the word ' wind tight ',—a house ought to be wind-tight,—it is a usual clause inserted in every lease. Supposing the roofs do not leak, but a storm blows into the house; I hope it will be remedied.

Mr. Chairman: Order, order. Mr. Burdon.

Mr. E. Burdon: I move that the Bill, as amended, be passed.

Mr. Pyari Lal: Sir, I consider that the provisions of this Bill have been conceived in a very just and generous manner. It has always been a sore point with cantonment house-owners that their houses were commandeered by military officers and they got no return for their money, and this has caused a great deal of trouble hitherto. But now everything has been put on a very satisfactory footing. Not only is the notice to appropriate a house good enough, but against that very notice an appeal has been allowed, and that must give a great deal of satisfaction. Then again in the matter of repairs, the house-owner can have a Committee of Arbitration, and the constitution of the Committee of Arbitration leaves nothing to be desired From a decision of the Committee of Arbitration—and this again is very good—a right of appeal to the Civil Court has been given, and we can go up to the District Judge. What more could a house-owner in a cantonment want? Then again on the question of rent also we are to get the same value for our money, to get the same rent, as house-owners of the neighbouring houses. Then in cases of dispute again there is the same Committee of Arbitration, and the same right of appeal. Sir, everywhere, all along the line, we have been treated most fairly, and for this our unbounded thanks are due to the Honourable Mover, Mr. Burdon, and I only hope that this Bill is but an earnest of what we expect from his generous nature in future in the way of cantonment reforms.

Mr. W. M. Hussanally: Sir, I associate myself with every word which has fallen from the lips of Mr. Pyari Lal regarding the Honourable Mr. Burdon.

Mr. E. Burdon: Sir, I should like very briefly to thank my Honourable friends for the kind things they have said about the Bill and about myself. But I think that it is only right to say that greater acknowledgments are due to my predecessor, who really laid the foundations of this piece of reforms, which I know has been very anxiously desired by the owners of houses in Cantonments.

Mr. Chairman: The question is:

"That the Bill further to amend the Cantonments (House-Accommodation) Act, 1902, as amended, be passed."

The motion was adopted.

THE COTTON TRANSPORT BILL.

The Honourable Mr. C. A. Innes (Commerce and Industries Member): I beg to move, Sir,

"That the Report of the Joint Committee on the Bill to provide for the restriction and control of the transport of cotton in certain circumstances, be taken into consideration."

Sir, this Bill has already been before the House on two occasions and on both of those occasions I have made a speech explaining the objects of the Bill. In the circumstances I do not propose to detain the House very long to-day. The Bill is a very modest measure. Some people indeed think it is too modest a measure. It is a very modest measure intended to give Local Governments, if they so desire, a remedy against a very real evil, namely, the evil of mixing cotton. As I have explained previously, this evil of mixing bids fair to ruin the reputation and, incidentally also, the price of some of India's best staples. I wish to emphasise the point that though this Bill is a modest Bill, yet it should assist Agricultural Departments in the very beneficent work they are now doing in improving and maintaining the quality of staple cottons in certain tracts. For instance, some Members of this House may have seen in the course of the last day or two an article in one of the Bombay papers. That paper draws attention to the fact that the work done by the Agricultural Department in Bombay in the Surat and Navsari tracts, which is one of the tracts I may mention about which the Bombay Government is most nervous, has resulted in giving the cotton of that tract a premium of Rs. 20 to 21 an acre over the cotton of the adjoining Broach tract. And the article goes on to say that there is a danger that, owing to this evil practice of mixing, the work which the Agricultural Department is doing in this respect may be entirely neutralized. Our Bill is an attempt to enable a Local Government, it is faced with a problem of that kind, to apply at any rate a partial remedy. I move, Sir, that the Bill be taken into consideration.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions: Non-Muhammadan): I move, Sir:

"That the Bill be recommitted to the Joint Committee."

My object in moving this amendment is not in any way to deprecate the measure or to put any obstruction in its passage. But, Sir, I find that there are certain apparent defects in the Bill that has emerged from the Joint Committee which I think cannot be amended on the floor of this House. With this object, Sir, I move that the points which I will suggest later, be taken into consideration by the Joint Committee, to provide the necessary checks to safeguard the interests that may be concerned.

This Bill when circulated for public opinion had a mixed reception. Some approved of it while others deprecated it. On the one hand

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the Bombay millowners and the Bombay Chamber of Commerce welcomed it with open arms, and not content with that, they even took the Government to task for having delayed such a wholesome measure. On the other hand, the United Provinces and some people in the Central Provinces were not satisfied with the Bill, and they thought that it was not a good measure and disapproved of it. Other provinces were quite indifferent to the Bill; and generally the opinion was divided. Sir, the objects with which this Bill has been introduced are very wholesome and desirable no doubt. In the cotton trade there has been fraud and deception practised in the country, inferior cotton used to be mixed up with good cotton of reputation. But the measure which has been brought before us will create many other hardships and troubles against which it is necessary for us to provide safeguards. Many people think that this measure will not be able to check the deceit and fraud complained against while others think that it may hamper the internal trade of the country. Some people think that even the agriculturists, for whose benefit this measure has been introduced, will not welcome it as they will be hit hard by it. For instance, only yesterday one of my friends said to me—suppose a man were to cultivate long staple cotton in a particular area, a portion of which may not be fertile enough for that particular variety and hence yield an inferior variety, while another portion might yield a superior variety. How can that agriculturist distinguish between the two and separate them? There is also the objection, Sir, that the cotton growing area in certain provinces is very limited and scattered. From these scattered parts the cotton has to be transported to central localities where ginning factories are located. Some people suggest that the cotton could only be improved by improving the agricultural processes and by the Agricultural Department and the fraud could be checked by the agents of mill owners specially deputed for the purchase of superior cotton.

The first of the difficulties in this Bill, as will appear to Honourable Members, is that the Bill provides the railway staff with authority to prohibit the transportation of any cotton from a place to any place in a notified area. No doubt, as the Honourable Mr. Innes has pointed out, very extensive powers have been given to Local Governments to notify areas and to notify the variety of cotton that they may desire to prohibit or protect. But the power given under the Bill to the station staff is highly extensive and undesirable. We not only give power to the railway staff to stop transport of cotton, but we also give them power to discriminate as to whether the cotton handed to them for transport was or was not of a prohibited variety. For instance, suppose the Central Provinces Government notifies that the Berar or Akola area is a protected area. And that short staple cotton should be prohibited from entering or being sent to that area but long staple cotton to be a protected variety, and not be prohibited. They may do this to prevent the admixture of short staple cotton with the long staple cotton. I go with a bale of cotton having long staple and I give it over to the railway station master or to the goods clerk or any other railway officer authorised in this behalf to forward it to Berar area. I tell him 'Here is a bale of cotton, kindly forward it to Akola.' Under the provisions in clause 4 the station master, if he thinks that the variety of cotton contained in this bale is not of a variety that has been notified by the Government, as the protected variety of cotton, the result will be that that station master might stop the transport of that cotton

from the station. Here we give the authority to the station official to discriminate between different kinds of cotton. I may insist that the cotton was good long staple cotton which is protected and not prohibited. The station master may say 'It is a prohibited cotton and therefore I forbid it.' Moreover, Sir, he will be too prone to refuse the transport where cotton is handed over to him outside the notified area. For instance, under a subsequent clause, Sir, we have also provided—probably in clause 6—a penalty that if a station master or station official were to allow the transport of prohibited cotton from being sent to a notified area that station master or that station official will be liable to a penalty under this Bill. Now, in this case, Sir, we provide a penalty that if he lets cotton to be transported he will be punished. At the same time, we do not provide a penalty that if the station master or the station official were wrongfully to refuse to receive or transport it to that area he will be punished. There is no provision to that effect. All this goes to show that the Bill, as it has been put before us, is a defective measure and is not quite a perfect one. All of us, Sir, are fully cognisant of the corruption that went on during the period of control when priority certificates were required to be obtained for goods wagons. Everyone of us knows what mischief the railway officials played in those days. Corruption was prevalent not only amongst small station staff, but even amongst some of the high officers of the railway company. I do not mean to say that all the high officials of the railway behaved in that way or were corrupt, but there were to be found some officials who were corrupt. When such a thing could happen at one time, where could there be safety or check at other times also for the non-recurrence of such a thing at the hands of petty station officials who are not much literate and who cannot have proper power of discrimination between long staple cotton and short staple cotton. I could very well have understood if any provision had been made in this Bill of giving such power only to some expert licensing authority or agricultural authority. But no such provision has been made. The Honourable Mr. Innes might say that the Local Governments may make rules in that respect, but I doubt whether the Local Governments can make rules for checking or controlling the station officials for abuses under clauses 4 and 5. And, Sir, I submit that the safeguards or checks that we might put by way of amendments may not be sufficiently proper safeguards. It has also been seen during the last two or three days that when an amendment is moved and if there is any slight mistake in it, we are taken to task and no such amendment can succeed. Under these circumstances, Sir, it will be very difficult for us to put in proper amendments. Moreover very few amendments have been notified in this Bill. I do not mean to say that amendments have not been notified because there are no objections or imperfections in the Bill. I shall be very much obliged if any Honourable Member can point out the safeguards that have been provided against wrongful actions on the part of the station officials in this Bill. I shall be very much obliged if any Honourable Member will point out the safeguards that have been provided against the transport of cotton by road or by way and the agency that has been provided for in this Bill. It might very well be said on behalf of the Government that this agency could very well be declared by the Local Government, but may I know where the funds will come from? No such source of revenue has been provided here, and therefore I submit that these imperfections could only be remedied if the Bill goes back again to the Joint Committee for amendments. With these words, Sir, I commend for the consideration of the House that the Bill be recommitted to the Joint Committee.

Mr. Chairman: The original motion was:

"That the Report of the Joint Committee on the Bill to provide for the restriction and control of the transport of cotton in certain circumstances, be taken into consideration."

Since when an amendment has been moved:

"That the Bill be re-committed to the Select Committee."

Captain E. V. Sassoon (Bombay Millowners Association: Indian Commerce): Sir, the interests which I have the honour to represent have desired even stronger measures than those afforded by the Bill. But we accepted it as it stands as a step in the right direction. I confess, Sir, that I have been rather at a loss to understand some of the remarks that have fallen from the lips of the last speaker. He talks of growers who grow long staple and short staple cotton and he appears to think that this Bill would cause some grievance to these growers. I do not see anything in the Bill which prevents any person from exporting from his district long staple as well as short staple cotton. It merely prevents anybody from importing short staple cotton into a long staple district. As to the further point which the last speaker made as to the powers in the hands of the station staff, supposing that a consumer in a district wanted to import cotton and was in some doubt as to whether it would be accepted by the station master, his district being a notified area, there would be no difficulty for him to obtain a license as is available under this Bill. The moment he has got his license, the station staff have no power to withhold his right to import. He has, furthermore, the right under the license to import any sort of cotton that he may need for his particular purposes. He may need in a long staple area to import short staple cotton if he happens to have a mill there and under the safeguard, that is to say, by having a license, he is enabled to do this. I therefore fail to see any reason, Sir, why this Bill should be recommitted to the Joint Committee and on behalf of the interests, which I represent, I strongly support it.

Mr. B. H. R. Jatkar (Berar Representative): Sir, I rise to support the motion which has been made by Mr. Agnihotri. It is very necessary that the Bill as it stands should be improved further. From the opinions of the several Local Governments that have been received, it appears that the Bill as it stands, if passed, would be a dead letter and would not be availed of by many of the Local Governments. Mr. Agnihotri has only given the opinions of two of the Local Governments. If I read to the House the opinions of the other Local Governments, I can positively say that the majority of the Local Governments say that the Bill is either not necessary for their provinces or impracticable and unworkable. In the face of these opinions of the Local Governments should we consider and adopt a Bill which would be a dead letter soon after it is passed? Probably the Bombay Government alone is wholeheartedly in support of this measure. And I think to meet the wishes of only one province this Government should not adopt a Bill which will not be of any use to the other provinces. Moreover, the defects in the Bill have been pointed out by my Honourable friend, Mr. Agnihotri. I would add something more to what he has stated. Where is the classification of the variety of cotton which are to be protected? Is it to be left to the Local Government to specify the varieties of the cotton or is it to be left to the Station Masters to whom the goods are consigned to detect the variety of cotton that is being consigned. The Bill itself does not make any provision for the classification of the several varieties of cotton. The Indian Cotton Committee have specifically stated

that it should be the first concern to classify the varieties of cotton before any other thing is taken in hand. I therefore consider that classification is necessary whether in this or in any other Bill, because the present varieties of cotton are named after railway stations or after provinces. For instance, the House may be surprised to learn that the cotton which is known as Bengal cotton does not grow in Bengal at all. So I think it will be desirable to have the classification of the varieties of cotton before we give protection to any area for growing that sort of cotton. Moreover, the evil of mixture about which so much has been said is with the middlemen or the ginning and pressing factory owners. It has also been recommended that there should be some Act to provide for the licensing of ginning and pressing factories, and I think that legislation must also be considered along with this legislation, otherwise it would be of no use to pass this Bill without checking the malpractices in the ginning and pressing factories.

The last speaker pointed out that there is absolutely no hardship to the cotton growers, but I think there will be a hardship to them in this way. Suppose the Khandesh area is protected or the Berar area is protected for certain varieties of cotton. Up to now the cotton growers take their cotton carts from one province to another, and he has only to cross the border to take it to the nearest cotton market, but if you give protection to any such area, it will certainly cause hardship to the cotton growers in the adjoining area.

Moreover, in the definition of ' cotton,' cotton seed has been included. Cotton seed if restricted wholesale would cause very great hardship to the public. One of the Local Governments,—I believe the Government of the United Provinces—has stated that cotton seed should be excluded. There is also this difficulty. Where cotton seed is imported for sowing purposes it must be restricted, no doubt, but the wholesale restriction of importing cotton seed which is meant for oil or to be used as food for cattle would be a great hardship to this province or that province, because it would be very difficult to detect what cotton seed is imported for food, for cattle or for seed.

One of the provinces has also condemned the wording of section 4 because it gives too much discretion to railway officers and I do not know how it can be removed by an amendment here or an amendment there. For this purpose, therefore, it would be necessary to recommit the whole Bill to the Joint Committee once again. The Joint Committee that was appointed consisted of 10 members, and the House will be surprised to know that 5 members had not taken part in the deliberations of the Committee at all, and out of the 5 members who have taken part, three represent Bombay. Of course I have nothing to say personally against any one of them, but I submit that all the provinces were not represented on this Joint Committee and the advantage of their experience has not been taken in regard to this Bill. With these remarks, Sir, I support the motion before the House.

Mr. B. S. Kamat (Bombay Central Division : Non-Muhammadan Rural) : Sir, I oppose the amendment. I believe both my friends Mr. Agnihotri and Mr. Jatkar have entirely misconceived the object of the Bill. I do not think the Bill, as it has emerged from the Select Committee, is so radically defective as to deserve a recommittal to a Joint Committee. Mr. Agnihotri spoke about the safeguards which he wanted. May I point out to him an unusually good safeguard which this Bill introduces, namely, the safeguard under clause 8? That is the best safeguard which I can think of. " No notification under section 3 or rule under section 7 shall be issued by the

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Local Government of any Governor's province, unless it has been laid in draft before the Legislative Council of the Province, and has been approved by a Resolution of the Legislative Council, either with or without modification or addition, etc." I think, Sir, this is a safeguard which we ought to value. No Local Government under this Act will be in a position to issue any notification restricting the transport of cotton unless the Members of the Local Legislative Council get an opportunity to see the draft.

Mr. Jatkar spoke about the classification of cotton, and he thought that every Station Master on every railway should be conversant or should be made conversant by rules or by the Act with all the thousand and one varieties of cotton in the country. I believe, Sir, it is a task so stupendous that no Act or Railway Administration can ever hope to accomplish. All these things could be done with reference to specific tracts of the country only by the Local Government of the province, by special notifications and with the consent of the Legislative Council of the province concerned. That is, I believe, the safest safeguard which one can think of.

Then again Mr. Agnihotri seemed to labour under another misapprehension. He seemed to think that under clause 4 of this Bill the whole responsibility of determining the quality of cotton is thrown on Station Masters. Sir, the Bill attempts to do nothing of that sort. The only duty of the Station Master under this Bill will be to ask for a licence from the consignor. If the consignor is honest enough, he will be able to produce his licence, and I don't think Mr. Agnihotri is against the principle of licensing. At the beginning of his speech he admitted that the objects of the Bill were good. He also admitted that the transport of cotton ought to be checked. He also admitted that it could be checked only under a system of licences. All these three premises being granted, I believe it follows that somebody must issue licences, and the duty thrown on the station master is only to see that the consignor has got a licence in his hands. The terms and conditions of the licence will be determined by the Local Government and placed in draft before the Legislative Council, so that every condition in the licence, the very form of the licence, will be shown to Members of the Legislative Council. I believe that is a pretty good safeguard.

Then Mr. Jatkar spoke about the growers' inconveniences and hardships. I do not know where the hardships for the grower comes in. The Bill does not check the cultivators from growing any particular variety of cotton. They can sow in their fields, even side by side, and acre by acre, any class or variety of cotton. The only attempt which the Bill makes is to prevent smuggling under a false name and consigning under false pretences. I believe, Sir, cotton, especially when it is exported, is getting a bad name if the whole cotton is mixed up and adulterated with different varieties. What we want to save is the name of Indian cotton, particularly in foreign countries so that we may get a good price for it. Secondly there is often adulteration in the cotton seed which the cultivator gets. Cotton is mixed in ginning and pressing factories under this process of smuggling. The seed which the cultivator sows in the fields is after all not pure, good seed of a good quality but it is mixed seed which comes from ginning factories, and therefore the crops which he realises are never pure, unadulterated cotton which he exports, with the result that he suffers by this process of mixing of seed. It is therefore to his interest to pass the Bill. I do not think anything would be gained by recommitting this Bill to the Joint Committee, and, if at all my friend Mr. Agnihotri thought that there were

serious difficulties in the Bill, he could have sent in any number of amendments. I see, however, that there are only two or three amendments in his name showing that either he or his friends had very little else to suggest to improve the Bill, and from this very fact I think we can take it for granted that nothing can be gained by recommitting it to the Joint Committee.

The Honourable Mr. C. A. Innes: I desire, Sir, to add a few words in support of what my friend, Mr. Kamat, has said. I wish to make this point. Mr. Agnihotri and Mr. Jatkar in their speeches both attack what I might call the whole scheme and the whole principle of the Bill. It is no use sending points like that to a Select Committee. A Select Committee must work upon the assumption that the scheme of the Bill, the general principle of the Bill, has been accepted by the House. A Joint Committee could not alter materially our clauses (4) and (5). They could not deprive the station master of the power we give him to refuse a consignment of cotton unless it is accompanied by a licence without altering the whole scheme of the Bill. A point of that kind, Sir, is a point which has to be decided by the whole House. This is a Bill of only 7 clauses. It is not a very difficult Bill to understand and I think, Sir, that this House is quite competent to deal with the points raised by Mr. Agnihotri.

I desire to make just one other point. Mr. Jatkar pointed to the fact that 3 out of the 4 non-official members of the Select Committee had come from Bombay. He suggested that the Bill had been drawn up in the interests of the Bombay cotton trade and the Bombay mill owners. Now, Sir, that is entirely untrue. This Bill is intended largely for the benefit of the growers. Does Mr. Jatkar realise what are the evils that we are trying to meet? One of the evils is the dishonest middleman. He rails cotton from a short staple tract to a station inside a well known long staple tract. He thereby gets on his bale the station mark of the long staple tract. He thereby gets a better price for his cotton, but in the process he helps to destroy the reputation of the cotton in that long staple tract. Again, cotton from a short staple tract is railed to a long staple tract and is there mixed with cotton of the superior variety. Again, it is fraud pure and simple and again it is the cultivator that suffers. And finally, and this is the worst of all, you get unginned cotton railed from a short staple tract to a long staple tract. The cotton is ginned in the long staple tract. It is mixed with the long staple cotton and gets the higher price. Again, it is fraud. And the seed is used for sowing in the long stapled tract. Thus you set up a process of deterioration in the whole of the cotton of that tract which it may take years to arrest. I say without fear of contradiction that the purpose and object of this Bill is to maintain the reputation of our best cottons in India. It is a Bill which offers Local Governments a remedy it they desire to use it and it is for each Local Government and local Council to decide whether they will apply the remedy which we offer them. But let no one in this House say that we are here introducing a Bill against the interests of the cultivator and solely in the interests of the trade, for it is not true. I submit, Sir, that this amendment should not be acepted.

Mr. Chairman: Amendment moved:

"That the Bill be re-committed to the Select Committee."

The question is that that amendment be made.

The motion was negatived.

Clauses 1, 2 and 3, as amended by the Joint Committee, were added to the Bill.

Mr. K. B. L. Agnihotri: Sir, I beg to move:

"That to sub-clause (1) of clause 4 the following proviso be added:

'Provided that the railway officials so refusing shall without any unreasonable delay inform the consignor and the authority entitled to grant a license for transport, the fact of such a refusal and shall carry out the order that the licensing authority may pass directing him to so receive for carriage or to so forward, or allow the cotton to be so carried'."

Sir, in clause 4 of the Bill we read:

"the station master of any railway station or any other railway servant responsible for the booking of goods or parcels at that station may refuse to receive for carriage at, or to forward or allow to be carried on the railway from, that station any cotton consigned a notified station, being cotton of a kind of which delivery at such notified station has been prohibited, unless both stations are in the same protected area, or unless the consignor produces a certified copy of a licence for the import of the cotton into the protected area in which such notified station is situated."

Sir, as will appear from what I have read out, the station master or a railway official can refuse to receive or to transport the cotton consigned to any notified area, if it is cotton of a kind of which the delivery at such notified station has been prohibited. Sir, when I moved my amendment for the recommittal of the Bill to the Select Committee, the Honourable Mr. Sassoon and the Honourable Mr. Kamat were pleased to say that the licence would have to be produced before the station master and on seeing that licence the consignment would be received or transported. But, Sir, on reading this clause, I find that the cotton that has been prohibited from being sent to a notified area requires a licence, but for cotton of a variety that has not been prohibited from being transported to that area no licence is neessary. And so the difficulty would come in where any consignment of the variety of cotton that is not prohibited from being sent to that particular area, is tendered to the railway official for transport. In that case the official may be pleased to say that in his opinion the cotton tendered to him was of a different variety or of the prohibited variety, and he may refuse to receive it for transport. This point was not cleared up by any of my Honourable friends who opposed that motion. Neither was this point touched by the Honourable the Commerce Member. If we say that the licence could be applied for and was required even for such a variety of cotton, then there will be another difficulty. Every place is not expected to have a licensing authority. It is only big places or the large trade centres that may be the headquarters of the licensing authority and the dealer, the trader or the agriculturist or the cotton grower, who wants to transport that cotton, shall have to go to that licensing authority, and shall have to request him to have an inspection of the variety of cotton that he wants to transport and to give him a licence and only when he is able to satisfy the licensing authority he would be entitled to transport that cotton to such a station in a notified area but not otherwise. This will necessarily involve much inconvenience and trouble to the dealers. The Honourable Mr. Innes said that I objected to the principle of the Bill. Not in the least: far from it. I do welcome the principle on which this Bill has been based and, if I had any objection to the principle of the Bill, I would not have requested for its recommittal to the Select Committee but I would have opposed it outright. If my interpretation of this section is correct, the station master has to discriminate and find out for himself and to judge whether or not the consignment of cotton that is produced before him is one of the prohibited varieties. The consignor comes and says, "This is not of the prohibited variety" while

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the station master says, "This is of the prohibited variety and I refuse to receive it." Where is the remedy? My friend Mr. Kamat said that he should obtain a licence and then produce it. But if he thinks that it is of a variety which is not prohibited, where is the necessity for a licence? If he goes to the licensing authority, that officer will say, "Well, I am only required to grant a licence for such varieties of cotton that may be prohibited from going into a particular notified area." Therefore, I submit, Sir, that this state of things will lead to real hardship to agriculturists and to persons who may have occasion to consign goods at wayside stations. With this view, Sir, I propose a safeguard in the form of a proviso to clause 4. I am conscious of my weakness in the English language, and it is just possible that my amendment may not be in a proper form or be properly worded. But my sole object is that there should be a check, a safeguard, over the station official when he refuses to receive or to transport a consignment of cotton, and that that safeguard should be provided in the Bill. That is my object, and with that object I move the amendment that in case the station official refuses to receive such consignment, he should inform the consignor and at the same time he should send an intimation to the licensing authority, if any, appointed within the area and that such licensing authority's orders shall be final in that respect, and that if the licensing authority issues a license to him or advises the station master to transport that cotton, then the station master should obey him. That is the proviso which I wish to put in. With these words, Sir, I put my amendment before the House for consideration.

The Honourable Mr. C. A. Innes: Sir, Mr. Agnihotri has so completely misapprehended the scope of this clause that I find it rather difficult to answer him. Mr. Agnihotri appears to be under the impression that certain varieties of cotton will be allowed to be imported into a prohibited area and that other varieties will not be so allowed, and that it will rest with the unfortunate station master to decide whether any particular consignment which is offered to him for carriage belongs to the prohibited or to the non-prohibited variety. Let me assure Mr. Agnihotri that we intend no such thing. We have defined "cotton" in clause 2 (c) as meaning every kind of unmanufactured cotton; that is, ginned and unginned cotton, cotton waste and cotton seed. We have adopted that particular form of definition in order in clause 3 to allow a Local Government to exercise its discrimination whether it should prohibit the import into the notified area of every kind or only of one kind of cotton. The Local Government may say that in a particular season, they will allow cotton seed to come in without any restriction, or they may allow cotton waste which may be required for some particular purpose. But the Local Government will not say that particular varieties of cotton may come in under license and other varieties may not. We recognise that in these notified areas there may be mills which may require for perfectly legitimate purposes cotton from outside. What will happen then is that the Local Government will issue through a licensing authority a licence to that mill to import so much cotton into that area. (*Mr. K. B. L. Agnihotri*: "Any kind of cotton"?) Yes any kind of cotton. When the cotton comes before the station master of the consigning station, the only obligation that we lay upon him is to see whether or not that particular consignment is covered by a proper licence from the licensing authority. The station master will have no other duty than to see whether or not the consignment is covered by a licence. He will have nothing to do with the variety of the cotton or anything of that kind. His duty is perfectly clear. And the reason why we have had to

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put in this clause is this. Under the Railways Act, every railway administration is required to provide reasonable facilities for the transport and carriage of goods. The railway administrations are not entitled to refuse to receive goods for carriage unless they are particularly dangerous goods, in which case they may receive it on conditions. But ordinarily, a general carrier like a railway administration must receive the goods, and that is why we propose to empower the station master to refuse to receive cotton for consignment to a notified area except when there is a licence. We must make provision for that in this Bill and that is why we have put in the words "Notwithstanding anything contained in the Indian Railways Act." Now this amendment suggests that if the railway official refuses to receive cotton which is not covered by a licence, and which it is proposed to send to a notified area, he should at once without delay inform the consignor of the fact. There is no need to provide anything of that kind. What happens when you take goods to a railway station? You tender it. If it is refused, you are told on the nail why it has been refused. Moreover, in all these cases when a notification has been issued by the Local Government, that notification will be communicated to the railway administrations and posted up in all goods sheds. Then it is suggested that the station master must inform the licensing authority, in order presumably, that the licensing authority may issue a licence if he so thinks fit. That is not the job of the station master. That is for the person who wishes to consign cotton. If he has got any particular reason why he wants cotton to get into a particular area, it is for him to go to the licensing authority in that area and get the necessary licence. I do not see that there is the slighest necessity for making the amendment suggested by Mr. Agnihotri. As I have pointed out, Mr. Agnihotri has entirely misapprehended the whole scope of this clause I oppose the amendment.

Mr. K. B. L. Agnihotri: Then may I know why you have inserted the words "being cotton of a kind of which the delivery at such notified station has been prohibited"? If you were to omit these words, then the interpretation which you suggest will be correct. But so long as you retain those words, you give the station master discretion to find out whether the cotton is of that variety or not.

The Honourable Mr. C. A. Innes: It is explained by clause 8 of the Bill.

Mr. Chairman: The amendment before the House is:

"That to sub-clause (1) of clause 4 the following proviso be added:

'Provided that the railway officials so refusing shall without any unreasonable delay inform the consignor and the authority entitled to grant a license for transport, the fact of such a refusal and shall carry out the order that the licensing authority may pass directing him to so receive for carriage or to so forward, or allow the cotton to be so carried'."

The question is that that amendment be made.

The motion was negatived.

Mr. Chairman: The question is that clause 4, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. K. B. L. Agnihotri: Sir, my second amendment is similar to the one that I moved before. The Honourable Mr. Innes was pleased to point out in answer to my amendment dealing with the necessity for information

to the consignor that the consignor was informed at the moment his consignment was refused and not booked. But the Honourable Mr. Innes I regret to say has not seen to this that there are three stages when the consignment could be refused. The station master may refuse to receive or to forward or to allow it to be transported. He may receive it and may subsequently disallow its transport. It may happen like that, and therefore such information was necessary, but as the clause is thrown out, I need not say anything further. I beg to move:

"That in clause 5 the following proviso be added:

'Provided that the railway officials so refusing the delivery of the cotton shall, without any unreasonable delay, give an intimation of such refusal to the consignee and the authority entitled to grant a license for transport and shall not return the cotton but will give delivery to the consignee if so ordered by the licensing authority'."

The Honourable Mr. Innes has pointed out that I am under a misapprehension as to the railway station official's right to judge or find out for himself the quality or variety of cotton consigned, but he has done me an injustice in not looking to the subsequent insertion made by the Joint Committee and to its effect on clause 4 and to its effect on the whole of clause 5. If the insertions had not been made, the station official would have on non-production of the licence been simply entitled to refuse the delivery or refuse to receive for transport, as the clause in the Bill had a provision that unless both the stations be in the notified area or the consignor produced a licence, the railway official could refuse. He could have done that even before, but by this insertion you do give him further power to discriminate and find out for himself the variety of cotton consigned. The moment the Local Government notifies that a particular variety of cotton is prohibited from being sent or transported to a particular area, it will certainly mean according to my interpretation that he shall certainly be justified in making that discrimination and finding out for himself whether or not that particular variety of cotton has been prohibited. In the subsequent amendment that I put before the House I provide that if the delivery has been refused, the consignment should not, *ipso facto*, be returned to the station from which it had been received but the station official should inform the licensing authority and the consignee also in order to enable them to take such steps that they may be pleased to take in order to have the delivery made. With these words, I commend my amendment again for the consideration of the House. It will be very hard for the consignee to have the goods transported back to station from which they emanated even though, in the meantime, he may be taking steps for obtaining a licence from the licensing authority. Therefore, it is necessary that the consignee should be intimated and at the same time the licensing authority should also be intimated of the refusal of delivery of such consignment to the consignee. With these few words I move my amendment.

The Honourable Mr. C. A. Innes: Sir, Mr. Agnihotri spent the greater part of his speech not in dealing with the amendment to clause 5 but in expressing his dissatisfaction at the rate of his amendment to clause 4. In the circumstances, perhaps, I need not speak at any great length upon the amendment to clause 5.

I should like the House to consider what the objects of this Bill are. They are, as I have said, to stop a real danger to our cotton in India, a danger which is based upon a fraudulent practice. We have been accused in this Bill of not going far enough. The Bill is an experimental Bill and

[Mr. C. A. Innes.]

we have deliberately made the penalty as light as possible. There is no penalty at all upon station master who forwards cotton not covered by a licence. But a statutory obligation is placed upon the station master of the receiving station. All that he is required to do is to return the cotton. Surely, we could not have a Bill which is much more lenient than that. But Mr. Agnihotri wishes to destroy the effect of even the modest measure which we propose. He wishes the station master to delay and to inform the consignee and to give him a chance of obtaining a license. Surely, that is unnecessary. The cotton will have to wait for 14 days. The consignee, if he is an honest consignee or if his license is wrong, will have that period in which to appeal to the licensing authority. But I wish again to say that it is not the business of the station master to have any concern at all with the licensing authority. The duty laid upon him is perfectly clear. It is to see whether or not a particular consignment is covered by a license. Sir, I hope that the House will not accept this amendment.

The motion was negatived.

Clause 5, as amended by the Joint Committee, was added to the Bill.

Mr. K. B. L. Agnihotri: Sir, I beg to move an amendment to clause 6 which is to this effect:

"After the words and figure 'sub-section (1)' the words and figure 'of section 4 and' be inserted."

Clause 6 provides for penalties for the import of prohibited cotton. It also provides that if any station master allows delivery of cotton in a notified area, of a variety which has been prohibited by the Local Government, that station official is liable to a penalty under clause 6. I regret to say that I have not yet been convinced that clause 4 does not serve. . . (Laughter) I beg to revert to clause 4 because I move an amendment for the inclusion of that clause in clause 6, and with that view I am constrained to make a comment on the wording of clause 4 again. If the insertion printed in italics in that clause had not been made, clause 4 would have had the same interpretation as has been given by the Honourable Mr. Innes, but by that insertion, I am still of the same opinion, that you authorise the station officials to discriminate the variety which has been prohibited from the variety permitted by the Local Government. If my interpretation is correct, in that case I submit that the insertion of sub-clause (1) of clause 4 is absolutely necessary in clause 6 also. If the station master wrongly or maliciously refuses the transport of cotton or does not allow the cotton other than the prohibited variety to be transported from his station to a station in the notified area he should be made equally liable to the penalty as has been provided for in the case of his giving delivery of the prohibited cotton within the notified area. Therefore I submit that the penalty should also be provided against a station master wrongfully refusing to receive the cotton or to transport it to a station in the notified area. This will provide a check on the railway official who would otherwise be prompt in refusing until he is bribed or satisfied otherwise, and this will lead to much corruption and obstruction of trade.

Mr. Chairman: You are moving all the clauses (*a*), (*b*) and (*c*). Otherwise it will be meaningless.

Mr. K. B. L. Agnihotri: It comes to the same thing. If (*a*) fails then the others go.

Mr. Chairman: Then they have been moved together.

Mr. K. B. L. Agnihotri: You may take it that way, Sir.

The Honourable Mr. C. A. Innes: I have some difficulty in understanding what is intended by this amendment. Mr. Agnihotri is still harping upon the failure of his amendment to clause 4 and apparently he wishes by this amendment to clause 6 in some way to achieve the object he had in view when he proposed his amendment to clause 4. Shall I be in order in again explaining away his difficulty in regard to clause 4.

Mr. Chairman: That is not necessary.

The Honourable Mr. C. A. Innes: At any rate his amendment to clause 6 is as follows. He wants in clause 6 to introduce a penalty for a station master who refuses to forward cotton. That is not within the scope of this Bill. As I have explained we are placing in this Bill a statutory obligation upon a station master at a receiving station to refuse the delivery of the cotton unless that cotton is covered by a licence. Naturally when we place a statutory obligation upon an officer or upon a person we provide a penalty for that person. Mr. Agnihotri wants us now to revert to clause 4 and wants us to provide that a station master who refuses to forward cotton improperly should also be penalised. Mr. Agnihotri however has not realised that matters of this kind should be dealt with by an amendment of the Railways Act or of the Carriers Act. I am not quite sure which it is It is under these Acts that Railway Administrations have to provide reasonable facilities and if any penalty is to be provided when those facilities have been withheld improperly by a station master, it should be provided by an amendment of those Acts and not by introducing entirely unnecessary sentences into a clause of this Bill which is intended for an entirely different purpose.

Mr. Chairman: The motion before the House is:

"That in clause 6:

(*a*) after the words and figure 'sub-section (1)' the words and figure 'of section 4 and' be inserted;

(*b*) after the words 'upon him' the words 'refuses to receive, forward or allow to be carried, or returns or' be inserted;

(*c*) after the words 'other person' the words 'fails to carry out the order of the licensing authority' be inserted."

The motion was negatived.

Mr. Chairman: The question is that clause 6, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clauses 7 and 8, as amended by the Joint Committee, do stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clause 9, the Title of the Bill, and the Preamble of the Bill do stand part of the Bill.

The motion was adopted.

The Honourable Mr. C. A. Innes: Sir, I move that the Bill, as amended, be passed.

Mr. Chairman: The question is that the Bill to provide for the restriction and control of the transport of cotton in certain circumstances, as amended, be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st January, 1928.