

29th January, 1923

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

VOL. III.

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(15th January, 1923 to 31st January, 1923.)

THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923.

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LEGISLATIVE ASSEMBLY.

Monday, 29th January, 1923.

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

The Honourable Sir Malcolm Hailey (Home Member): I hope, Sir, that you will allow me to draw aside for one minute that veil which hides the personality of the Chair and to express, as I am sure I may do on behalf of the House, its great pleasure at your return to your duties. (Hear, hear.) It is not, Sir, that we have not had in your absence able lieutenants, trained in the traditions which you have inaugurated in this House, and to them our gratitude is due. Nevertheless, we feel the keenest pleasure in your return. We feel pleasure in your return not only because you are our President, but because, since you are also the friend of the House, we have to congratulate you on your recovery from an illness which at one time filled us with grave anxiety. (Hear, hear.)

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan Urban): Sir, on my own behalf, and on behalf of my friends, I very wholeheartedly join in what has fallen from the Honourable the Leader of the House. We welcome you back here and hope that there will not be occasion for the same anxiety again. In the strenuous times before us good sense and good temper, of which good health is always the basis, should prevail all round. The Honourable Sir Malcolm Hailey has told you of the anxious time that we had and we do not want it repeated.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): Sir, I beg to associate myself with everything that has been said by the Honourable Sir Malcolm Hailey in welcoming you back amongst us. He has told you, Sir, that, during your absence, we have been served by very able lieutenants. That, Sir, is a compliment not only to their ability, but is a compliment to yourself for having trained them to lead us in your absence and for the atmosphere which you have created in this House. Therefore, Sir, we are happy to see you back once again amongst us and, as Sir Deva Prasad Sarvadhikary has said, we hope the occasion may not again arise of welcoming you back in the way in which we have done, but you are always welcome and we are always glad to see you amongst us.

Mr. President: Gentlemen, I need hardly say that the words used by the Leader of the House and by my two Honourable Colleagues have greatly touched me and I have to thank them and the Assembly for the manner in which they have received me on my return from what was, after all, though a somewhat prolonged, yet not in any sense a dangerous illness. I have followed with great interest the proceedings of the House from a distance and I am glad to have the endorsement by the Leader of the

House himself of the opinion which I had myself formed that my presence here was not in the least necessary. (Cries of "No, no.") And though of course duty compels me to return to the Chair, I should very willingly have returned in the form and habit of a private Member in order to sit under those able Chairmen whose services you have all enjoyed.

Gentlemen, once more I thank you.

MEMBERS SWORN :

Captain Ellice Victor Sassoon, M.L.A. (Bombay Millowners' Association : Indian Commerce).

STATEMENT LAID ON THE TABLE.

Sir Henry Moncrieff Smith: Sir, I lay on the table the information promised in reply to questions by Dr. H. S. Gour on the 16th January, 1923 regarding amounts drawn by Members of the Council of State and the Legislative Assembly on account of travelling and halting allowances.

Statement showing the amount drawn by Members of the Council of State who travelled in reserved compartment.

Serial No.	Names of Members.	Amount.
	DELHI SESSION, 1921.	Rs. A. P.
1	Hon'ble Diwan Bahadur V. Ramabhadra Naidu	708 8 0
2	Rai Bahadur Lala Ram Saran Das, C.I.E.	117 12 0
3	Mr. C. N. Seddon	649 0 0
4	Raja Moti Chand, C.I.E.	369 0 0
5	Colonel Sir Umar Hayat Khan, K.C.I.E., C.B.E., M.V.O.	177 0 0
6	Mr. G. S. Khaparde	617 0 0
7	Raja Sir Harnam Singh, K.C.I.E.	85 14 0
8	Sir A. H. Froom, Kt.	649 0 0
9	Sir Dinshaw Wacha, Kt.	649 0 0
10	Maharaja Sir Manindra Chandra Nandy, K.C.I.E., of Kasimbazar.	766 4 0
11	Maharaja Bahadur Keshava Prasad Singh, C.B.E., of Dumraon.	415 8 0
12	Mr. Lalubhai Samaldas	324 8 0
13	Mr. K. V. Rangaswamy Aiyangar	1,338 8 0
14	Mr. E. S. Lloyd	1,245 0 0
15	Sir M. B. Dadabhoy, Kt., C.I.E.	659 0 0
16	Mr. Abdul Majid	242 8 0
17	Maharaja Soohi Kanta Acharjya Chaudhury of Muktagacha	447 2 0
18	Sardar Jogindra Singh	170 4 0
19	Raja Pramada Nath Roy of Dighapatia	800 0 0
20	Sir Alexander Murray, Kt.	677 8 0
21	Mr. Altaf Ali	81 2 0
22	Right Hon'ble V. S. Srinivasa Sastri	622 8 0
23	Hon'ble Sir Edgar Holberton, Kt., C.B.E.	677 8 0

Statement showing the amount drawn by Members of the Council of State who travelled in reserved compartment—contd.

Serial No.	Names of Members.	Amount.
		Rs. A. P.
SIMLA SESSION, 1921.		
1	Hon'ble Mr. P. C. Sethna	971 0 0
2	" Raja Moti Chand, C.I.E.	670 8 0
3	" Dr. Ganganath Jha	588 8 0
4	" Maharaja Sir Manindra Chandra Nandy, K.C.I.E., of Kasimbazar.	1,033 0 0
5	" Haji Chowdhary Muhammad Ismail Khan	1,211 4 0
6	" Mr. F. S. Lloyd	1,815 0 0
7	" Sir M. B. Dadabhoy, Kt., C.I.E.	1,011 4 0
8	" Mr. Altaf Ali	640 8 0
9	" Sardar Jogendra Singh	458 8 0
10	" Colonel Sir Umar Hayat Khan, K.C.I.E., C.B.E., M.V.O.	247 12 0
11	" Raja Sir Harnam Singh, K.C.I.E.	221 8 0
12	" Sir Dinshaw Wacha, Kt.	1,043 0 0
13	" Sir A. D. Froom, Kt.	1,069 8 0
14	" Sir Alexander Murray, Kt., C.B.E.	966 4 0
15	" Rai Bahadur Lala Ram Saran Das, C.I.E.	172 4 0
16	" Sir B. C. Mitter, Kt.	1,037 0 0
17	" Mr. K. V. Rangaswamy Aiyangar	2,143 14 0
18	" Maharaja Soohi Kanta Acharjya Chaudhury of Muktagacha	1,194 0 0
19	" Diwan Bahadur V. Ramabhadra Naidu	2,104 0 0
20	" Sir Zul'qar Ali, Kt., C.S.I.	354 8 0
21	" Mr. Lalubhai Samaldas	1,043 0 0
22	" Lala Sukhbir Sinha	202 6 0
23	" Maharaja Bahadur Keshava Prasad Singh, C.B.E., of Dumraon	775 0 0
24	" Sir Edgar Holberton, Kt., C.B.E.	549 14 0
25	" Raja Pramada Nath Roy of Dighapatia	1,128 8 0
DELHI SESSION, 1922.		
1	Hon'ble Diwan Bahadur S. R. M. Annamalai Chettiar	1,409 0 0
2	" Mr. G. S. Khaparde	363 4 0
3	" Mr. K. V. Rangaswamy Aiyangar	1,617 0 0
4	" Mr. E. S. Lloyd	826 0 0
5	" Khan Bahadur Aminul Islam	752 8 0
6	" Mr. H. T. S. Forest	388 4 0
7	" Raja Sir Harnam Singh, K.C.I.E.	114 8 0
8	" Mr. Chandra Dhar Barua	376 4 0
9	" Maharaja Bahadur Keshava Prasad Singh, K.B.E., of Dumraon.	490 8 0
10	" Rai Bahadur Lala Ram Saran Das, C.I.E.	154 8 0
11	" Colonel Sir Umar Hayat Khan, K.C.I.E., C.B.E., M.V.O.	433 10 0
12	" Sir Dinshaw Wacha, Kt.	746 8 0
13	" Hon'ble Sir A. Froom, Kt.	746 8 0
14	" Mahamahopadhyaya Dr. Ganganath Jha.	223 0 0
15	" Dewan Tek Chand, C.B.E.	193 0 0
16	" Raja Moti Chand, C.I.E.	446 8 0
17	" Diwan Bahadur V. Ramabhadra Naidu	1,733 12 0
18	" Raja Pramada Nath Roy of Dighapatia	832 8 0
19	" Sir M. B. Dadabhoy, Kt., C.I.E.	768 0 0
20	" Mr. P. C. Sethna	1,119 12 0
21	" Maharaja Soohi Kanta Acharjya Chaudhuri of Muktagacha	1,021 0 0
22	" Haji Chowdhry Muhammad Ismail	954 0 0
23	" Khan Bahadur Ibrahim Haroon Jafar	865 8 0
24	" Sir Alexander Murray, Kt.	752 8 8
25	Right Hon'ble V. S. Srinivasa Sastri, P.C.	1,119 8 0
26	Hon'ble Rai Bahadur Lala Ram Saran Das, C.I.E.	556 6 0

Statement showing the amount drawn by Members of the Council of State who travelled in reserved compartment—concl'd.

Serial No.	Names of Members.	Amount.
	SIMLA SESSION, 1922.	Rs. A. P.
1	Hon'ble Raja Sir Harnam Singh, K.C.I.E.	238 0 0
2	" Maharaja Soabi Kanta Acharjya Chandhury of Muktagacha	1,531 12 0
3	" Sardar Jogendra Singh	308 8 0
4	" Nawab Sir Bahram Khan, K.C.I.E., K.B.E.	236 0 0
5	" Sir A. Froom, Kt.	1,268 0 0
6	" Colonel Sir Umar Hayat Khan, K.C.I.E., C.B.E., M.V.O.	630 0 0
7	" Raja Venganadrasunda Raja, C.I.E., of Kollangode	2,589 12 0
8	" Sir Alexander Murray, Kt., C.P.E.	540 14 0
9	" Sir M. B. Dadabhoi, Kt., C.I.E.	948 12 0
10	" Maharaja Bahadur Keshava Prasad Singh, C.B.E., of Durnraon	987 8 0
11	" Mr. P. C. Sethna	633 0 0
12	" Liwan Bahadur Annamalai Chettiar	1,681 8 0
13	" Sir Dinshaw Wacha, Kt.	949 8 0
14	" Mr. K. V. Krishnaswamy Ayyangar	1,493 2 0

Statement showing approximately amounts drawn by Members of the Council of State and of the Legislative Assembly on account of travelling and halting allowances paid to them since the inauguration of the "Reformed Councils" and for their attendance on the various Committees, etc.

Nature and period of the charge.	Amount.
	Rs. A. P.
<i>Bills paid during the year 1920-21.</i>	
Members of the Legislative Assembly	1,47,751 0 0
Members of the Council of State	54,615 0 0
<i>Bills paid during 1921-22.</i>	
Members of the Legislative Assembly	4,06,602 0 0
Members of the Council of State	1,40,945 0 0
Bills paid during 1921-22 for attendance on various committees:—	
Repressive Laws Committee	7,050 0 0
Press Laws Committee	4,937 0 0
Indian Students Committee	8,461 0 0
All-India Income-tax Committee	1,918 0 0
Indian Fiscal Commission	10,458 0 0
Piece Workers Committee	754 0 0
	+1,421 0 0
<i>Bills paid during 1922-23.</i>	
Members of the Legislative Assembly	1,87,376 0 0
Members of the Council of State	55,691 0 0
Bills paid during 1922-23 for attendance on various Committees:—	
Arms Rules Committee	8,726 0 0
Railway Risk Notes Committee	4,750 0 0
Criminal Procedure Committee	618 0 0
North-West Frontier Committee	20,860 0 0
Racial Distinction Committee	6,694 0 0
Standing Committee on Indian Emigration	5,043 0 0
Workmen's Compensation Committee	3,400 0 0

Figures as far as available up to date for 1922-23.

(Sd.) O. S. PEREIRA,

Assistant Accounts Officer,

Office of the Deputy Accountant-General, Central Revenue, Delhi.

QUESTIONS AND ANSWERS.

" INDIAN RAILWAYS " BY RAI SAHIB C. P. TIWARY.

*282. **Mr. N. M. Joshi:** Has the attention of Government been drawn to the remarks relating to the meagre details presented with the railway budget, appearing at page 398 of the book called Indian Railways by Rai Sahib Chandika Prasad Tiwary? If so, do Government propose to furnish the members with copies of the establishment rolls and working estimates referred therein?

The Honourable Mr. C. A. Innes: Government have seen the remarks referred to. They regret that Members cannot be furnished with copies of the establishment rolls and working estimates, as these can be got ready only after the grant of sanction by the Legislature and after the Budget orders thereon are communicated to individual railway administrations.

Mr. N. M. Joshi: Will Government be pleased to furnish us with copies of the establishment rolls of the previous year?

The Honourable Mr. C. A. Innes: I am afraid, Sir, that that would be a very expensive business. Here is a copy (shown) of the establishment rolls and working estimates for a single railway.

Mr. N. M. Joshi: May I ask, Sir, how many copies are printed when the copies are printed for the use of the office?

The Honourable Mr. C. A. Innes: I am afraid I do not know, Sir.

Mr. N. M. Joshi: Will Government inquire?

The Honourable Mr. C. A. Innes: Yes, Sir.

LIGHTING ON B. & N. W. RAILWAY.

283. ***Khan Bahadur Sarfaraz Hosain Khan:** (a) Are the Government aware that some of the compartments of the passenger trains on the Bengal and North-Western Railway are not usually provided with light?

(b) Do the Government propose to advise the authorities to make proper arrangements for light in all the passenger trains of the Railway?

The Honourable Mr. C. A. Innes: (a) The Government of India understand that all compartments of passenger trains on the Bengal and North-Western Railway are provided with lights and their maintenance receives the continual attention of the Railway Administration. Specific cases of complaint in this respect brought to the notice of the Administration will receive attention.

(b) Government do not consider that any instructions to the railway authorities are necessary.

Mr. J. Ochaudhuri: Is the Honourable Member aware that there are no adequate arrangements for refreshments along the same line?

The Honourable Mr. C. A. Innes: I do not see how that question arises out of the question I have just answered.

Mr. J. Ochaudhuri: Because the railway exists for the convenience of passengers and food is a greater necessity than light.

Mr. President: That question does not arise.

PRESS FINE FUND.

284. ***Khan Bahadur Sarfaraz Hossain Khan**: (a) Do the Government maintain a fund called the Press Fine Fund in the interest of the employees of Government Presses?

(b) If the answer to the above question be in the affirmative, will the Government be pleased to state:

(i) The total amount of the fund up to December last?

(ii) The total number of press workmen who have got relief in their distress?

Mr. A. H. Ley: (a) Yes.

(b) (i) Rs. 2,592-6-0.

(b) (ii) Two grants have been made from the fund in the Delhi Press. No application for grants has been made in the Calcutta or Simla presses.

ADVANCE OF PASSAGE MONEY.

285. ***Khan Bahadur Sarfaraz Hossain Khan**: Is it a fact that the Imperial Services have recently been granted the privilege of obtaining advance of passage money for themselves and their families to enable them to go home on leave, whereas the European members of the Provincial Civil Services have not been allowed this privilege?

The Honourable Sir Basil Blackett: Orders are under issue extending the concession to Provincial Services.

Mr. K. B. L. Agnihotri: Does the Government intend to extend the privilege to the Indian Members of Council who may desire to avail themselves of it?

The Honourable Sir Basil Blackett: I think that question does not directly arise out of this answer.

ATTENDANCE AT MEETINGS OF THE LEGISLATURES.

286. ***Maulvi Miyan Asjad-ul-lah**: (1) Will the Government be pleased to state the names of the members who have not attended a single meeting of any session or more sessions than one of the Indian Legislatures held between February, 1921, and the September session of 1922, and the respective constituencies they are returned from?

(2) Are the Government aware that there are no provisions of rules enforcing attendance of members except for those who will be absent for a period of two consecutive months while going abroad (out of India)?

(3) Do Government propose for the benefit of the country to make necessary provision in the rules to compel members of the Legislatures to vacate their seats for not attending the meetings of the Council and the Assembly regularly?

Sir Henry Moncrieff Smith: (1) Government has no certain information as to the Members of the Indian Legislature who have not attended a single meeting of any Session or who did not attend more than one Session between February, 1921, and the September Session of 1922, but the number of such Members so far as is available, is given in the Statement which is laid on the table.

(2) and (8) The Honourable Member is obviously aware of the provisions of Section 98 (2) of the Government of India Act. That section empowers the Governor General to declare that the seat of a Member has become vacant if, for a period of two consecutive months, such Member is absent from India or is unable to attend to the duties of his office as a Member. There is no other statutory provision having the effect, directly or indirectly, of enforcing the attendance of Members. The Government do not propose to take any action in the matter as they are of opinion that under the reformed constitution an elected Member of a Legislature is primarily responsible to his constituency for the due performance of his duties as a Member. In any case where a Member fails to attend meetings regularly, it is open to his constituency, should it feel itself aggrieved by his absence, to move the Governor General to exercise the power vested in him by Section 98 (2).

Statement showing the number of Members absent from meetings of the Indian Legislature.

LEGISLATIVE ASSEMBLY.

Number of Members who did not attend any meetings of the Delhi Session, 1921 (the first session of the Indian Legislature).	2
Number of Members who did not attend the second session from September 1921 to March 1922.	5
Number of Members who were absent throughout the September Session, 1922.	19

COUNCIL OF STATE.

Number of Members who did not attend any meetings of the Delhi Session, 1921 (the first session of the Indian Legislature).	Nil
Number of Members who did not attend the second Session from September 1921 to March 1922.	Nil
Number of Members who were absent throughout the September Session, 1922.	7

Mr. J. Chaudhuri: Has the Government asked any non-official nominated members who have been regularly absent to resign their seats and nominated others in their place?

Sir Henry Moncrieff Smith: No non-official nominated member has been asked to resign his seat; but I think the Honourable Member will have seen recently that one seat previously occupied by a nominated non-official member has been declared vacant.

POLICE SUPERINTENDENT ON FOREIGN SERVICE.

287. ***Sir Montagu de P. Webb:** (a) What is the rate of contribution levied by Government from a foreign employer on account of the pension only, of a District Superintendent of Police transferred to foreign service?

(b) Does the rate of levy represent the value, expressed as a portion of his pay, of the transferred officer's pension?

(c) If not, what does it represent?

The Honourable Sir Basil Blackett: (a) The revision of the rate of contribution is under consideration, recoveries are at present being made provisionally at the rate of $\frac{1}{2}$ of pay, foreign employers being told that the amounts are liable to alteration.

(b) and (c) The rate is intended to represent the ratio that the cost likely to be incurred by Government in respect of an officer's pension bears to the cost of his pay.

PAY AND PENSIONS OF SERVICES.

288. *Sir Montagu de P. Webb: What is the actual annual increase in the charge upon public funds since the 1st August, 1914, under each of the heads (a) pay and allowances, (b) pensions, including refund of contributions, and (c) family pensions, in respect of each of the following cadres:—

(A) The Indian (Imperial) Police.

(B) The Indian Civil Service.

The Honourable Sir Malcolm Hailey: The information is being collected and will be supplied to the Honourable Member. I may explain that it will not be available for some time as we shall have to ask Audit Officers, the India Office and the High Commissioner for figures.

TRAVELLING FACILITIES FOR 3RD CLASS PASSENGERS.

289. *Mr. N. M. Joshi: Will Government be pleased to state what steps they have taken to give effect to the resolution passed by the Legislative Assembly on 7th September 1922, regarding the improvement of travelling facilities for 3rd class passengers?

The Honourable Mr. C. A. Innes: The Railway Board have been in correspondence with the principal Railway Administrations on the subject and have asked them to submit special reports on the principal points of complaint relating to third class passengers. The reports are being received and when they have been examined, the question of publication will be considered.

COAL MINE ACCIDENT AT PERBELI.

290. *Mr. N. M. Joshi: Will Government be pleased to state (a) the cause of the accident in a coal mine that recently took place at Perbeli, (b) the total number of persons killed and injured in the accident, (c) what steps Government propose to take to prevent such accidents hereafter and (d) whether compensation will be paid to the families of those who were killed and to those who will be permanently disabled?

Mr. A. H. Ley: (a) Government have not yet received information as to the cause of the accident beyond the bare statement that it was the result of an explosion of gas.

(b) So far as known, seventeen persons were killed outright and 58 injured, of the latter all save one have succumbed to their injuries.

(c) An official enquiry under section 18 of the Mines Act has been ordered by the Government of Bihar and Orissa, and, until a report of that enquiry is received, it is impossible to decide on the steps to be taken to prevent the occurrence of such accidents hereafter. Government will give the question their most careful consideration.

(d) There is at present no statutory obligation on employers to compensate the families of the killed or the injured. But Government are confident that a Company of the high standing of the Bengal Coal Company will do all in their power to relieve the hardship and suffering caused by this most lamentable accident.

Sir Deva Prasad Sarvadhikary: Is it a fact that these accidents due to gas explosions have been on the increase of late? If so, what are the reasons? And when Government receive this report will enquiries be made as to whether that is a fact and whether steps cannot be taken for preventing them? .

The Honourable Mr. O. A. Innes: I cannot give the Honourable Member a categorical answer to that question, but I may point out that our mines are now beginning to get deeper and as coal mines get deeper the danger of gas becomes worse. The whole question of safety lamps and other preventatives against these accidents has, I believe, been for some time under the consideration of the Mining Board. I am afraid that is the only answer to the question that I can give.

CATERING DEPARTMENT, B. N. RAILWAY.

291. ***Mr. N. M. Joshi:** Will Government be pleased to state (a) the functions and activities of the Catering Department of the Bengal Nagpur Railway, (b) the amount spent during the year 1921-22 on the Indian Branch and the European Branch of the Department separately and (c) the amount of profit or loss made on each branch during the year 1921-22?

The Honourable Mr. O. A. Innes: (a) The functions of the Catering Department of the Bengal Nagpur Railway are:

- (i) to ensure the service of good meals and refreshments for the benefit of the travelling public;
- (ii) to provide the staff with meals when on the line and with facilities for readily obtaining their provisions and stores at reasonable prices.

(b) The amount spent during the year 1921-22 on the Indian Branch of the Department was Rs. 33,289 and on the European Branch Rs. 2,79,700.

(c) The net profit made on the Indian Branch including licence fees aggregating Rs. 27,460 was Rs. 28,319 and on the European Branch Rs. 20,558.

Mr. N. M. Joshi: Considering these figures, will the Government see the necessity of increasing the amount spent on the Indian Branch and decreasing that on the European Branch as the European Branch does not pay so much as the Indian Branch?

The Honourable Mr. O. A. Innes: They both pay, but I should like to point out that the European Branch is a misnomer, as the European Branch provides not only for Europeans but for all Indians who live in the European style.

Mr. N. M. Joshi: Does the Government consider this sufficient reason for their spending money on a Branch which does not pay so much, neglecting another Branch which pays more?

The Honourable Mr. O. A. Innes: Both Branches pay and Government consider that Railways must consider the comfort and convenience of all classes of passengers.

Sir Deva Prasad Sarvadhikary: Is there a similar department in connection with the East Indian Railway or the Eastern Bengal State Railway? If so, what is the result of working there?

Mr. President: I think the Honourable Member must give notice of that question;

X'MAS CONCESSIONS ON RETURN TICKETS.

292. ***Mr. N. M. Joshi:** Will Government be pleased to state the reasons why the X'mas concession on return tickets is not extended to the Intermediate and third class passengers?

The Honourable Mr. O. A. Innes: Government understand that the reason for limiting the X'mas concession to 1st and 2nd class passengers is that there is ordinarily more accommodation available in these than in the other classes.

As already stated in the reply to question No. 145 on the 17th January 1923 Government are bringing the matter of extending these concessions to the notice of Agents who will no doubt act in this direction as circumstances and conditions permit.

Mr. N. M. Joshi: Am I to understand from the answer that in the case of first and second class carriages there is a surplus available always?

The Honourable Mr. O. A. Innes: The intention of the answer is to bring out the fact that railways are commercial undertakings and that they give these concessions in order to increase traffic.

PUBLICATIONS OF PUBLICITY BUREAU.

298. ***Mr. N. M. Joshi:** Will Government be pleased to state (a) whether copies of the publications of the Publicity Bureau of the Government of India and of the annual report relating to the moral and material progress of India will be given free to all the members of the Indian Legislatures and (b) whether any copies of such publications are distributed free outside India and if so, what is the number of copies thus distributed of each publication?

The Honourable Sir Malcolm Hailey: (a) Copies of the Moral and Material Progress will in future be supplied free of cost to Members of the Indian Legislature. It is not considered necessary to provide copies of other publications free of cost.

(b) Yes, Twelve hundred copies of the Moral and Material Progress Report are sent to the Secretary of State for submission to Parliament. No copies of other publications are distributed free outside India.

Mr. N. M. Joshi: May I ask if the other publications of the Government of India are sent free to people who are not members of the Legislative Assembly?

The Honourable Sir Malcolm Hailey: The question referred to copies of publications of the Publicity Bureau of the Government of India. If the Honourable Member will subsequently ask me about the other publications I shall be able to supply the information asked for.

Mr. N. M. Joshi: Am I to understand from this answer that these publications are given free to members of the Assembly?

The Honourable Sir Malcolm Halley: Which publications?

Mr. N. M. Joshi: Publications of the Publicity Bureau?

The Honourable Sir Malcolm Halley: I have said, Sir, that copies of the Moral and Material Progress Reports will be given free. It is not considered necessary to give other publications.

Mr. N. M. Joshi: My question, therefore, is whether Government is aware that copies of the other publications are distributed free to Members of Parliament in England.

The Honourable Sir Malcolm Halley: No, Sir; I do not understand that; my answer was that copies of the Moral and Material Progress Report are distributed free but not other publications.

Mr. N. M. Joshi: My question is about other publications also and I want a reply about the other publications.

The Honourable Sir Malcolm Halley: And I cannot reply to a question which does not refer to the subject matter of the original question. The Honourable Member asked me about copies of the Moral and Material Progress Report issued by the Publicity Bureau of the Government of India; I am not at present prepared with information regarding other publications.

Mr. N. M. Joshi: Please look at my question; it is whether copies of publications of the Publicity Bureau of the Government of India and of the Annual Report are distributed free; I want to know whether publications besides the Annual Report are distributed free.

Mr. President: Order, order; the Honourable Member has had his answer; if he looks at it when printed he will find that it is full and sufficient.

INCONVENIENCES AT RAISINA.

204. ***Rai Sahib Lakshmi Narayan Lal:** Are Government aware of the great inconvenience to which the residents of Raisina, Delhi, are put to owing to the want of (1) a high school for boys, (2) schools for girls (both European and Indian), and (3) recreation grounds, (i.e., football, tennis, etc.), for Government servants and their children? If so, do they propose to take necessary steps at once for the construction of the buildings required for the above institutions, etc.

The Honourable Mr. A. O. Chatterjee: For some years primary schools for Indian boys and girls have been located temporarily in clerks' quarters at Raisina, while during the winter season accommodation has been provided for a private school for European children of both sexes whenever asked for and whenever available. The construction of a high school will be begun in February next, while that of two primary schools, one for boys and the other for girls is nearing completion.

There are three clubs in Raisina which between them provide recreation for all classes of Government servants, except the artisans and menials. At all of these tennis can be played. There are also temporary public recreation grounds for football and hockey. The laying out of permanent grounds is now in progress.

ASSAULT ON A MEMBER OF LEGISLATIVE ASSEMBLY AT CAMPBELLPUR.

205. ***Mr. Mohammad Yamin Khan:** (a) Is it a fact that a Member of the Legislative Assembly while getting into a first class compartment of the Bombay Mail at Campbellpur Junction of North-Western Railway on the morning of the 7th January, 1928, was insulted and assaulted by the Guard in charge of the train and the said Member made a report to the Station Master?

(b) What action, if any, has been taken by the Government?

(c) Do the Government propose to make an inquiry if the matter has not reached the Government as yet?

Mr. C. D. M. Hindley: A report has been called for from the Agent, North Western Railway, and it will be decided what action has to be taken, if any, on receipt of that report.

SEARCH LIGHTS ON TRAINS.

296. ***Mr. Mohammad Yamin Khan:** (a) Has it been suggested to the Government that there should be a powerful search light at the head and at the back of every passenger train to avoid collision in night time?

(b) If suggestion of this nature has been made do the Government propose to consider this question?

Mr. C. D. M. Hindley: (a) and (b) The question of the provision of electric head-lights on engines to ensure greater safety has been under consideration for some time and some Railway Administrations have already introduced them on certain sections experimentally. The question was informally discussed by the Indian Railway Conference Association at their meeting which was held in October last and the matter is now under correspondence between the Railway Board and the different railway administrations.

UNSTARRED QUESTIONS AND ANSWERS.

GRATUITIES ON RAILWAYS.

112. **Mr. N. M. Joshi:** Will Government be pleased to say (a) whether the order regarding the gratuities of the Railwaymen passed by the Secretary of State for India and His Excellency the Viceroy in the Government Gazette of 12th July, 1922 (Order No. 571-F.-17), has been communicated for action to the different Railway administrations; and if so, (b) whether it is being acted upon by them?

Mr. C. D. M. Hindley: (a) and (b) The orders referred to have been communicated to the different Railway Administrations and as far as the Government are aware, are being acted upon.

REDUCTIONS ON RAILWAYS AND IN POSTAL DEPARTMENT.

113. **Mr. N. M. Joshi:** Are Government aware that reductions in low-paid sections of the establishments are made on the several Railways and in the Postal Department without any consideration whatsoever, of their long-standing and loyal service and throwing them out of employment practically with nothing to depend upon?

Mr. O. D. M. Hindley: The Government regret that they are unable to consider sweeping statements of this nature. If any railway establishment is reduced, endeavour is invariably made to provide in other departments of railway working for those members of the permanent staff of long and loyal service whose appointments are abolished.

I would, however, remind this House that when the Railway budget for 1922-23 was being considered, great stress was laid, especially by non-official members, in the interests of economy, on the necessity for reducing ordinary working expenses.

All Agents have been giving this matter very close attention.

The principal means, in fact almost the only one, of securing such reduction is by getting rid of staff who are considered to be not absolutely indispensable.

These reductions have only been made after very careful investigation often by an officer specially appointed for this purpose.

No existing appointments in the Postal Department have so far been abolished, but the Director General, Posts and Telegraphs, has recently issued orders that permanent vacancies at the lowest points of chains of arrangements due to retirements, deaths, etc., in certain postal establishments should be temporarily left unfilled as far as possible and when this can be done with due regard to efficiency. Officials, therefore, have not been thrown out of employment, nor have their prospects been affected. Should it be found necessary to abolish appointments in the interests of economy special care will be taken in selecting the officials for discharge in consequence.

CHINAMEN IN RAILWAY WORKSHOPS.

114. **Mr. N. M. Joshi:** Are Government aware that while Indian workers are discharged from Railway workshops, their places are given to Chinamen on much higher wages?

Mr. O. D. M. Hindley: Government do not admit the truth of the allegation contained in this question.

"G. I. P. WEEKLY NOTES."

115. **Mr. N. M. Joshi:** Is the paper called the *G. I. P. Weekly Notes* intended for the highly paid officials only; if not, why is it not supplied to all who ask for it though some of the notices appearing therein also affect the welfare of the workers?

Mr. O. D. M. Hindley: Government has no information on the subject.

NICKEL EIGHT AND FOUR ANNA PIECES.

116. **Lala Girdharilal Agarwala:** (a) Are nickel-made eight-anna and four-anna pieces current coins at present?

(b) Is it not a fact that Delhi merchants refuse to accept them on the allegation that a prohibitory order has been issued in this respect by the local authority?

(c) What action do the Government propose to take in the matter if any?

The Honourable Sir Basil Blackett: (a) and (c) I invite the Honourable Member's attention to the answer which I gave on the 23rd instant to a question on the same subject by Mr. K. N. Mitra. Nickel eight and four-anna pieces are current coins; the former are not now coined and issued by Government, but coins already issued are current like any other coin.

(b) There is no foundation for the allegation that a prohibitory order has been issued in this respect by any local authority.

CATTLE DETERIORATION.

117. Lala Girdharilal Agarwala: Has the attention of the Government been drawn to a letter issued by the Honorary Secretary, Marwari Association, Calcutta, on the 10th December, 1922, on the subject of cattle deterioration? If so, will the Government be pleased to lay the same on the table for the information of the House and state whether any action has been taken or is proposed to be taken in the matter?

Mr. J. Hullah: A copy of this letter has been received by Government and is appended. The attitude of Government in the matter was defined by the Honourable Mr. Sarma in his speech on the 19th September, 1922, in the Council of State in reply to the Honourable Lala Sukhbir Sinha's Resolution regarding the appointment of a Committee to enquire *inter alia* into the condition of grazing lands and the Government of India see no reason to depart from that attitude.

THE MARWARI ASSOCIATION.

100, HARRISON ROAD.

Calcutta, the 10th December 1922.

FROM

THE HONORARY SECRETARY,
MARWARI ASSOCIATION, CALCUTTA,

TO

THE HONOURABLE RAO BHADUR B. N. SARMA.

DEAR SIR,

In view of the grave economic situation which has been created by the gradual but steady decline and deterioration of the cattle stock of the country, I am desired by the Marwari Association to address this appeal to you on the urgency of providing pasture land for the grazing of our draught and dairy cattle.

The villages in the interior where the nation lives furnish unmistakable proof of the awful decline and deterioration that have taken place in the number and quality of our cows, bulls and bullocks. In most of the rural homes, cows, bulls or bullocks are now conspicuous by their absence, the few that can be seen in others are mostly famished animals with visible ribs which can hardly be expected to be either good milkers or good plough cattle, and milk and milk products are scarcely available and extremely dear in consequence. But it is a matter of common knowledge that only a few decades back, cows, bulls and bullocks formed part of the possessions of almost every householder, many people used to keep large herds and milk and milk products were to be had in plenty and at a cheap price.

Ample evidence of their falling off in number and quality is available in the official records also. According to the live stock statistics recently published by the Government of India, the total number of cattle which was 147 millions in 1914-15 came down to 145 millions in 1919-20, in other words, there was a decline of more than 2 per cent. in 5 years. Is it necessary to point out that if the decline continues at this rate, the time is not far distant when the whole race of cow will be extinct in India?

As a result of this decline, the number of cattle per hundred of population now comes to 59, while it is 74 in Denmark, 79 in the United States of America, 80 in Canada, 120 in Cape Colony, 150 in New Zealand and 259 in Australia. The proportion is still higher in some other countries. If it is remembered in this connection that all the above countries are industrially far more advanced and economically far more prosperous than India and their people are not dependent mainly upon agriculture for their livelihood or upon milk and milk products for their nourishment like the people of India, it will be clear that the proportion of cattle per 100 of population is far too low in India.

In fact, the number of cattle now available in the country is inadequate for its needs. According to the official records, the area of arable land in British India is 228 million acres, but the number of plough cattle is only 49 millions. Leaving aside 25 per cent. of this number as sick, old and infirm and 25 per cent. for other works, 24½ millions only are available for purposes of cultivation. It means that a pair of cattle which, as every one knows, cannot properly till more than 5 acres of land in a season, has to till 19 acres, in other words, has to do the work of 4 pairs. It also means that India has only one-fourth the number of cattle required for the cultivation of its arable land. No wonder that cultivation in the country has become extremely inefficient and the rate of outturn of even the staple crops, such as wheat and rice, extremely poor compared to that of other countries. While the outturn of wheat is only 11.5 bushels per acre in India, it is 32 in Japan, 33 in Denmark, 30 in Great Britain and 32.5 in Switzerland. As regards rice, while India produces 35 bushels to the acre, Spain turns out 101 bushels. No wonder that although India requires about 9 crores tons of food grains for the consumption of her people every year, she is unable to produce much more than half that quantity and crores of people have to drag on a miserable existence, living on one meal a day or on semi-liquid food like rice water from years end to years end and many have to starve.

More deplorable is the condition in regard to our stock of milch cattle. The country does not possess more than one-eighth the number required to supply the people with a fair quantity of milk. There are said to be 50 millions of milch cattle in the country but ill fed and famished as they are, they have mostly lost their characteristics as good milkers. How greatly our milch cattle have deteriorated in quality will be evident from the fact that while only a quarter of a century back, the daily average yield of milk per head of cattle was 5 seers, it is 1 seer now. But where is the wonder? Can we expect milk from mere bags of bones? In England and Denmark the average yield of milk per day per head of cattle is 20 lbs. Could deterioration of Indian cattle go further? But this is not all. According to official publications, some of the finest breeds are in danger of total extinction. Where is the wonder that milk and milk products have become extremely scarce and dear, the rich man's luxury, beyond the reach of the middle and the poorer classes? While the price of food grains has risen 5 to 7 times during the last 60 years, that of milk has risen more than 40 times and even at such high price pure milk is not available.

The above figures reveal a terrible state of things from the point of view of the country's economic future and the health of the people and necessitate serious reflection.

Having regard to the fact that the cattle problem of the country is inseparably linked up with its health and bread problem, it is not a moment too soon now to find out the causes and to take necessary steps to remove them. One of the main causes which have contributed to bring about this serious decline and deterioration of India's cattle stock is the utter inadequacy of grazing grounds which, according to expert opinion, tells severely upon their health and is the most important circumstance adverse to cattle breeding. What generally happens is that the owners, who are mostly poor and cannot afford the expenses of sufficiently feeding their cattle at home are compelled to sell them at a young age as they become too weak and emaciated to be of any service. None but the butchers care to buy such cattle and so, after serving their masters ill fed and ill nourished, throughout the few years of their life, these most useful domestic animals ultimately but prematurely go to the butchers' knife. Statistics show that about 10 millions of cattle are slaughtered every year in India. Who knows how many millions more find relief in death otherwise?

From official publications it appears that gradual encroachment on grazing lands both by the State and the people has led to the present awful want of pasture land and, as in other respects so in this, the condition in India is now the worst of all countries in the world. The area of land available per head of cattle for grazing is only .17 acre in Bengal and a little more in other parts of India, while it is 1.6 acres in the United States of America, 1.35 acres in New Zealand and 1.44 acres in Germany

though the price of land in those countries is far higher than in India. Cultivation of fodder crops is also very scanty, being only a little over 1 per cent. of the cropped area while in America it is 3.5 per cent. The prevalence of infectious diseases like rinderpest which carries off a large number of cattle every year is said to be due to no small extent to this cause.

The foregoing paragraphs show unmistakably that the miserable condition of the cattle stock of the country, their awful decline in number and deterioration in quality, —is due chiefly to neglect on the part of the Government and the people. It is very much to be regretted that in a country where, in the olden days, the laying aside of a tenth part of every village for pasturage was the law, where the keeping and rearing of cow was regarded as an act of merit and entitled the owners to titles of distinction, the people should forget themselves so far as to neglect the cow, the bull and the bullock. But the result of this neglect has been terrible. The inefficiency of cultivation, poor outturn of crops, scarcity and unparalleled rise of milk and milk products which constitute the chief nourishment of the people, insufficient supply and dearness of food and the consequent deterioration of the physical stamina of the people which makes them subject to frequent attacks of all sorts of diseases, heavy mortality among women of the child bearing age and among infants for want of nutrition and the gradual but steady advent of wasting diseases like tuberculosis are all attributable, in a large measure, to the depletion and deterioration of the cattle stock. To continue to neglect these animals is to invite irretrievable economic disaster to the country.

It is therefore high time that Government were approached for legislation on the subject authorising the District Boards and Municipalities to spend some portion of their income to acquire land for the free grazing of cattle till sufficient land has become available for the purpose in their jurisdiction, permitting free grazing in specified areas of Government forests and on the sides of public roads and providing for pasture land in Government Khas Mahals. My Association feel that while pressing the need of such a law on the attention of Government, if the Maharajas, Rajas, Nawabs and other big landlords, members of legislatures and the self-governing institutions of the country, such as the District Boards and Municipalities, will strive heart and soul and with a harmonious singleness of purpose to do what can be done independently of Government aid, it is yet possible to minimise the difficulties of the situation and to avert that otherwise inevitable disaster, at least to a large extent. All that is needed is to prevent encroachment upon pasture lands and where there is no land set apart as such, to see that all the available land is not brought under the plough every year, but that some portion is left uncultivated for two or three years at a stretch to be utilised for cattle grazing. When in due course that area is taken up for cultivation, an equal portion may be similarly left out elsewhere. While removing the want of pasture land, it will also increase the fertility of the land to the great benefit of the cultivators themselves. The fact cannot be ignored that by bringing every inch of available land under the plough every year and by depriving the household cattle of their grazing, more harm than good is done to the country.

It is therefore the earnest hope of my Association that in the best interests of the motherland you will do all that lies in your power to see that the existing inadequacy of pasturage is removed.

Yours faithfully,

(Sd.) DEBI PRASAD KHAITAN,
Honorary Secretary.

AUTUMN SESSION OF THE LEGISLATURE.

118. Lala Girdharilal Agarwala: Will the Government be pleased to state whether they contemplate holding a session of the Legislative Assembly and the Council of State during August or September this year? If so, when approximately and where (Simla or Delhi)?

Sir Henry Moncrieff Smith: The Government are not in a position to give the information asked for by the Honourable Member. I would remind him that under sub-section (2) of section 68-D, it is the Governor General and not the Government who has power to appoint such times and places for holding sessions of either Chamber as he thinks fit.

INTERMEDIATE AND THIRD CLASS PASSENGERS.

119. **Lala Girdharilal Agarwala:** On what Railways are intermediate and third class passengers not allowed to travel by mail trains (except servants)?

Mr. C. D. M. Hindley: The Honourable Member is referred to the time-tables and guides published by railways from time to time in which he will find the information he requires.

INTERMEDIATE & THIRD CLASS PASSENGERS ON MAIL TRAINS.

120. **Lala Girdharilal Agarwala:** Are the Government reconsidering and revising the rules so as to allow intermediate and third class passengers holding long journey tickets to travel by mails uniformly on all Railways?

Mr. C. D. M. Hindley: The rules in this respect vary necessarily with the conditions of traffic on different railway systems, and Government do not interfere ordinarily in a matter of this kind. If there are any special cases where the present rules cause serious inconvenience Government have no doubt that the railway administrations concerned will be prepared to listen to representations on the subject.

SERVANTS TRAVELLING BY RAIL.

121. **Lala Girdharilal Agarwala:** Do the Government propose to modify the rules with regard to travelling of servants accompanying their masters on mail trains on Indian Railways by doubling the maximum number of servants in the case of first and second class passengers and also allowing one servant to travel with intermediate class passengers?

Mr. C. D. M. Hindley: Government do not consider that the present is a suitable time to take up this question in view of the limited accommodation for servants on mail trains.

3RD CLASS BOOKING OFFICE AT GHAZIABAD.

122. **Mr. Mohammad Yamin Khan:** Is it a fact that the 3rd class Booking Office at Ghaziabad station is outside the station and far removed from the 3rd class waiting hall and passengers suffer great inconvenience during rain and heat?

Mr. C. D. M. Hindley: The question was referred to the Agent, East Indian Railway, who reports that the third class Booking Office and waiting hall at Ghaziabad station are contiguous.

FANS ON R. & K. RAILWAY.

123. **Mr. Mohammad Yamin Khan:** Does the Rohilkhand and Kumaon Railway line provide fans in the 1st and 2nd class compartments during hot season? If not, will the Government be pleased to ask the Company to provide them?

Mr. C. D. M. Hindley: Fans are provided, during the hot season, in 1st class compartments on the Rohilkund and Kumaon Railway. Hitherto 2nd class compartments on this railway have not been provided with fans but these are now being fitted.

SECOND GUARD ON O. & R. RAILWAY.

124. **Mr. Mohammad Yamin Khan:** Is it a fact that there used to be a second guard on the Oudh and Rohilkhand Railway who was generally an Indian? Does he still continue in addition to the Conductor?

Mr. C. D. M. Hindley: On grounds of economy Conductor Guards were taken off mail trains in November last.

Mail and passenger trains on the Oudh and Rohilkhand Railway carry either a Second Guard or Brakesman in addition to the Head Guard.

THIRD CLASS WAITING SHEDS.

125. **Mr. Mohammad Yamin Khan:** Is the Government aware that the 3rd class waiting sheds at Lucknow, Moradabad and Bareilly are occupied mostly by the stall-keepers to the discomfort of the passengers?

Mr. C. D. M. Hindley: The question was referred to the Agent, Oudh and Rohilkhand Railway, who reports that steps are being taken to reduce the number of vendors in third class waiting halls at Lucknow and Bareilly, and that similar action will be taken in the case of the waiting hall at Moradabad, if necessary, on completion of investigation.

WATCHMEN ON BRIDGES.

126. **Mr. Mohammad Yamin Khan:** Does the Government appoint watchmen on all bridges during the rainy weather after the incident near Amroha?

Mr. C. D. M. Hindley: Bridge watchmen are posted only where special circumstances render it desirable, and it has not been considered necessary to make any alteration in the arrangements for watching bridges owing to the Amroha accident. Railways are however usually patrolled during the rainy season.

BASAL STATION, N. W. RAILWAY.

127. **Mr. Mohammad Yamin Khan:** (i) Is there a raised platform on the Basal Junction station, North-Western Railway?

(ii) Is there a waiting room on the said station?

(iii) If the answer to (i) and (ii) is in the negative, will the Government be pleased to erect them?

Mr. C. D. M. Hindley: (i) No.

(ii) No.

(iii) These facilities are provided according as the number of passengers using the particular station justifies them and it is generally left to the Railway Administrations concerned to decide whether such facilities are or are not required at individual stations on their systems.

REGISTRAR, REVENUE AND AGRICULTURAL DEPARTMENT.

128. **Mr. K. O. Neogy:** (a) Is it a fact that the Registrar, Department of Revenue and Agriculture, Government of India, is on extended service?

(b) Is it a fact that his two predecessors were also granted extensions of service?

(c) Has it become a practice in the Department to grant extensions of service to every Registrar?

(d) When is the present Registrar of the Department due to retire?

(e) Is it contemplated to grant him further extension of service, and is the approval of the Honourable Member in charge of the Department required under Departmental rules to the grant of such extension of service?

(f) Do the Government intend to consider the desirability of discontinuing the practice of granting such extensions of service as these block promotions?

Mr. J. Hullah: (a) No.

(b) Yes.

(c) No.

(d) On the 1st July 1927, when he will attain the age of 60.

(e) The first part of the question does not arise. The orders of the Honourable Member are taken on all cases of extensions of service to gazetted officers of the Department.

(f) There is no such practice and such extensions are given only for special reasons.

REGISTRAR, R. & A. DEPARTMENT, AS ASSISTANT SECRETARY.

129. **Mr. K. C. Neogy:** Does the Government contemplate appointing the Registrar of the Department of Revenue and Agriculture as Assistant Secretary in the near future? If so, on what pay?

Mr. J. Hullah: The Registrar has been appointed temporarily as Assistant Secretary in addition to performing his own duties. The change was necessitated by the fact that the Under Secretary in the Department has gone on leave and it is not proposed to fill up the post pending consideration of the Inchcape Committee's proposals. In addition to his pay as Registrar he draws a duty allowance of Rs. 250 per mensem for carrying on the dual duties. The net effect is a saving of Rs. 1,600 per mensem.

SUPERINTENDENTS IN R. & A. DEPARTMENT.

130. **Mr. K. C. Neogy:** (a) Is it a fact that no Indian has been appointed as a permanent Superintendent in the Department of Revenue and Agriculture since that department was created?

(b) If the reply to part (a) be in the affirmative will the Government please state the reasons for the same?

(c) Will the Government now promise to give effect to the policy of Indianisation by appointing permanent Indian Superintendents as several other Departments have done?

Mr. J. Hullah: (a) Yes.

(b) The reason is that only a few Indians were recruited in the early days of the Department, and the only two Indians who have so far become eligible by seniority for permanent appointment were both declared unfit to hold the post of Superintendent after being given a trial in that appointment.

(c) Promotion is by seniority subject to the test of efficiency and Assistants will be promoted on this basis regardless of the fact whether they are Europeans, Anglo-Indians or Indians. No promise can be given that Indians will be promoted out of their turn.

OUTSIDERS IN REVENUE AND AGRICULTURE DEPARTMENT.

131. **Mr. K. O. Neogy**: Will the Government kindly state:

- (a) as to how many outsiders have been appointed in the Department of Revenue and Agriculture to the ministerial staff since 1916?
- (b) how many of them were placed in the seniority list above other Assistants?
- (c) what were the educational and special qualifications possessed by such outsiders?

Mr. J. Hullah: (a) The question is not understood. All appointments to the Department are necessarily made from outsiders.

(b) One.

(c) He passed the High School Examination for European Schools and studied up to the B.A. standard and was specially recommended as a good clerk and fit for a Superintendentship.

THE MARRIED WOMEN'S PROPERTY (AMENDMENT) BILL.

Mr. B. S. Kamat (Bombay Central Division: Non-Muhammadian Rural): Sir, before we proceed to the legislative business I have to ask your permission to move that the name of Mr. Rangachariar be added to the Select Committee which has been appointed to consider the Married Women's Property (Amendment) Bill. The rules provide that when the Law Member is not a member of this Assembly, one of the Chairmen shall be a member of the Select Committee. I wish to make this motion for the consideration of the Assembly.

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Malcolm Halley: I wish to place the House in possession of any plans we have for the disposal of business for the remaining days of the week. The House will see that they will be in the hands of Mr. Hullah and Mr. Innes and Mr. Burdon for to-day and probably to-morrow. If there is any business remaining over from the motions which will be put forward by those Honourable Members, we shall continue that business and finish it on Wednesday, and shall then proceed with the Criminal Procedure Code (Amendment) Bill. On Thursday there are two important Government Resolutions which will be put forward by Mr. Hullah. I hope to-morrow morning to make a statement regarding the business on Friday or Saturday. I cannot at present state whether our free day will be Friday or Saturday, but we shall be working on one of those two days.

Dr. H. S. Gour (Nagpur Division: Non-Muhammadian): Will the Honourable the Home Member inform the House of the two important Resolutions coming on for discussion?

The Honourable Sir Malcolm Halley: Resolution regarding emigration.

Mr. J. Hullah (Revenue and Agriculture Secretary): Resolutions moving that the notifications already laid before the Assembly in respect of emigration to Malaya and to Ceylon be approved.

THE INDIAN COTTON CESS BILL.

Mr. J. Hullah (Revenue and Agriculture Secretary): I beg to move, Sir:

"That this Assembly do recommend to the Council of State that the Bill to provide for the creation of a fund for the improvement and development of the growing, marketing and manufacture of cotton in India, be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of twelve Members."

Mr. Jamnadas Dwarkadas (Bombay City: Non-Muhammadan Urban): Sir, before the House commits itself to the principle of the Bill I wish to make a few observations. I do not in any way wish it to be understood that I rise to oppose the Bill; but I wish to point out one or two dangers against which I hope the Select Committee will make a provision. The first danger is this: the Fiscal Commission has unanimously recommended that there should be no export duty on cotton, for this reason—that if an export duty existed middlemen would take advantage of the existence of an export duty and try to get cotton from the growers at very cheap rates. Now, a cess is justified when the revenue derived from the cess is used for the purpose of benefitting the industry itself. I wish that the Select Committee would provide against the danger of middlemen exploiting this cess for the purpose of deceiving the grower of cotton into selling him cotton at cheap rates. That is the first danger. The second danger against which also a safeguard may be provided is this: as the Fiscal Commission has unanimously condemned the principle of export duties I wish the Select Committee to provide specifically that the instance of this cess may not at a future date be used as precedent for levying an export duty. These are the two dangers against which I hope the Select Committee will provide safeguards.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, as one primarily interested in agriculture and one personally interested in the growing of cotton, I am afraid this cess will eventually fall upon the producer. The primary objects in view which the Central Cotton Committee had are for the benefit of the industry; but to levy this cess on exported cotton is sure to fall upon the producer. The example of the import duty levied in Bombay for the Town Improvement Trust has already shown that the producer suffers by the addition of these cesses and duties, for the prices fall down and the buyers take advantage of these cesses and duties and reduce the price which the producer eventually gets. Almost all the objects which the Central Cotton Committee have in view are for the benefit of the spinner and the industry will have to pay for such improvements which are to be effected on the recommendations of the Central Cotton Committee and not the producer. Sir, the producer will profit, if for instance the marketing conditions are made better; but I find very little trace of any attempt being made in that direction. On the other hand, most of the objects in view are for improving cotton so as to

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be available in finer quality for the spinner and the industry. Therefore, Sir, I ask whether it is at all necessary, having regard to the objects in view, that you should tax exported cotton, whether you should put this cess on exported cotton, whether you will not get enough amount by merely imposing a cess on the cotton consumed in the mills in the country. I think, Sir, you will readily realise that, after all, the recurring expenditure which the Cotton Committee have in view is about 2 lakhs per annum. One lakh goes to the expenditure of the Committee itself, and one lakh for the Technological Institute which they propose to establish. In allowing a good margin a return of 2 to 3 lakhs will be ample for carrying out the purposes which the Cotton Committee have in view, and so far as I am able to see from the papers placed before us, I do not see what other objects there are on which this money is going to be spent. They expect to raise between 8 and 9 lakhs, and I am sure it will go up to more than 10 lakhs in good years, and what they are going to do with this money is rather problematic. I therefore think, Sir, having regard to the immediate needs, it is enough if the cess is imposed merely on the cotton consumed in the mills in the country.

Then, Sir, the persons who are going primarily to profit by the efforts of this department will be the persons who will not pay for it and the producer will suffer thereby. The example of the Empire Cotton Growing Association in England is to be kept in view in this connection, as they propose to levy an import duty on all cotton imported into England. There, Sir, it will fall on the industry and not upon the producer, but here by imposing the cess on the export of cotton the burden will fall on the producer who, in many cases, are poor ryots and who cannot afford to lose the 4 annas or 8 annas as the case may be per bale. It may be said, for instance, that there are such violent fluctuations in the price of cotton that this cess will not really affect the price which the producer will get. But, Sir, past experience has shown everywhere that the imposition of a duty or a cess like this really falls on the producer, and I do not think therefore that it is right to impose this cess on exported cotton. That is the first point that I wish to make.

Another matter which I wish to mention is this, at this rate I am afraid the agriculturist in this country may have to face further legislative measures in view of the scientific improvements which are to be effected in this country for the benefit of agriculture. Take for instance the sugarcane industry, tobacco industry or any other industry in this country. If the Government are going to find departments and institute research work for the purpose of improving those commodities, are we going to have cesses like these imposed upon every kind of crop grown in the country? Are not the general revenues to meet the requirements in this connection? Is the present cess going to be a precedent in other directions? Therefore, Sir, I want to sound a note of warning that, these cesses, although they may sound small individually, when piled up will fall heavily upon the producer. Therefore this is likely to be a bad precedent, and I am not sure whether the Government of India's decision in 1919-1920 which they have now reviewed at the instance of the Central Cotton Committee, whether their first decision was not the right decision in this matter, whether the Government of India did not come to a right conclusion when they refused to accept the recommendation of the Central Cotton Committee in the first instance. They have now reviewed that decision because the Central

Cotton Committee has asked for a reconsideration of the matter. I am aware, Sir, in this connection that the Local Governments have not raised any opposition to this measure, but at the same time I do not know, agriculture being a transferred provincial subject, whether we are not trenching upon the provincial fields, and I feel that when we impose a cess like this it is really a cess on agricultural products.

Again, there is a difficulty in the administration of the fund which is going to be raised. There will be provincial jealousies created in the application of the funds. I am aware that a Committee is being constituted, but, Sir, look at the composition of the Committee. It is far too large. I have counted about 29 in the enumerated list, and the Government are going to add to it by nomination. An unwieldy Committee of this size, a miniature Central Legislative Council as it were, for the purpose of improving cotton is being constituted by this Bill. Look at the travelling allowances and other expenses which you will have to pay for all these Members to come here; when you have expert Agricultural departments in almost every province which are now working with great credit, what is the object of instituting a Central Cotton Committee of such unwieldy dimensions? When are they to meet, how often are they to meet, how far are these committee meetings going to be of any real use that it should spend one lakh of rupees by raising this cess, I mean the advantages to be derived are rather problematical, the inconveniences rather large, and I am not sure whether really we are doing a wise thing in perpetuating this Central Advisory Body as it were. Is it not enough if the heads of the Agricultural department in each province meet, as they do meet? Why should a Committee be constituted for this purpose? Could not the Government of India be trusted to distribute the funds in this matter, and the local representatives here in the Legislative Assembly to give advice on the disposal of the funds thus raised? Why should this Committee be created for this purpose—a costly machinery—I fail to see.

Sir, there is one other matter which I wish to mention, and that is the question of the employment of experts when once this fund has been raised for the Technological Institute or for research work. Sir, the experience of the past has shown that, when we have other expert departments where experts are employed, Indians have not been given the full benefit which they ought to have been given. When I asked a question the other day whether the Indians who were trained in the Dehra Dun Institute had become sufficiently fit to be appointed as experts, I was told that they were not yet fit. So similarly, where you import costly foreign experts, I hope they will be imported only on contracts limited to a short period and you will make it a condition precedent that they should train Indians and that speedily and without any delay or hesitation in that matter. In this connection I may point out, Sir, that the progress of creating Indian experts in these matters has not been as rapid, as sound and as satisfactory, as it should have been. I do not oppose this Bill, but I do think these matters require to be carefully considered in the Select Committee, and I hope when the Central Cotton Committee comes into existence, it will be one of its primary functions, if it is really going to profit the country, to see that more facilities are created in the shape of marketing the commodity for the producers. I therefore, hope, Sir, in according my support to this Bill, the Government of India will take it that we are not likely to encourage such further measures as this if the attempt is made to tax other agricultural products, because already land revenue in this country is a crushing burden, and why with all this land revenue especially

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in provinces where ryotwari settlement prevails where we have got periodical revisions and all sorts of cesses are raised on the land, should the producer again be called upon to pay this cess? After all, although these cesses are indirectly levied on the produce exported, as I have said, they are bound to fall on the producer. I therefore, Sir, make these remarks in order that the Select Committee may consider them carefully.

Mr. B. H. B. Jatkar (Berar Representative): Sir, I wish to offer some remarks about this Bill before it is sent to the Joint Committee. I entirely agree with my Honourable friend, Mr. Rangachariar, in saying that, whatever cess is imposed upon cotton would ultimately fall upon the producer and the grower of the cotton. And, if this Bill is to do any good to any person, it should be to the grower and not to the trading classes. The entire fund would be coming from the pockets of the grower of the cotton and it should be the principal aim of this Bill to provide for agricultural research and agricultural research only, and also for the improvement of the marketing of cotton. But the title of the Bill refers also to the improvement of the manufacture of cotton. The improvement of the manufacture of cotton should not be the aim of this Bill. Even the Indian Cotton Committee, while recommending that a cess should be imposed, has distinctly stated that the funds should be utilised for agricultural research, so as to increase the production of long staple cotton and also to increase the yield and ginning percentage of cotton. That also is embodied in one of the recommendations of the Central Cotton Committee, where it is stated that an improved yield per acre and the production of suitable types of plant combining long staple with high yield and hardness are essential to real progress and this can only be achieved by provision for agricultural research on a scale not yet attempted. So that, whatever funds should be raised out of the cess should be solely utilised for agricultural research and not for the improvement of the manufacture of cotton or for the benefit of the trading classes. Our friend, Mr. Jamnadas Dwarkadas, has given the view of the manufacturer of cotton. In the constitution of the Central Cotton Committee we find that only four persons are stated to be the representatives of the growers and these four persons are to be nominated, one from each of the provinces of Madras, U. P., C. P. and the Punjab. The part from which I come—I mean, the four districts of Berar only—yield not less than 1/6th of the total produce of India. That, of course, can be said to be included in the Central Provinces, but the representation given to the growers is very poor. I think cotton growers have got some organisations in my part of the province at least, and these representatives should be elected by those cotton growers' organisations, like agricultural unions, seed unions and agricultural societies.

About marketing not a word is said in the Bill. There are cotton markets in Berar under a special law which are not found in any other part of the country. That has been praised by the Indian Cotton Committee, it is true, but a cotton market is also for the benefit of the trader and for the purchaser of the cotton. There is nothing to encourage the organisations of growers themselves who bring to the cotton markets thousands of carts and are completely at the mercy of the purchasers who are either mill-agents or the agents of the exporters. It would be much better if this Bill would provide for creating such organisations and encouraging them so that the growers of cotton who bring their cotton

to the markets for sale should be enabled to withstand the caprices of the purchasers. If anybody has experience of these cotton markets and the prices of the cotton, which are telegraphed every day from Bombay to all the outlying stations, he will find that the rates prevailing in the various cotton markets are far below what are prevalent in Bombay itself, and these cotton growers who bring their carts of cotton have got no other alternative but to sell them at whatever price they are offered by cotton purchasers. They are entirely at the mercy of the purchasers. But if there are better organisations and if they are encouraged, I believe the growers can withstand pressure of the purchasers and get better prices for their cotton. So that I would only suggest that in the Bill itself this aim of the improvement in the manufacture of cotton should be taken away and the provision for spending funds for technological research should also be omitted, and the Bill should be confined only to the improvement and development of the growing and marketing of cotton. With these remarks, Sir, I join wholeheartedly in the remarks made by my friend, Mr. Rangachariar.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadian Urban): Sir, when this Bill was introduced we thought that it was going to be an absolutely uncontentious and innocuous measure. It looks as if it is going to be otherwise. We from Bengal have a small, but not negligible, interest in the matter, which, I think, ought to be pressed on those who, in the name of avoiding the bogie of provincial jealousies, are really fostering them. The question arose some time ago, Sir, in this House about the steady deterioration of Bengal cotton for which we wanted a remedy and we were told that that was a matter for the provincial Government as Agriculture was a transferred subject. Evidently that opinion has not found support in the movement represented by this Bill, for it seeks to promote research from the point of view of all Provinces. I therefore welcome it. Bengal cotton, which at one time was good, is not what it used to be, and we are therefore much interested to see that steps are about to be taken by which Bengal cotton may get back something of its old lost place. Steady research, no matter benefitting which province, is necessary in that direction. I do not agree, Sir, that the cess should fall only on consumption in the mills in this country. There is no reason in that. That would indeed make it a worse excise than prevails at the present moment. Nor do I agree with Mr. Jamnadas Dwarkadas, that it is entirely in the nature of an export duty which has to be guarded against with regard to the possibility of future contingencies. It has partially that character, no doubt, but, as the cess is to be on the local industries as well as on exports, the objectionable character of both will be taken away and there will be a balancing which, I think, ought to be welcomed both by the industrial element as well as the exporting element. Whatever you may do, the producer has in the first instance to pay. Mr. Rangachariar's apprehension is well founded so far. But does he think that the mills, with some of which I am concerned directly, in making their purchases will try to exploit the producer in the same way as the man exporting cotton and will he not take it out of the grower in the first instance? But it must fall on the consumer in the long run. And the grower is ultimately benefitted as was pointed out by the last speaker. Therefore, we should not grudge that possibility of advance in the science of cultivation. I quite agree that marketing and manufacturing ought not to claim the place that has been given in the Bill to the producer's point of view. The producer ultimately gains and so does the industry and so does the country more or less. I do not want in this

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connection to go into other apprehended contingencies about other agricultural produce having to be taxed in future. It may or may not be taxed. We are crying out for retrenchment in many directions which cannot be resisted. At the same time we cannot neglect these researches which Central Finance cannot any longer pay for. Therefore somebody will have to pay for them. If the country at large out of its revenues is not prepared to pay for research, the interest concerned will have to pay. You have an admirable illustration in the case of the tea cess. Not exactly for the purpose of promoting the growth but for propaganda work this tea cess is of much benefit to the tea industry. The tea industry willingly and cheerfully submitted to it and welcomed it. They have other arrangements for carrying on research in the Indian Tea Association apart from the tea cess which is utilised for propaganda work. Therefore if the industry or the agriculture concerned understands its real interest it will welcome and promote research even at its own cost. Somebody will have to pay for it. I should very much like that the Central revenues or the Provincial revenues as occasion required should pay for it, but if in the lean times that we have this is not possible, the interest concerned directly will have to pay.

Regarding the Central Committee, mentioned in the Bill, Sir, I share Mr. Rangachariar's apprehensions and I am sure ways and means may be found by which the working expenses may be cut down as far as possible. But it is too late in the day after assenting to the principles of the Cotton Transport Bill to resist this measure, because. . . .

Rao Bahadur T. Rangachariar: What has that got to do with this? What has cotton transport got to do with the cess on cotton?

* **Sir Deva Prasad Sarvadhikary:** It has. The Transport Bill is necessary because inferior cotton has to be dealt with and we want to get rid of that possibility altogether or at least in a large measure by better production. Therefore, if not immediately and directly, the question of controlling cotton transport has more than indirectly to do with this question. As soon as we are in a position to minimise the deterioration in product in every province the question of vitiated transport will ease of itself and the rigorous measures in the Transport Bill will not have to be extended in future to the same degree. It has therefore that bearing. For all these reasons it appears to me, Sir, that the Bill is in the main on proper and acceptable lines, and the questions that have been raised will undoubtedly be dealt with in the Select Committee. Out of the Select Committee a very acceptable measure ought to emerge. I therefore give the measure my support.

Mr. B. S. Kamat (Bombay Central Division: Non-Muhammadan Rural): Sir, my friend, Mr. Rangachariar, although he accorded his support to this Bill, gave it in a very grudging manner, and while doing so expressed certain fears regarding this Bill. I am sorry I have to differ from my friend Mr. Rangachariar in his views. Mr. Rangachariar was actuated, I think, by very orthodox views about taxation in this matter. I am not so rigid, I mean not so rigidly orthodox in my view of taxation. Taking a broad and a very large view of the matter, the only way to look at this measure is whether this cess will in the long run benefit the country and produce more wealth for the country. I believe if the staple of the cotton and the quality of the cotton is improved by research, it will bring in from foreign

markets far more wealth into the country in the shape of better prices both for the producer and for the industrialist; if that is so, I believe we ought to support this Bill wholeheartedly. I do think from what I know of the agricultural aspect of cotton growing that a cess like this, if it is utilised well, is likely to improve cotton and thereby bring much larger wealth for the producer and also for the industrialist. Mr. Rangachariar expressed the fear that this Bill would prove a bad precedent. That depends upon this House. Each Bill has to be considered on its own merits. This Bill need not necessarily be a precedent. When the next Bill levying a cess comes before us if it is vicious in its principle, we can throw it out and we need not be carried away by the idea that this is necessarily a precedent. Regarding the unwieldy character of the Central Committee I have to point out to Mr. Rangachariar that after all the expenses of that Committee will be met from the proceeds of this cess. If this cess defrays the cost of that Committee, if the Committee pays its own way and if it does not prove an additional burden on the general revenues of the country, well, we need not be very much particular about it. As long as this fund is self-contained and is able to pay for the expenses of the Committee, I think we need not grudge the unwieldy character of that Central Committee.

Mr. J. Hullah: Sir, the points raised by Honourable Members will of course receive the careful attention of the Joint Committee but I should like to make a few remarks upon them. Mr. Rangachariar has told us that a cess on exports will fall upon the producer. I confess that I do not know on whom the burden of the cess will fall. The opinions in the papers circulated to Honourable Members are extremely divergent. The Bombay Chamber of Commerce, for instance, is of opinion that the cess will not in any way fall upon the producer. It occurs to me that when Indian cotton is of such very great importance in the world market, the purchaser of that cotton will be bound to pay the whole of the cess or at least a part of it. The position is very much the same as in the case of rice. The surplus available from the Indian and Burma rice crops bears so great a proportion to the surplus available for the world generally that it is admitted on all hands that the small export tax of three annas a maund on rice has not been felt in any way by the producer.

More important is the attack that has been made on the Bill—a sympathetic attack, I think—on the ground that it does not do enough and will not do enough for the cultivator. When I introduced the Bill I attempted to lay special emphasis on the fact that the Indian Cotton Committee, the Central Cotton Committee and the Government of India placed in the forefront of their proposals measures for the benefit of the cultivator, and we do not in any way intend to let this Bill operate as a measure for the benefit of the milling industry and the milling industry alone. The Central Cotton Committee itself has rejected a proposal that part of the scientific work of the proposed technologist should be the testing of yarns and cloth for the mills. When I introduced the Bill I gave a very brief account of the definite measures of agricultural improvement that we propose to undertake and which have already been approved by the Central Cotton Committee. But the Honourable the Deputy President, who was in the Chair, was constrained to call me to order because I was exceeding the time usually allowed to a Member in introducing a Bill, and that is why I gave only a very brief description of the measures that we have in view. I have before me now here and I could, except that I again do not wish to take up too much time, sell the House of about a dozen

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definite proposals in different provinces for definite schemes already approved by the Central Cotton Committee. The cost of those schemes altogether runs up to more than 17 lakhs. The proceeds of the cess, as I said before, we anticipate will be from 8 to 9 lakhs. I refrain again from setting forth these schemes in detail, but no doubt the Joint Committee will require to be satisfied about them when they consider the very important point of the amount of the cess,—whether it is to be, as we propose, four annas per bale. Are we going to have cesses on everything, asked Mr. Rangachariar. I see

12 Noon. no objection to a cess if it is paid by the industry and the industry is ready to bear it. In all cases where we have cesses, the lac cess, the indigo cess and the tea cess, the cess has been imposed on the industry itself and is paid by the industry. Mr. Rangachariar once told me that he was in favour of restricting the export of oil-seeds. What about the burden occasioned in that case? I do not say that the burden of a tax on the export of oil-seeds would fall on the cultivator, but Mr. Rangachariar's present attitude at any rate is hardly consistent with that which he adopted then. (*Rao Bahadur T. Rangachariar*: "The cultivator will be benefitted by the manure.") We are told that the Committee is too large. We rather feel that ourselves. It is a very big Committee. But there are so many provinces and interests to be represented and there has been so marked a feeling that the agricultural interest has not been sufficiently represented that we have added four agricultural representatives. But I may say that the power of nomination given to the Governor General in Council is intended to be very sparingly used, if used at all. Lastly, Mr. Rangachariar mentioned the question of Indianisation. That is in the forefront of everything, and I, for one, do not deny that it should be so. As I remarked to an Honourable Member this morning we have even Indianised the temperature of this room. (*Rao Bahadur T. Rangachariar*: "You cannot Indianise India.") That is not for me. It may be of interest to the Assembly to know that in the Agricultural Department, at any rate, Indianisation is proceeding apace. So far as it is possible for the provinces to fill up vacancies in their sanctioned posts, these are being filled by Indians. Out of 12 appointments in the Imperial Service made in the last eighteen months, 11 have been given to Indians. Among the proposals which are before the Central Cotton Committee regarding the purpose to which the proceeds of the cess will be devoted is a scheme of research studentships, for six students in the first place, who would be selected from among distinguished graduates of Indian Universities and placed under experienced research workers to be trained in agricultural research. The object of the scheme is gradually to build up a corps of trained Indian research workers.

I now commend my motion to the House.

The motion was adopted.

THE INDIAN BOILERS BILL.

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

"That the Report of the Joint Committee on the Bill to consolidate and amend the law relating to steam-boilers be taken into consideration."

I have already explained fully in this House the reason why we wish to get this Bill passed. Briefly, that reason is this. There are at present 7 different Boiler Acts in 7 different Provinces, and the Acts and Regulations differ in material respects. The result is that measures designed to secure the safety of human life are not the same in all Provinces. Under the Devolution Rules the Government of India, the Central Government, is charged with the duty of all-India legislation with regard to boilers and we want by means of this Bill to enforce, all over India uniform regulations and uniform procedure in regard to boilers which, as I have already stated, are very dangerous vessels. The Bill which I submitted to the House last September has been examined very carefully by the Joint Committee, and the Joint Committee has submitted a very full report. That report has been in the hands of Honourable Members for the last seven days and I have no doubt that it has been studied with the care and attention that it deserves. In the circumstances, I do not propose to delay the House any further, especially as I have been given notice of certain amendments. I move that the Bill be taken into consideration.

The motion was adopted.

Clauses 1, 2 and 3, as amended by the Joint Committee, clause 4, clause 5, as amended by the Joint Committee, were added to the Bill.

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

Mr. B. H. R. Jatkar (Berar Representative): Sir, I have sent in an amendment to this clause 6. In clause 6 (e) I propose that the following amendment be made:

"Omit from the words 'where the Local Government etc.' to 'certificates of competency', and substitute 'of competency' for 'required by such rules'."

That is the amendment that I have sent in.

The Honourable Mr. O. A. Innes: I am afraid I have received no notice of this amendment. I must take a point of order, Sir, because this is a very technical Bill and I think I am entitled, at any rate, to some notice of the amendment. I cannot be expected to deal with amendments suddenly raised on the floor of the House to the Bill.

Mr. President: No notice has reached me. Therefore, I am afraid I cannot allow the amendment. I uphold the point of order raised by the Honourable Mr. Innes.

Clauses 6 and 7, as amended by the Joint Committee, were added to the Bill.

Mr. President: The question is that clause 8, as amended by the Joint Committee, do stand part of the Bill.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions: Non-Muhamadan): The amendment I move is:

"In clause 8 in proviso to the sub-clause (4) substitute the words 'for reasons provided in sub-clauses (b), (c), (d), (e) and (f) of sub-section (1)' for the words 'owing to making of any structural alteration, addition or renewal'."

Sir, under this clause 8 a person is also required to send along with the application for renewal a certain amount of fee, and this fee has been exempted in certain cases. That exemption has been provided in the

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proviso to sub-clause (4). There it is laid down that in the case where the certificate has ceased to be in force owing to the making of any structural alteration, addition or renewal, the fee may be excused. The certificate ceases to hold good in certain cases that have been provided in sub-clause (1). It may be on the expiration of the period or it may be on account of any accident to the boiler or some structural alteration or addition or renewal or some other causes. These have been provided there. I would like to have put in this proviso that the exemption should also extend to all those cases except to such cases where the period for which the certificate was granted has expired. It is not proper that the person should be required to pay the fee over again where the period of certificate has not expired. If the period has expired, then the fee may by all means be charged, but when the period has not expired and only some alterations or renewals have been made, as provided in clauses (b), (c), (d), (e) and (f) I think the fee should not be charged, as there is no good reason for charging it. The fee once paid continues up to the end of the period for which the certificate was granted; why should it then be necessary that a further fee be charged? If it is said that the renewal, alteration or construction or addition might require the Chief Inspector to inspect the boiler, and this inspection will entail some waste of the time and energy of a public servant, so the person who makes the renewal, etc., should be made to pay for it. But this argument fails when you exempt the person who makes some alteration or renewal. In that case also the Chief Inspector will have to inspect before renewal of certificate; and so if there is an exemption in that case there should be an exemption in other case too if the period of the certificate has not expired. If the period has expired you should certainly charge an additional fee, but not otherwise. Therefore I commend my amendment for consideration.

The Honourable Mr. C. A. Innes: I should first like to point out that this proviso does not provide that exemption shall be given. It merely gives the Chief Inspector power to remit the fees if he thinks fit. The next point I desire to make is this. We have to remember now that we are dealing with a matter which closely affects Local Governments. The theory of course is that they charge sufficient fees in order to recover the cost of the services rendered. Now if there is an accident to a boiler, or if a steam pipe of a boiler is found to be in a dangerous condition, and the certificate has to be renewed, what does it mean? It means the Chief Inspector may have to go a long way and spend a long time in making a very careful examination of that boiler, and surely, as this is a business department rendering a very useful service to the boiler owners, the Local Government should be entitled to charge fees for those services. In England the Government undertakes no responsibility in regard to the inspection of boilers; it is left to the Insurance Companies with whom the boilers are insured. Out here, owing to the fact that the Insurance Companies do not do that business, we have to undertake the work ourselves, we have to undertake it because it is very important in the interest of human safety and human life, and if we do undertake that work, surely the Local Government which provides the inspection staff should be entitled to charge fees for the valuable services that inspection staff renders. . . .

Mr. J. Chaudhuri (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What is the amount of the fees so charged?

The Honourable Mr. C. A. Innes: The amount of fees is regulated by the Local Government under the rule-making power.

• The motion was negatived.

• The motion that clause 8 do stand part of the Bill was adopted.

The motion that clauses 9 and 10 do stand part of the Bill was adopted.

Mr. K. B. L. Agnihotri: Sir, the amendment which I propose to move in this clause is to the effect:

"That in sub-clause (a) of clause 11, omit all the words after the word 'obtained'."

Sub-clause (a) of clause 11 runs as follows:

"(a) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination; or."

My amendment will make the sub-clause read:

"if there is reason to believe that the certificate or provisional order has been fraudulently obtained."

Sir, the object of clause 11 is to provide for revocation of certificates or provisional orders, and it has been provided that if a certificate has been erroneously given, or given without any sufficient examination, that certificate may subsequently be revoked or cancelled. Now this will make all the certificates that are given before that uncertain and a man may not be certain at what moment the Chief Inspector may come round, and say, 'Well, it was a mistake I committed as I did not make a proper examination and your certificate is revoked.' Such a state of affairs is undesirable. They will always be in terror and fear of the certificate being revoked at any time at the sweet will and mercy of the Inspector or Chief Inspector. There are other remedies provided and certificates cease to hold good, under circumstances provided in clause 8, and there seems to be no necessity to provide such a drastic provision in addition. If the Chief Inspector finds that in any way the boiler is in a dangerous state or some other things have happened, he may proceed under clause 8, and the certificate will cease to hold good. Why then should you allow him to turn round at any moment to say that the certificate had been erroneously granted or given without sufficient examination? Therefore to safeguard the interests of the boiler owners and managers, I put before the House my amendment for acceptance.

The Honourable Mr. C. A. Innes: Sir, the object of the words which the Honourable Member suggests should be omitted is to enable the Chief Inspector, if he finds a mistake has been committed, to correct that mistake. The words are taken from the existing Acts. They occur in the Central Provinces Act, from which Province the Honourable Member comes. As far as I am aware, the existence of those words in the Act has never given rise to any of the results to which the Honourable Member has referred. As I have said, we are merely continuing the existing Act and the existing practice. It is a useful power for the Chief Inspector to have because it enables him to correct a mistake if one has been made. In these circumstances I hope the House will leave the words as they are.

The motion was negatived.

Mr. K. B. L. Agnihotri: Sir, the amendment I move is:

"In sub-clause (d) of clause 11, after the word 'who' insert 'does not hold a certificate of competency, and'."

[Mr. K. B. L. Agnihotri.]

Clause (c) refers to such Provinces where a Local Government has prescribed a condition that only that person can hold charge of a boiler who holds a certificate of competency; and clause (d) lays down that in Provinces where there is no such provision and where the Chief Inspector finds that the man in charge of a certain boiler was not competent under certain circumstances to hold charge of the boiler, the certificate be revoked. My submission is that in those Provinces in which the Provincial Governments have not prescribed such rules, there may be engineers in charge of boilers who may be holding certificates of competency obtained from other Provinces. If there be such persons who hold such certificates they should not be declared to be incompetent under sub-clause (d) but if they hold a certificate and are declared to be incompetent then the certificate might cease to hold good, not otherwise. Therefore I put my amendment before the House for acceptance.

The Honourable Mr. J. A. Innes: This clause, Sir, was the result of very careful thought and examination on the part of the Joint Select Committee. The facts of the case are that both the Indian Industrial Commission and the Boilers Law Committee examined very closely this question of certificates of competency and they condemned the system root and branch; they said it was not useful for the purpose for which it had been devised. Consequently, in the first draft of the Bill which we sent out we made no provision for certificates at all on the ground that we did not regard this system of certifying boiler attendants in any way as essential to the safety of human life. After all, that is the main thing we have in view in this Act. When the Bill was circulated, we found that in one province, namely, Bombay, there was a strong opinion both among the mill owners and also in the Bombay Government itself that that system was useful there and should be continued. That being so, we said that any Local Government which might wish to continue this certificate system should be allowed to do so, and we have provided accordingly; but we have no intention of prescribing or enforcing a certificate system in every province in India. Bengal, Madras and Mysore also have never gone in for a system of certificates; they have never found the use of it, and we do not want that any province which does not believe, as we do not believe, in the certificate system should be compelled to recognise certificates given by another province. There is nothing to prevent a man who has got a certificate from another province from obtaining employment as a boiler attendant in a province where the system is not in force, but, if the Chief Inspector, having regard to the condition of the boiler, considers that that man is not competent, then he will be able to exercise the powers under sub-section (d) subject to the reservations in the proviso to that sub-section. In provinces where the certificate system is in force, the Local Government can withdraw a certificate, if it so thinks fit. In provinces where the certificate system is not in force, the Local Government will have no power to withdraw a certificate given by another Local Government. In these circumstances, I do not think it is necessary to make the change suggested by my Honourable friend. If a man, who has obtained a certificate, say in Bombay, goes to Madras and obtains employment as a boiler attendant there, then I consider, if the Chief Inspector finds his boiler in a bad condition, the Chief Inspector should be entitled to withdraw that certificate for the boiler, unless the attendant is removed.

I oppose the amendment.

The motion was negatived.

Clause 11, as amended by the Joint Committee, was added to the Bill.

Mr. K. B. L. Agnihotri: Sir, I move the following amendment:

"Omit clause 12, and in clause 13, after the words 'renewal in or to any' add the words 'boiler registered under this Act and in or to any'."

Sir, under clauses 12 and 13 the owner or person in charge of the boiler is required to do certain things before he can make any alteration, addition or renewal to the steam boilers and to the steam pipes. In clause 12 it is laid down that he should obtain the sanction in writing of the Chief Inspector before he undertakes any structural alteration, addition or renewal in or to a boiler. In clause 13, which deals with steam pipes, it has been laid down that the requirements of this Act will be satisfied if he simply sends an information to the Inspector, of his intention to make such alteration or renewal. What I beg to move is that in either case, whether in the case of steam boiler or in the case of steam pipe it should not be necessary for the man to obtain the sanction of the Chief Inspector before he undertakes a structural alteration, addition or renewal of either the steam pipe or the steam boiler. My reasons for this are that, if the owner or the person in charge of the steam boiler makes any alteration, renewal or addition, then the certificate ceases *ipso facto* to hold good. And where the certificate ceases to hold good, the person has to apply for a renewal of the certificate and the Chief Inspector has to go, inspect and examine the boiler and, if he finds that it is in a satisfactory condition, then only will the certificate be renewed, otherwise not. Therefore, it is not necessary that the man should obtain the sanction in writing of the Chief Inspector before he undertakes any structural alteration, renewal or addition. This provision 12 seems to be superfluous in view of clause 8 which we have just passed. Therefore, the person in charge of the boiler and the steam pipe should be left at liberty to make any alterations, additions or renewals which he thinks proper or desirable in his interest. The certificate will cease to be in force and he shall have to apply for renewal. If the renewal, after the certificate has ceased to hold good, the Chief Inspector finds that it is not in a proper condition, or is in a dangerous condition, then he can stop the renewal of the certificate. When we have got one provision which is sufficient for all purposes, why should we add this superfluous provision which may lead to delay in factories.

The Honourable Mr. O. A. Innes: Sir, clauses 12 and 13 should be read with the definition of "structural alteration" in clause 2 (g) of the Bill. A structural alteration for the purpose of these two clauses is really a major alteration, addition or renewal. I am quite prepared to admit that clause 12, as at present drafted, seems somewhat drastic, as compared with clause 13, but it was drafted in this form deliberately and after taking expert opinion all over India, primarily in the interests of the boiler owners themselves. This House has got to remember that these boilers are extremely dangerous vessels, they are extremely intricate vessels also, and, if a person, only after merely giving notice to the Chief Inspector, proceeded with an important structural alteration, addition or renewal to his boiler, then, as Mr. Agnihotri correctly pointed out, his certificate would immediately lapse. That boiler would then require examination by the Chief Inspector, and the owner might then find, either that his boiler would not get a certificate of renewal at all, because the Chief Inspector could not approve of the additions, alterations or renewals

[Mr. C. A. Innes.]

that had been made, or he could get a certificate only for working at a much smaller maximum pressure than had hitherto been allowed. It was for that reason that we put this clause in a somewhat drastic form. The Bill has been circulated to all Local Governments and all over India, and I think it is possibly a sufficient answer to the Honourable Member when I say that we have had no objection to this clause from any province or from any commercial body in India.

I oppose the amendment.

The motion was negatived.

Clause 12 was added to the Bill.

Clause 18, as amended by the Joint Committee, was added to the Bill.

Clauses 14, 15, 16 and 17 were added to the Bill.

Clause 18, as amended by the Joint Committee, was added to the Bill.

Clause 19 was added to the Bill.

Clause 20, as amended by the Joint Committee, was added to the Bill.

Clauses 21, 22 and 23 were added to the Bill.

Clause 24, as amended by the Joint Committee, was added to the Bill.

Clause 25 was added to the Bill.

Clause 26, as amended by the Joint Committee, was added to the Bill.

Clauses 27 and 28 were added to the Bill.

Clause 29, as amended by the Joint Committee, was added to the Bill.

Clause 30 was added to the Bill.

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

"That in clause 31 add a proviso to sub-clause (2), namely:

"Provided that no regulations or rules so made shall be published unless the same has been laid in draft, in case of regulations, before the Indian Legislature, and in case of rules, before the provincial legislature and have been approved by a Resolution of the Legislature or the local Council, as the case may be, either with or without modification or addition, but upon such approval being given the regulations or rules, as the case may be, be published in a form in which they have been so approved."

Sir, under clauses 28 and 29 of the Bill the Central Government and the Provincial Governments are empowered to make regulations and rules consistent with this Act. It has become a practice for some years to take away many points from the Acts and to embody them in the rules. The rules are very rarely put up before the Legislatures before publication and the Members do not have any chance of offering suggestions or modifications to those rules or to any rules which may not be proper. I suggest that a provision similar to that in the Cotton Transport Bill—which is to come before us shortly, should also be made under this Bill to the effect that whatever rules and regulations be made under this Bill they should all be put up before the Imperial and Provincial Legislatures and the Members thereof should have a voice in the shaping of those rules before they are published. I beg to move, Sir, that this provision which seems to be a wholesome one should be incorporated under clause 31 in this Bill, so that the Provincial and the Imperial Legislature may have a hand in the framing and publication of the rules.

The Honourable Mr. C. A. Innes: Sir, the Honourable Member referred to the Cotton Transport Bill which I hope the House will read to-day. It is perfectly true that we have given certain powers to the Legislature in regard to that Bill. The local Legislature has been given power in that Bill to decide whether the provisions of the Bill should be applied to the province or not. But that is an entirely different matter from rules and regulations under this Bill, and I object to the Honourable Member's proposal that these rules and regulations should be laid in draft before this Legislature and the local Legislature before they are made effective. The reason why I object is this. In the first place, as regards the regulations, I think I may say without disrespect that no useful purpose would be served by laying these regulations before this House. The regulations are most extraordinarily technical. No layman can understand them in the very least. I do not pretend to understand them myself. The Honourable Member will find a draft of the regulations in the Appendix to the Boiler Committee's report.

Now, Sir, is it any use laying rules of a highly technical nature before a popular Assembly of this sort? It is not our job to go into technicalities of that sort. What we propose to do is to publish these rules for general information in order that those who understand the rules and the formula, that is to say, engineers, may object to them if they think fit. I assure the House it will cause great delay and would otherwise be entirely useless if we adopt the Honourable Member's suggestion. And further I should like to point out that the Assembly and the local Councils have other and more important work to do than to deal with the details of rules and regulations of this kind. I think that in matters of this kind the Assembly and the local Councils will do well to trust the Government. We have provided the safeguard that these rules and regulations shall not become effective until they have been previously published.

The motion was negatived.

Clause 31 was added to the Bill.

Clauses 32, 33, 34 and 35 were added to the Bill.

The Schedule was added to the Bill.

The Title was added to the Bill.

The Preamble was added to the Bill.

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

The motion was adopted.

THE INDIAN MINES 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 amend and consolidate the law relating to the regulation and inspection of mines be taken into consideration."

Here again, Sir, the report of the Joint Committee has been in the hands of Honourable Members for several days and as notice has been given of a number of amendments, I think the best plan will be to get at once to those amendments, and therefore I do not propose to delay the

[Mr. C. A. Innes.]

House by making a speech on the motion that the Report be taken into consideration. I move, Sir, that the Bill be taken into consideration.

Mr. N. M. Joshi (Nominated: Labour Interests): While supporting this motion, Sir, I would like to make a few remarks on the principle of the Bill as it has emerged from the Joint Committee. The House will remember that when this Bill was last discussed in the Legislative Assembly I laid special emphasis on the necessity of prohibiting the employment of women underground. I am glad, that the Joint Select Committee has made some improvement in the Bill although I am not fully satisfied with what they have done. The Joint Committee has recommended that the power of prohibiting the employment of women under certain conditions should be transferred from the Local Government to the Government of India. So far as it goes, I think it is an improvement. The Joint Committee has also accepted the principle of the prohibition of employment of women underground and they have recommended to the Government of India to take up this question with the Local Governments in order that the total prohibition of women on underground employment should be accomplished within five years' time. So far as this goes I think the Committee has also done a great service to the women workers in mines. But, Sir, I would like to make one or two remarks on this question. In the first place the Joint Select Committee came to the conclusion that if they had recommended the total prohibition of women or even prohibition of women after five years in the Bill it would have been necessary to recirculate the Bill. Sir, I differ from this view taken by the Committee. The Joint Committee knew very well that when the Bill was discussed last time I myself laid great emphasis on the point during the discussion that took place on the appointment of the Joint Committee. Therefore, the Local Governments as well as the mine owners had sufficient notice that this point might be raised in the future discussion on this Bill. If they, the Local Government and the mine owners, did not give sufficient consideration to this point, it was their fault; and therefore I feel that the view taken by the Joint Committee on this question was not the correct one. Then, Sir, in the report of the Joint Committee I think the figure of women workers involved is somewhat exaggerated, or is put there by mistake. The Joint Committee says that the number of women workers involved by the change is 90,000. I think the number of women workers who work underground in Indian mines is about 50,000 and not 90,000

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadan Urban): 90,000 does not relate to those who work underground; it relates to the total number that are at present working in the mines.

Mr. N. M. Joshi: The question with which I am dealing now is the prohibition of the employment of women underground. Therefore I say that the number of women involved is not 90,000 but 50,000. Now, if we consider how plentiful cheap labour in India is, is it a very difficult problem for the mine owners as well as the Government to replace the labour of 50,000 women in India? We are now sending thousands and thousands of people from our country to outside countries because they do not find sufficiently remunerative labour in India.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): How are the women to live?

Mr. N. M. Joshi: How are the women to live? I see; the women ought to live on the wages of the men. Sir, that is a different point altogether. My point was that in India it is not difficult to replace the labour of 50,000 women at all. But, Sir, I do not propose to deal with this question any further. I feel that although the solution arrived at by the Joint Committee is not wholly satisfactory, it is a good working compromise; it is at least a step further and I am quite satisfied with that further step. The next question about which I should have liked the Joint Committee to have taken some further steps was to protect the young boys that will be employed in the mines, boys between the ages of say 13 and 16. In the English law there are provisions to protect such young persons as well as women. Their employment is restricted; they are not, for instance, allowed to be employed in moving waggons. Again in the English law there is provision that young persons who are novices . . .

Mr. President: Order, order. I have allowed the Honourable Member to go into considerable detail because I was not quite sure what his intention was. The intention of a motion of this kind is, I think, obvious—not to provide an opportunity for the discussion of each clause in detail, because that opportunity comes at the next stage, but for the House to decide whether the Bill as returned by the Joint Committee has been returned in such a form as they can conveniently take into consideration, clause by clause. The Honourable Member may reserve his remarks upon each separate point which he has been raising for the clauses as they will come up *seriatim*, when we have passed this motion.

Mr. N. M. Joshi: I never intended to go into all the clauses at all. I simply wanted to refer to the employment of children because these clauses do not at present exist in the Bill. I should have liked the Joint Committee to have introduced these clauses and safeguards for the protection of young persons. Then, Sir, lastly I would only touch upon one point, namely, this Bill as it has emerged from the Joint Committee does not make sufficient provision for safety against accidents and the Bill leaves everything to the rules instead of taking some important points as regards safety in the Bill itself. This is a great drawback in my opinion in the Bill; and although I have not attempted to send in amendments on this point, because the task of sending amendments on such a point is indeed a very great one, still I feel it is my duty to point out that Government, when they make rules on this point, should provide sufficient protection against accidents. With these remarks, Sir, I support the motion.

Mr. President: The question is:

"That the Report of the Joint Committee on the Bill to amend and consolidate the law relating to the regulation and inspection of mines be taken into consideration."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

Mr. B. N. Misra (Orissa Division: Non-Muhammadan): Sir, my amendment* relates to sub-clause (c) of clause 3. In this sub-clause 'child' is defined to be a person under the age of thirteen years. It appears to me, Sir, as if this Honourable House is going to prepare a dictionary or to give meanings to words which are ordinarily understood in another way.

* "That in clause 3, sub-clause (c) for the words 'under the age of thirteen years' the words 'between twelve to fifteen years of age' be substituted.

[Mr. B. N. Misra.]

Generally, a child in India means a person below the age of 16; that is, up to the age of 15 we generally take them to be children; in law we have minor and major; and a child or minor would mean any person up to the age of 18; above that age he will be a major. In England a child or infant would mean any person up to the age of 22 and after that age . . .

Mr. President: Order, order. The Honourable Member has apparently neglected to provide any description for a person up to the age of 12 years. I cannot allow an amendment to be moved which makes nonsense.

Mr. B. N. Misra: I am sorry, Sir, but this has reference to section 26, and so I have put in this amendment to this section. The law provides that no child shall be employed in a mine or be allowed to be present in any part of a mine which is below ground . . .

The Honourable Mr. C. A. Innes: What about the child under twelve?

Mr. President: The Honourable Member is attempting to make nonsense of the clause. I do not propose to allow him to do it.

Mr. N. M. Joshi: May I, Sir, point out that unfortunately I do not take the view which you have taken of the definition of a 'Child'. Take for instance the Factory Act, in which I think the child is defined as between the ages of 12 and 15 years. My impression is that in that Act when the prohibition is laid against the employment of children below 12, the section simply says that persons who are below 12 are prohibited and the word 'child' is applied to persons between certain ages. That is my view.

The Honourable Mr. C. A. Innes: I may point out that in the Factory Act the word 'child' is defined as one who is under the age of 15 years.

Mr. President: If the Honourable Member cannot draft his amendment so as to express what he means, he cannot expect to move it.

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

"That in sub-clause (e) of clause 3 omit all words after 'under this Act'."

Sub-clause (e) of clause 3 defines an "Inspector", and it says "Inspector" means an Inspector of Mines appointed under this Act and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform". Sir, I beg to submit that this provision of including a District Magistrate as an Inspector is not desirable, in this way, that the District Magistrate is the head of the executive and judicial functions in the district. Under this Bill the duty has also been laid on him as an Inspector, to institute prosecutions. Therefore, the District Magistrate shall have to institute prosecutions in the courts subordinate to himself and that may not be desirable in the interests of justice and the owners. I therefore submit, Sir, that "District Magistrate" may be excluded from the term "Inspector" and other Inspectors may be provided instead of "District Magistrate". The District Magistrate being the head of the district can have the powers of supervision and will be the head of the Department in the district but he should not be made to perform all the functions of the Inspector. The Inspector is also required to be an expert in mining matters and must also possess some practical experience in mining. The District Magistrate has already got much to do in the district.

and has his hands always full, and so he cannot be expected to be such an expert as to properly look after the mines as well as to the interests of the public and workers in the way in which an expert Inspector is expected to do. Therefore, Sir, I submit that the District Magistrate should be excluded from the definition of the term "Inspector". It might perhaps be argued, Sir, that there are many districts in which there are very small mines and the employment of Inspectors is not possible and may not be desirable on the ground of cost and so the District Magistrate is required to work as an Inspector under this Bill. My submission in that case would be that if there are such mines in a district and the appointment of separate inspectors for such districts is found too costly, then one Inspector may be put in charge of mines in those districts also instead of District Magistrates being made to perform the duties of Inspectors in their districts. Therefore, I move, Sir, that the word "District Magistrate" should be excluded from the term "Inspector" under this Act.

The Honourable Mr. O. A. Innes: Sir, in this sub-clause we have merely followed the existing Act. The existing Act gives the District Magistrate such powers as an Inspector may have and as may be vested in him by the Local Government. This sub-clause read with clause 4 (3) says that the District Magistrate is expressly debarred from exercising such powers conferred by section 19 or section 82, but otherwise he performs the duties of the Inspector subject to the general or special orders of the Local Government. As the Honourable Member indicated in the last part of his speech, it is necessary because of the very large size of India and the large number of mines that are in India with a very small inspecting staff. We have 1,760 mines under the Mines Act situated in different parts of India. We have only 4 Inspectors, and it is quite impossible for those 4 Inspectors to exercise their powers as an Inspector all the year round over all these mines. Now this Mines Act is intended very largely for the safety of workers down the mines, and if we cannot provide technical Inspectors for the supervision and control which is necessary in various parts of India, it is absolutely necessary that we should have the District Magistrate, who is the head of the District, to exercise those powers. It is specially necessary in provinces like Madras where there are not very many mines, and where the most convenient course is to let the District Magistrate exercise the powers of an Inspector. The only objection taken to the practice is that the District Magistrate may in the course of his inspecting duties have occasion to order prosecutions. The fear has been expressed that the subordinate magistracy of the district will always convict if the District Magistrate has ordered a prosecution. Well, Sir, we have safeguarded that, because you will find later on in the Bill that no case under this Act may be tried except by a first class Magistrate. I have been a first class sub-divisional Magistrate myself, and I cannot imagine any Magistrate of the first class allowing his judgment on any case which comes before him to be swayed in any way at all by the fact that formal sanction of the prosecution has been given by the District Magistrate. The present practice is convenient, it is the existing practice, and I submit, Sir, that no reason has been shown why it should be changed.

The motion was negatived.

Mr. B. N. Misra: Sir, I move:

"That in clause 3, sub-clause (k), for the words 'the enforced absence of the injured person from', the words 'inability to attend to' be substituted."

[Mr. B. N. Misra.]

Because "serious bodily injury" is defined as injury which involves or in all probability will involve the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding 20 days. I submit, Sir, in this the term "enforced absence" is not quite clear, because who will enforce? Will really the mine owners enforce the labour to absent from work? Certainly they are not going to do that. Their interest is to bring the injured person to work and to show that he has not received any serious bodily injury. I think it is rather meaningless, because in the Indian Penal Code we have got the term "grievous hurt" defined as "inability to attend to work for 20 days, etc." The words "the enforced absence of the injured person from" is rather meaningless, and if we substitute the words "inability to attend to" it would be quite all right. It would mean the inability of the person to attend to his work. So I move this amendment.

The motion was negatived.

Mr. K. B. L. Agnihotri: Sir, I also beg to move an amendment to 1 p.m. sub-clause (k) of clause 8. My amendment is to the effect:

"That between the words 'from' and 'work' the word 'his' be inserted."

Sir, as the definition in sub-clause (k) stands there seems to me some ambiguity in the interpretation of "serious bodily injury." It is just possible that my interpretation may not be the proper one. It may be due to the lack of a proper knowledge of English on my part that I may not be able to properly interpret the clause or to suggest a proper amendment. But I find that similar difficulties have arisen in the courts of law in interpreting sections 825 and 826 of the Indian Penal Code and from the little experience that I have, I have ventured to put in my amendment. As the sub-clause stands, it may mean that, if a person who has suffered the bodily injury were to be able to work in a different department of the mine or in a different place or if he were able to do the work of a different nature, then that injury may not fall within the purview of this definition. And my object by this amendment is to restrict its meaning in the way that only such injury be regarded as serious bodily injury if a man were to suffer an injury of a nature that he could not attend to the work for which he was employed, that injury shall be deemed to have been a serious bodily injury. For instance, he may be working in a mine for raising loads and a load may have fallen on his leg so that he could not do the loading work himself, but at the same time he could be employed by his master in watching the persons going into the mines, or as a watchman. May I know if such an injury is the injury referred to in such a definition or is it not? As the clause stands, probably it will not be included in this definition and the man shall not be said to have suffered a serious bodily injury. But, if we were to so amend this clause that, where a man suffers from any injury the nature of which is such as to disable him to do that work which he ordinarily did before he received such injury, that injury should be deemed to be a serious bodily injury. I do not know whether or not the amendment which I propose will solve my difficulty but I simply put before the House the object of my amendment. If the Legislative Department or the draftsman in the Government of India think that my object will be served by the insertion of the word "his" so much the better. If not, I would request them to suggest a wording which will make the meaning clear and be in conformity with the object.

The Honourable Mr. O. A. Innes: Sir, I do not pretend to be a lawyer nor yet a draftsman and I must confess that my Honourable friend's speech left me in some doubt as to what his difficulty was. All I have got to say is this; this definition of "serious bodily injury" was taken from the rules existing already in Bengal and Bihar and Orissa, and that is the reason why we adopted it. Secondly, I should like to point out that the exact wording of the definition is not a matter of any great importance. We are not discussing the Workmen's Compensation Bill: we are discussing the Mines Bill. The object of this clause is to explain the clauses later on in the Bill, clause 20 for instance, which required notice to be given of accidents, causing serious bodily injury, and clause 40, which prescribes a slightly higher penalty in cases which serious bodily injury results from the contravention of the inspection rules. I submit that the matter is of no importance at all and I hardly think it worth while making the amendment suggested by the Honourable Member.

The motion was negatived.

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

Mr. K. B. L. Agnihotri: Sir, here I am in the same difficulty as I was in while considering the definition of "serious bodily injury."

My amendment is:

"In clause 6, sub-clauses (a) and (b), substitute the words 'may be necessary' for the words 'he thinks fit'."

Clause 6 empowers the Inspectors to make such examination and inquiry as they think fit in order to ascertain whether the provisions of this Act and of the regulations, rules, etc., have properly been complied with. The words used show that the discretion lies with the Inspector. The Inspector may think fit even an absurd inquiry, an absurd examination even though it may or may not have any connection with the provisions of this Act. That is to say that the words "he thinks fit" depend on his personal opinion rather than depend on the object of the inquiry which he may have in view. So, if we were to substitute the words "as may be necessary" this clause would be governed by and will be dependent on the object of the inquiry. The Inspector will not have any personal discretion at all. The Inspector shall have to judge about the necessity of the inspection from the object which he has in view and that could also be found out by superior officers whether a particular inquiry of a particular nature was essential under the particular circumstances or not. If there is any objection made to the examination of the inquiry by an Inspector, the Inspector can say "well, it may or may not be necessary for that object but I think it fit to examine and make such inquiries and therefore I do so and am not liable for my acts under this Bill." Therefore, I think but I am not quite sure "as may be necessary" will be a better and more desirable wording than "as he thinks fit", and I beg to move that the substitution be made.

The motion was negatived.

Clause 6 was added to the Bill.

Mr. K. B. L. Agnihotri: Sir, under clause 7 powers are given to the Inspectors to enter the mine for the purpose of surveying, etc., at any

[Mr. K. B. L. Agnihotri.]

reasonable time by day or night. The amendment, which I beg to move is:

"To substitute the words 'during the working hours of the' for the word 'by' before the word 'day'."

That part of the clause will then read as follows:

"any part thereof at any reasonable time during the working hours of the day or night."

Sir, it may be said on behalf of Government that the words "reasonable time" will cover my amendment, but it is also likely that it may be interpreted in a different way. It may be said that "reasonable time" may mean during early portion of the night and in that case it may create some inconvenience and hardship to the owners and managers. So it will be better if you make it clear and lay down that the Inspector and the Chief Inspector will have authority to inspect and enter the mine or do all things mentioned in the clause only when the mine is working, that is, during the working hours and not when the work has been stopped. Therefore I submit that the words "during the working hours of the day or night" may be included in clause 7 so that the Inspector may have no right to go and enter the mine, take level or survey it at any time other than the working hours of the day and night.

Mr. President: Amendment moved:

"Substitute the words 'during the working hours of the' for the word 'by' before the word 'day'."

The Honourable Mr. C. A. Innes: Sir, I think that if there be anything in Mr. Agnihotri's amendment, he may be sure that mine owners throughout India would have taken the point. None of them have done so. No one has suggested it. The real reason is that in most mines, especially coal mines, work proceeds by day and night. There are no special working hours. The work always goes on.

Mr. J. Chaudhuri (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): There are the words "after giving not less than three days' notice to the manager of the mine" in the clause. This clause therefore provides that three days' previous notice should be given, and if the mine owners have any objection, they can take the objection within those three days. So I do not think there is force in the Honourable Member's contention.

The motion was negatived.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Mr. K. B. L. Agnihotri: Sir, I move that:

"In clause 10, in sub-clause (b), omit 'the Chief Inspector or an Inspector' and add 'any qualified and experienced mining engineer not being in the service of the Government and not being a Chief Inspector or an Inspector'."

Clause 10 provides for the constitution of the Mining Boards and it has been provided in the clause as it stands, that the Chief Inspector or

the Inspector could also be a member of the Mining Board. My amendment is to delete this provision and to exclude the Chief Inspector or the Inspector from the Membership of the Mining Board. I have said before that the Chief Inspector or Inspector is practically the chief mining authority with whom the mine owners shall have to deal. He is the executive authority whose complaints and references may be put before the Board and who has to launch prosecutions against mine owners for the breach of the rules of contravention of the regulations. Therefore it is undesirable that such a person should be on the Mining Board formed or constituted by the Government. It is better that instead of a Government official in the form of a Chief Inspector or an Inspector, some other person, an expert in mining matters be nominated in his place. Therefore, I suggest that instead of the Chief Inspector or Inspector a non-official Mining Engineer who has an expert knowledge of the working of the mines be nominated as a Member of the Mining Board. With these words, Sir, I move my amendment.

Mr. President: Amendment moved:

"In clause 10, sub-clause (b), omit the words 'the Chief Inspector or an Inspector' and insert the words 'any qualified and experienced mining engineer not being in the service of the Government and not being a Chief Inspector or an Inspector'."

The Honourable Mr. C. A. Innes: Sir, I think the Honourable Member has not fully apprehended what the functions of these Mining Boards are. The main functions of the Mining Boards are to scrutinise draft rules, regulations and bye-laws. These draft rules and regulations—regulations especially—will be drawn up in the first instance by the Chief Inspector of Mines. We also propose to lay down that they should be referred to the Mining Board before we published them for general criticism. The Board is practically an advisory body to the Chief Inspector of Mines or to the Inspector and to the Local Government, and I think the House will see that it is absolutely essential that the Chief Inspector of Mines should be a Member of that Board. He must be there to explain his draft rules, to answer criticisms and generally to discuss the rules. There is no need for the Honourable Member to think that the Chief Inspector of Mines is always up against the mineowners and the mine managers. From personal experience I can tell him that it is not so. Both the mine managers and the Chief Inspector and the Inspectors have one main object in view. They are anxious to get the regulations and the rules drafted in such a way that they provide in every possible way for the safety of the workers, and I think the House will agree with me that when you are discussing rules and regulations of this kind, it is very much better that they should be discussed by the Mining Board with the Chief Inspector there as a Member of the Board and able to answer criticisms and discuss the rules. It will be seen that he is only one out of a Board of six. I hope, Sir, that the House will not accept this amendment.

The motion was negatived.

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

"In clause 10, sub-clause (1) (c), omit the words 'of whom one shall be a person-qualified' and substitute in their place the words 'in consultation with the organisations of employees if such exist'."

There are two questions involved in my amendment in the first place, the original Bill proposed that there should be two persons nominated by Government out of whom one shall be qualified to represent the interests.

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of the employees. The amendment which I propose is that the two persons to be nominated should be both appointed to represent the interests of the employees. My reason is this. Under this clause, the employers are given two representatives on the Mining Board, and if the employers are to have two representatives on the Mining Board, it is but fair that the employees should also have an equal number. Sir, I believe that the stake which the employees have in the industry is as much as the employers have, if not more, than the stake of the employers. This is true particularly of the mining industry. The House knows very well that the mining industry is a very dangerous industry. Every year this industry takes a toll of about 200 lives of the working classes. This is a great stake which the working classes have in this industry. If the mines are not properly worked, the mine owners suffer only loss in money. But if there is an accident and the regulations are not properly observed, the workers have to pay with their life. I therefore feel that the stake which the employees have in the proper working of the mines is as much as if not more than, the stake which the employers have. Therefore, instead of having only one representative on the Board they should have two representatives as the employers also have.

The second point involved in my amendment is that the persons to be nominated by Government on behalf of the employees should be nominated in consultation with the organisations of the employees where they exist, or if such exist. Sir, in the case of employers this clause provides that the representatives of the employers should be appointed by the employers themselves. If there had been well organised organisations of the employees, naturally this power of appointment would have gone to them also. Unfortunately, there is no central well organised association of the employees. Therefore I admit the desirability of Government nominating the representatives of the employees on the Mining Board. But I want to provide that when such well organised associations of the employees do come into existence, they will automatically be given the power of appointing representatives of the employees on the Mining Board. Sir, we all know that these Acts are not modified very often. As a matter of fact, this revision of the Mining Act has come after about 22 years. I am quite sure the next revision may come after 22 years or 25 years. (*The Honourable Mr. A. C. Chatterjee*: "No, no.") Within that period workers' organisations are bound to come into existence and grow very strong. I therefore think that we should provide in our Bill that as soon as workers' organisations come into existence they should have a voice in any nomination of their representatives on the Mining Board. I hope therefore that my amendment will find favour with the House.

The Honourable Mr. C. A. Innes: Mr. Joshi has told the House that mining is a very dangerous industry. I agree. It is also an industry which requires a very great deal of technical expert knowledge. Mr. Joshi has also told the House that it is unfair that the workers should have only one representative on the Mining Board while the employers should have two. The difference between Mr. Joshi and myself in this matter is that Mr. Joshi is concerned with the rights of workers and I am concerned with their safety. As I have said, this Mining Board exists for scrutinising the regulations for the safety of the miners. If Honourable Members will turn to the rule-making power, they will find the sort of things which the Mining Board has got to deal with rules for providing for the ventilation of mines and the action to be taken in respect of dust and

noxious gasses; for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes; for requiring and regulating the use of safety lamps in mines; for providing against dangers arising out of the accumulation of water in mines; for prescribing the qualifications of managers of mines and of persons acting under them. We have got to look at where the labourers come from. The labourers are for the most part aborigines, Santhals, aborigines from the Santhal Parganas. On the Mining Board the people we want are mainly people who have sufficient expert knowledge to understand these rules and these regulations. That is why we have the Chief Inspector of Mines on it. That is why we provide two persons nominated by mine owners. Whom do the owners nominate? Their mine managers, all qualified certificated mining engineers, and I am quite sure that it would not help the workers if, on a consideration of what Mr. Joshi thinks their rights, we in any way weakened the technical power and technical knowledge on the Board. There are certain matters which come before the Board, matters connected with health, sanitation and so on in which the workers' representative may give some useful advice, and we endeavour to meet Mr. Joshi by providing that there should be one representative of the workers on the Board and, I think that the House will recognise that it is a sufficient advance for the present.

Then, Sir, Mr. Joshi suggests that these representatives should be nominated by the Local Government in consultation with organisations of employees if such exist. Well, Sir, I am not a draftsman, and as I have said before, I am not a lawyer. It seems to me that in a law of this kind it is bad to put in a hypothetical clause of this kind. What we have to consider is there are no organisations of employees at present, there are no unions of any sort or kind. If they come into existence and if, as Mr. Joshi says, they become very powerful, I have no doubt they will compel us to give them a share in electing their representatives on this Board. It will not merely be a matter of nominating in consultation with the organisations, the organisations will claim and will get the right of electing their representatives themselves, and I suggest that, instead of putting in a clause of this kind which does not mean very much,—you do not impose any obligation on the Local Government at all except the obligation of consulting these organisations if they exist—the Local Government is not bound in any way to accept their advice,—I suggest that it would be wiser to wait until organisations come into existence and until we can provide for them in a proper way.

I have another objection. As I have said, Mr. Joshi is concerned here more with the rights of workers. He wants us to put in a clause in the Bill which will compel the Local Government to recognise organisations of workers of whatever kind. Now, I say, Sir, that by making this suggestion to the House Mr. Joshi has brought into it a matter which requires separate consideration, that is, the whole question of the registration of trade unions. That question, as the House probably remembers, is now under consideration and one of the most difficult questions connected with it is whether we should make registration compulsory or whether we should make it voluntary. If we make it voluntary, one of the incentives to registration will be this recognition, this consultation by the Local Government. Mr. Joshi prejudices the decision on that point. If we accept this, the Local Government will be compelled to consult a labour organisation or labour union whether that union has registered or not. On both grounds, on the ground of the interest and safety of the workers themselves and on the

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other ground which I have just given, namely, that Mr. Joshi is asking us to take a premature decision on what is really an important point of principle, I hope that the House will reject this amendment.

Mr. K. B. L. Agnihotri: I have also given notice of a similar amendment and I think my amendment may be taken as an amendment to Mr. Joshi's amendment. Therefore, Sir, with your permission, I move my amendment as an amendment to Mr. Joshi's amendment. My amendment is:

"In sub-clause 10 (1) (c) after the words 'in mines' add the following:

'Provided that such nomination shall be based on the recommendation of organisations of employees where they exist',"

and with your permission, Sir, I add the words:

"and are recognised by the Government."

The Honourable Mr. Innes has put forward two grounds for opposing Mr. Joshi's amendment, one that Mr. Joshi's amendment puts in hypothetical words, and secondly, that there is a separate matter involving consideration about trade unions and their recognition. If my amendment be accepted, both these points would go away, because I do not provide a hypothetical word "if" but instead the words "where they are already in existence," and at the same time, to meet the Honourable Mr. Innes half-way I have added "and where they are recognised by the Government," say, after consideration of the point whether trade unions

Mr. President: I do not understand how the Honourable Member proposes to make his amendment, an amendment to Mr. Joshi's amendment.

Mr. K. B. L. Agnihotri: For Mr. Joshi's amendment, Sir, my amendment be adopted.

Mr. President: The Honourable Member is aware that his amendment comes at the end of the clause and Mr. Joshi's amendment in the middle. We must dispose of Mr. Joshi's amendment before we come to his.

The motion was negatived.

Mr. K. B. L. Agnihotri: Sir, as I have said, I made those two points to the Honourable Mr. Innes. I think it would be desirable in the interests of the labour organisations to provide that they be authorised to recommend their nominees, and on that recommendation the Government would nominate such persons on the Board. If there be no labour organisations at present, my amendment would not come in the way of Government nominating any person, but will apply only where the organisations exist and are recognised by the Government and this will be a wholesome provision. The present Bill may not be taken up for revision, say for 20 or 25 years. Therefore I submit, that such a provision should be added to this sub-clause. With these words I commend my amendment to the House, namely:

"In sub-clause (c) after the words 'in mines' add 'provided that such nomination shall be based on the recommendation of organisations of employees where they exist'."

The motion was negatived.

Clause 10 was added to the Bill.

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

"In clause 11, for sub-clause (a) substitute:

"(a) Two Judges of the High Court, of the Province the senior of whom shall be the Chairman of the Committee."

Sir, clause 11 provides for the constitution of the reference committees. In the English law on which this law is based, it is provided that two of the members of the reference committee should be Judges, similar to what I have provided in my amendment. I shall read to the House section 117 of the Coal Mines Act, 1911, which refers to the appointment of the reference committee. Clause (3) of section 117 lays down:

"The Reference Committee shall consist of the Lord Chief Justice of England, the Lord President of the Court of Session, and such person especially qualified by eminence in mining knowledge as the Lord Chief Justice and Lord President may select."

Sir, it is on the basis of this Coal Mines Act of 1911 that the clauses concerning the Reference Committee have been inserted in this Bill, and therefore it is desirable that, instead of any person being appointed by the Local Government as the Chairman of such Committee, we should have two Judges of the High Court on the Committee, and the senior Judge of the High Court should preside over the Reference Committee. These Reference Committees will have power under the Bill to settle disputes between the Government and the mine-owners. Therefore it is necessary that a Judge be appointed as the Chairman of such a Committee and another Judge be a member. As the Government happens to be one of the parties through the Chief Inspector, while the mine-owner becomes the other party, the person appointed by the Government will be no better than a person in Government service and so it will be better that an independent person be appointed as Chairman of the Committee. Therefore I suggest to the House that my amendment be accepted, and instead of a chairman being nominated by the Local Government or by such officer or authority as the Local Government may authorise in this behalf, a Judge be a chairman and the clause be made to read: "Two Judges of the High Court of the Province, the senior of whom shall be the chairman of the Committee."

The Honourable Mr. G. A. Innes: Sir, the Honourable Member has evidently again failed to understand what the functions of this Committee are. He talked of disputes between the workers and mine-owners and he talked of the Local Government being a party to those disputes. Therefore he suggested it was wrong that the Chairman should be nominated by the Local Government. This Committee exists merely for the purpose of appeals against orders under section 19 of the Act. Section 19 gives the Inspector very drastic emergency powers. If he finds any practice which is not otherwise provided for by rules under the Act to be extremely dangerous, he can require that that practice be remedied, and where the practice is very dangerous, he can even order the removal of the workers from the mine. If the power is abused by the Inspector, an appeal is allowed to the Chief Inspector, and then an appeal is allowed to a Committee. Ordinarily I do not believe these Committees have often sat. Very rarely they will come into existence, but when they do, what are the sort of things they will have to inquire into? Probably it will be the sort of case where the Chief Inspector thinks that the robbing of pillars has gone to such an extent that a certain part of the mine or the whole mine has become so

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dangerous that the mine ought to be closed. The Committee may have to go to the mine and inspect it and decide the matter on the spot. It is a very technical work and not the sort of work which is suitable for two Honourable Judges of the High Court. I do not think they should be taken away from their Benches and taken down to the mines to report on matters of this kind. The provisions providing for the constitution of this Committee are precisely what they have always been. I think we have made one small change to provide for a representative of the employees, but substantially we have not altered the constitution of the existing Act which has worked very well, and I see no reason why we should change it now.

The motion was negatived.

Mr. N. M. Joshi: I wish to move the following amendment:

"That in sub-clause (c) of clause 11(1) after the word 'nominated' the words 'in consultation with the organisations of employees if such exist' be substituted."

Sir, undeterred by the fate of my last amendment, I propose to move this amendment again in the hope that it will meet with a better fate. Sir, the objections taken to this amendment are likely to be the same which were urged against my previous amendment. It was said in opposition to my first amendment that the workers will not be able to select their representative, or select a proper representative for the Mining Board. It is said that the workers are Santhals and some such people and they have not got sufficient sense to elect a man who knows anything about mining. It is also said that if the workers are given the choice of electing, they will elect somebody that has only some theoretical knowledge of mining operations. Sir, I believe if workers are given the right of nominating their representative there are greater chances of their appointing a man who has got practical experience of mining operations than if the Government undertakes to do that work. Secondly, the question was raised that my amendments involve the question of the recognition of trade unions. I do not know whether this question is at all open to Government. Government does recognise trade unions, if not of the working classes, at least trade unions of the employers. After having recognised trade unions of the employers, are they going to say that they are not going to recognise the trade unions of the employees? I doubt if any Government at all will take up that attitude.

Now, Sir, this amendment also is much simpler than my previous amendment. In my previous amendment I had mentioned organizations. In this amendment there is no mention of organizations at all, so there need not be any organization of employees and there need be no fear of the recognition of the organization of trade unions. Before I request the House to accept my amendment, I want them to consider why these Committees will be appointed. They will be appointed when there is some trouble, some disaster, some accident, in a mine.

The Honourable Mr. C. A. Innes: No, that is a court of inquiry.

Mr. N. M. Joshi: Yes, only about matters concerning one mine. The Committees are not going to consider the large questions of mining operations. These Committees will consider questions as regards only one particular mine. If my impression is wrong, I am open to correction. Now, when a matter concerning the safety of the employees of a mine is to be

discussed, the representative to be appointed on behalf of the employees should be appointed in consultation with these employees, and, as the number of the employees would not be a very large one, it will not be difficult to consult their wishes. Sir, our Factory Act, in one of its sections at least, provides that the workers in a factory should jointly make a certain request and, when they make a certain request, that request should be considered. If the employees of a factory can jointly make certain requests and ask for certain changes in the rules, then certainly the employees of a mine ought to be entitled to do the same without difficulty. I therefore feel that whatever may have been the fate of my previous amendment, this amendment is free from even the objections which were raised to my previous amendment.

I therefore hope that this amendment will be accepted.

The Honourable Mr. C. A. Innes: Sir, I am not going to follow the Honourable Member into any discussion re-opening the question of organizations. In this particular amendment all that Mr. Joshi asks is that, before a member is appointed to a Committee to represent the employees, those employees should be consulted. What does that mean? I presume it means that, before a Local Government can make a nomination, it has in some way to call together a mass meeting of the miners down a mine and try to ascertain whether they know of any person who will be competent to give an opinion upon the point at issue. That point is nearly always a technical mining point, a point as to whether it is safe to work down a particular part of a mine owing to the pillars being inadequately strong, or whether the fire area of a mine has got so much out of control that the whole of that mine should be closed down. I cannot see that it will be the least use to call together this mass meeting of employees and ask their opinion on a question like this. It will merely cause delay. And one has got to remember that it is a very urgent matter for the owner of that mine that he should get a decision on his appeal against the Chief Inspector's order. His mine during the whole of this time may have been closed down and the workers may have been removed. If this House will agree that no material advantage is to be gained by the procedure indicated by Mr. Joshi, I think we ought not to incur the further delay which will result from consulting the employees. Moreover, this particular amendment was brought up by Mr. Joshi in Select Committee. I mentioned it to a mine owner and he said "That would suit me very well, because I could get my men to nominate exactly the person I wanted."

I think, Sir, on every ground we should object to this amendment.

Rao Bahadur T. Rangachariar: Sir, I am sorry to interpose, but there is a great deal in favour of the amendment moved by Mr. Joshi. It is admitted that these are merely Committees constituted for a particular dispute relating to a particular mine, so that it would be the employees of that mine whose interests would be involved. It is admitted in the Bill as it stands that the interests of the persons employed in a mine have to be protected, and it is supposed that this Local Government is so omniscient that they can find a person to represent their interests better than the persons themselves. How is a Local Government, situated hundreds of miles away, to know these interests. We know what it means. An Assistant Secretary or an Under Secretary will put up recommendations and the whole thing is done. The Local Government is supposed to know the interests of these employees better than the employees themselves. No doubt, Sir, where there is no will, you can exaggerate difficulties in the

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way. In a vast country like this people's opinions are gathered and, when they want to rely on people's opinions, they will say "the masses think otherwise, it is the educated minority who agitate for a thing which the masses do not want." I do not know how the Government know the opinion of the masses. But, here, if you were to consult the people themselves, I do not think it would be very difficult. The Chief Inspector or the Chairman of the Committee, by rules which you may prescribe, may hold a meeting of the employees and make a nomination. I do not think the difficulties are so great that you cannot find out the wishes of the employees as to who their representative should be.

I heartily support the amendment.

The Honourable Mr. A. C. Chatterjee (Education Member): With every sympathy for the object aimed at by Mr. Joshi and Mr. Rangachariar, I feel bound to oppose this amendment. I think my Honourable friend Mr. Rangachariar has not estimated the difficulties that will arise if the amendment is accepted and if we now legislate that, before a representative of the employees is appointed to a Committee, a mass meeting of the employees should be held. I do not know if either Mr. Rangachariar or Mr. Joshi is acquainted with the mine fields. I have some acquaintance with them, Sir, and I do not think it is realised that the mining population is shifting from day to day. How are you to find out who are the actual employees in a mine on a particular day or who are particularly interested in any matter which is referred to a Committee? Similarly, if there are two factions in the mine, it would often be extremely difficult for the Government to choose between the nominees of these two factions. The Honourable Mr. Innes has already referred to the very serious danger that will arise if the mine-owner gets round a large body of his employees and persuades them to accept a man who would really side with him. I see very serious dangers in accepting this amendment until the trade unions system is properly organised in the mines. I do not think, Sir, that an amendment to this Bill of the nature that Mr. Joshi suggests will be very difficult when the trade unions system is properly organised in the mine fields. Let us wait till then. Let us not prejudge the question and get into serious difficulties. Sir, I am as much in sympathy with labour interests as perhaps Mr. Joshi is, and I strongly oppose this amendment.

Mr. B. C. Allen (Assam: Nominated Official): Sir, I must protest against the description given by Mr. Rangachariar of the methods followed in appointing representatives of labour. I have some personal experience of the matter myself. There is in the Assam Council a representative of the garden coolies. I need hardly say that it is quite impossible to find any garden cooly who is capable of representing in the Council the interests of his fellow-workers. But when the duty was laid upon Government of selecting a gentleman to appear on behalf of garden coolies, all those who had any experience or who were in a position to give reasonable advice were consulted. The matter was investigated most carefully. There was no question whatever of merely asking an Under Secretary to submit a name. Divisional Commissioners and District Officers were asked for advice and ultimately a gentleman was selected whom everybody, I believe who has any cognizance of the facts would admit to be the most qualified representative of the labourers on whose behalf he was appointed to appear.

Mr. J. Chaudhuri: Sir, I support my Honourable friend, Mr. Joshi's amendment. He says "in consultation." He does not say that the representative should be elected by the employees. We remember that in the Legislative Councils formerly public bodies used to nominate representatives and the Government accepted them. So pending the formation of the Union of employees, I do not see any harm in the Local Government consulting the employees and accepting their recommendation. That is why I ask the House to accept this amendment.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, it has been proposed that an amendment should be made in the Bill. I do not intend to deal with the substance of the amendment. But from the drafting point of view I should like the House to consider what the proposed words will mean when they are in the Bill. Mr. Joshi will have the Member of the Committee nominated by the Local Government in consultation—that is to say, there is to be a consultation between the Local Government and the workers in the mines. How that consultation is going to be brought about, I for one entirely fail to understand, and I have not yet heard from Mr. Joshi or Mr. Rangachariar how the consultation is going to take place. Mr. Rangachariar suggested that the Chairman might be asked to intervene. That would not be a consultation between the Local Government and the coolies in the mines, because the Chairman is in no sense a representative of the Local Government. I think, Sir, purely from the drafting point of view, if this amendment were carried, it would be a blot on the Statute Book.

Mr. N. M. Joshi: Sir, I have no right of reply but if you will permit me, I shall only make one remark with regard to the point raised by Sir Henry Moncrieff Smith.

If Sir Henry Moncrieff Smith finds any drafting difficulty in this clause, I would only draw his attention to the draft which he himself perhaps has made in the Factory Act, and it is this:

"At the request of the employees concerned periods of rest of not less than half an hour each, so arranged that for each period of six hours work done there should be periods of rest of not less than one hour.....and that no person shall work for more than five hours continuously."

Here the words used are "at the request of the employees." There is nothing said there about who is to make the request or who is to decide.

Sir Henry Moncrieff Smith: That is quite different from consultation.

Mr. N. M. Joshi: The employees in a factory may be in thousands. Take the case of Tata's Steel Works. They have got 80,000 employees. But nothing is mentioned in this section of the Factory Act as to how the request is to be ascertained, who is going to decide whether the request should be made or not or anything of the kind.

Mr. W. M. Hussanally (Sind: Muhammadan Rural): Sir, I wish to add a few words to the remarks which have fallen from Sir Henry Moncrieff Smith. A one mistake has been made in the Factory Act....

Sir Henry Moncrieff Smith: No.

Mr. W. M. Hussanally: I do not think another should be perpetrated in this Act. In my opinion, any system of consultation would be so unworkable that it would be impossible to come to any decision in the

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matter at all if the miners or the employees were to be consulted. Supposing, Sir, the miners were consulted by a District Officer and some voted in favour of one gentleman or gave their vote to one gentleman and the others gave it in favour of another gentleman. How is the vote to be taken, and how is it to be decided? If the body of employees are to be consulted, this means an elaborate procedure of voting, which must be gone into, and I think if the House is minded to have this 'consultation' brought in, a much more detailed system of voting ought to be put in to the Act so as to make the thing workable. Otherwise as the amendment stands, it will be entirely unworkable.

Mr. President: Clause 11. Amendment moved:

"In sub-clause (c) of sub-section (1), after the word 'nominated' the words 'in consultation with the employees' be inserted."

The question is that that amendment be made.

The Assembly then divided as follows:

AYES—23.

Abdulla, Mr. S. M.
Agnihotri, Mr. K. B. L.
Ahsan Khan, Mr. M.
Asad Ali, Mir.
Ayyar, Mr. T. V. Serhagiri.
Bagde, Mr. K. G.
Chaudhuri, Mr. J.
Gulab Singh, Sardar.
Jatkar, Mr. B. H. R.
Joshi, Mr. N. M.
Kamat, Mr. B. S.
Mahadeo Prasad, Munshi.

Misra, Mr. B. N.
Mukherjee, Mr. J. N.
Nabi Hadi, Mr. S. M.
Nag, Mr. G. C.
Neogy, Mr. K. C.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Sohan Lal, Mr. Bakshi.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Venkatapatiraju, Mr. B.

NOES—36.

Abdul Majid, Sheikh.
Aiyar, Mr. A. V. V.
Allen, Mr. B. C.
Barua, Mr. D. C.
Bradley-Birt, Mr. F. B.
Burdon, Mr. E.
Chatterjee, Mr. A. C.
Cotelingam, Mr. J. P.
Dalal, Sardar B. A.
Davies, Mr. R. W.
Faridoonji, Mr. R.
Gajjan Singh, Sardar Bahadur.
Haigh, Mr. P. B.
Holme, Mr. H. E.
Hullah, Mr. J.
Hussanally, Mr. W. M.
Innes, the Honourable Mr. C. A.
Ley, Mr. A. H.

Lindsay, Mr. Darcy.
Mitter, Mr. K. N.
Moir, Mr. T. E.
Moncrieff Smith, Sir Henry.
Muhammad Hussain, Mr. T.
Muhammad Ismail, Mr. S.
Percival, Mr. P. E.
Pyari Lal, Mr.
Samarth, Mr. N. M.
Sarfaraz Hussain Khan, Mr.
Sassoon, Capt. E. V.
Sen, Mr. N. K.
Singh, Mr. S. N.
Sinha, Babu L. P.
Sircar, Mr. N. C.
Webb, Sir Montagu.
Willson, Mr. W. S. J.
Zahiruddin Ahmed, Mr.

The motion was negatived.

The Assembly then adjourned for Lunch till Five Minutes Past Three of the Clock.

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

MESSAGE FROM THE COUNCIL OF STATE.

Mr. Chairman: I understand that a Message has been received from the Council of State.

Secretary of the Assembly: The Message runs as follows:

"From the Secretary of the Council of State, to the Secretary, Legislative Assembly:

I have the honour to inform you that the Council of State at its meeting of the 29th January has agreed without amendment to the Bill further to amend the Criminal Tribes Act, 1911."

THE INDIAN MINES BILL.

Mr. Chairman: The question is that clause 11, as amended by the Joint Select Committee, do stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clauses 12 and 13 do stand part of the Bill.

The motion was adopted.

Mr. Chairman: The question is that clauses 14 and 15 do stand part of the Bill.

The motion was adopted.

Mr. K. B. L. Agnihotri: Sir, in clause 16 I move to substitute the word 'or' for 'and' between the words 'agent' and 'manager' in sub-clause (1). Sir, this clause has more or less been taken out from the English Coal Mines Act, 1911, section 102. There the word 'or' is used between the words 'agent' and 'manager'; and I do not know why that has been changed to 'and' in this clause of this Bill. I think that if the word 'and' be allowed to stand in sub-clause (1) between the words 'agent' and 'manager' it is just likely that it may be taken to mean that the owner and agent and manager, *i.e.*, all these three persons, will be liable for penalty under clause 16. I think that will not be proper and desirable and therefore it is better to put the word 'or', and to make the owner, or agent, or manager, whoever is found to have committed any of the breaches of the rules or regulations under this Act, him only to be held liable. Therefore, Sir, I propose that instead of the word 'and' the word 'or' be substituted between the words 'agent' and 'manager' in sub-clause (1) of clause 16.

The Honourable Mr. C. A. Innes: Sir, I must challenge the accuracy of what the Honourable Member has just said. He said that the English Act used the word 'or' between the words 'agent' and 'manager' instead of the word 'and'. I will now read section 101(2) of the English Coal Mines Act, 1911: "If a mine is not managed in conformity with this Act, the owner and agent *and* manager thereof shall be deemed to have been guilty of an offence *under* this Act." So the House will see that the Honourable Member is entirely incorrect in his main argument for his amendment. I should just like to explain that the first two clauses of this section are part of the existing Act. The whole matter was very carefully discussed in the Joint Committee, and the Joint Committee by a majority decided to follow the English Act by adding the proviso which is shown, in italics. I

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may say that I was one of the minority, but at the same time the matter was very carefully discussed and we are quite prepared to accept the decision of the Committee. By that proviso we have brought this section into accord with the English Act except in regard to certain additions which the Honourable Member proposes to make later and which are the subject of his later amendments. In any case in view of what I have said and in view of the inaccuracy of the Honourable Member's remarks I hope the House will not accept this amendment.

Mr. K. B. L. Agnihotri: On a point of explanation, Sir. The Honourable Mr. Innes has said that the word used in the English Act is 'and' and he has read section 101(2) of that Act. But I referred to section 102 which provides for penalty and there you will find the word used is 'or' and not 'and'.

The Honourable Mr. C. A. Innes: You have got to read the two together.

The amendment was negatived.

Mr. K. B. L. Agnihotri: I drop the amendment to sub-clause (2), and I do not wish to press it.

Mr. Chairman: The question is that clause 16 as amended by the Joint Committee

Mr. K. B. L. Agnihotri: I have got other amendments to clause 16, Sir.

Mr. Chairman: But you said you did not wish to move them.

Mr. K. B. L. Agnihotri: No, Sir, the portion I did not press was that which related to sub-clause (2). I have moved the amendment in respect of sub-clause (1) only and I said I did not wish now to move the amendment to sub-clause (2) as it was similar, but I shall move amendments, with your permission, Sir, adding other sub-clauses to clause 16.

Sir, my further amendment to clause 16 is:

"Add the following sub-section to the proviso to clause 16:

'Nothing in this Act shall render the owner, agent or manager of a mine liable to a penalty in respect of any contravention of or non-compliance with the provisions of this Act if he proves that the contravention or non-compliance was due to causes over which he had no control and against the happening of which it was impracticable for him to make any provision.'

Sir, this amendment I have taken out from clause 102 of the English Coal Mines Act of 1911. The provisos (a), (b) and (c) and sub-clause (8) to clause 16 in our Bill have also been taken out from section 102 of that Act, while other provisos to that section have been left out by the Joint Committee. I wish to propose, Sir, that the sub-sections that have been left out by the Joint Committee should also be incorporated by the House in clause 16. This seems to me to be a very desirable provision because if the manager, owner or agent committed any contravention of the rules or regulations or of any provisions under this Act, and it is proved that such contravention was due to impracticable causes over which he had no control and it was for him to provide against its happening, then such owner, manager or agent be exempted from the penalty under clause 16. Therefore, Sir, I propose that this addition to clause 16 be made.

The Honourable Mr. C. A. Innes: Sir, I received notice of this amendment only at 10-30 A.M. on Saturday morning, and I have not been able fully to consult my legal advisers upon it. I don't remember whether we actually considered in the Joint Committee whether we should add these two clauses. But the reason why, as far as I can see, we did not include in our Bill a clause corresponding to clause 4 of Mr. Agnihotri's amendment, that is, clause 102 (3) of the English Act, was that it was thought that it was sufficiently provided for by clause 16 (2) of the Bill, which is the existing law. Clause 16 (2) says:

"In the event of any contravention of any such provisions by any person whomsoever, the owner, agent, and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention."

We thought, therefore, that we provided for the substance of the English sub-clause by the existing clause 16 (2) of the Bill.

As regards the second amendment "Nothing in this section shall be construed"

Mr. Chairman: It is not before the House.

The Honourable Mr. C. A. Innes: That, Sir, is the reason why we did not include a clause corresponding to clause 102 (3) of the English Act in our Bill. As far as I am concerned, I am quite prepared to leave the matter to the House. I do not think it is a matter of much importance, but it seems to me that clause 16 (2) of the existing Bill sufficiently provides for what the Honourable Member wants.

Mr. K. B. L. Agnihotri: In that case, Sir, I may be permitted to withdraw it.

Mr. N. M. Samarth (Bombay: Nominated Non-Official): Sir, as I was a Member of the Joint Committee I may say that I thought that in law all that was needed was that reasonable means should be taken by the manager, owner or agent; and "reasonable means" means necessarily that if the instructions are unreasonable he has a good defence and he can say 'These I cannot carry out; these are not reasonable,' and he gets out of it by these words.

The amendment was, by leave of the Assembly withdrawn.

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

"That the following sub-clause be added to clause 16 of the Bill, namely:

'If a boy or girl was employed on the representation of his or her parent or guardian that he or she was of an age at which his or her employment would not be in contravention of this Act and under the belief in good faith that he or she was of that age or if a person has been employed in any capacity or in any manner on his representation that he fulfilled the conditions as to age, experience and otherwise necessary for such employment and under the belief in good faith that such representation was true, the owner, agent, or manager of the mine and employer shall be exempted from any penalty and the parent or guardian or the person making such representation as the case may be, shall in respect of the misrepresentation, be guilty of an offence under this Act.'

Sir, this is also a sub-section of section 102 of the Coal Mines Act of 1911. In the present Bill we have provided that children below a certain age shall not be employed in the mines. The amendment which I suggest to this section will have the effect, that if the owner, manager or the agent

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of a mine employs any person on the representation of the person himself or on the representation of the guardian or the parents of such children, then he (the manager, owner or agent) would not be held liable to penalty under this section. Secondly, the guardian or the parent or the person who makes such a representation will also be held liable for having made a false representation to the owner, manager or agent for such employment, and therefore I suggest that this provision of making the person who makes such false representations, liable under this clause, will be very salutary in preventing the employment of children in the mines. Therefore, I submit, that this amendment be accepted and added to clause 16.

Mr. N. M. Joshi: I rise to a point of order, Sir. This is a complicated amendment, and I think it should not be allowed.

Mr. Chairman: Do you object to it?

Mr. N. M. Joshi: Yes, I object to it.

Mr. Chairman: As the amendment is objected to, and as Honourable Members have not been furnished with a copy, for want of notice, I think I should disallow it.

The Honourable Mr. C. A. Innes: Sir, may I point out that it will delay the whole Bill. I think I can explain the point to Mr. Joshi's satisfaction.

Mr. Chairman: If Mr. Joshi is willing to hear you.

Mr. N. M. Joshi: I have taken my objection.

Mr. Chairman (to the Honourable Mr. Innes): You may address the House as to why the objection should not be allowed.

The Honourable Mr. C. A. Innes: I think, Sir, the rules provide that two clear days' notice must be given for these amendments. These amendments reached me on Saturday evening, and from our point of view the objection can be upheld. I do not know why copies of the amendments have not been supplied to Members. The real point I want to make is that I am anxious not to delay this Bill on the ground that Members have not been given notice of an important amendment which I think I can dispose of quite easily.

Mr. K. B. L. Agnihotri: I think Mr. Joshi will reconsider his objection.

Mr. Chairman: In the circumstances explained, I suspend the Standing Order and allow the amendment.

The Honourable Mr. C. A. Innes: I think it is a very dangerous thing for us to try and transfer from the English Act a provision of law which may be and is entirely unsuitable to our own Act. In the first place, the form of Mr. Agnihotri's amendment is unsuitable. It talks about a boy and a girl. We have no definition in our Act of a boy or a girl. We have only got a definition of a child. In the second place, the intention of the amendment is to penalise misrepresentation as to the age of a child by the parent of that child. Now, everybody in this House, I think, will realise

that the Indian miner will have the very greatest difficulty in saying definitely whether or not his child is or is not below 18 years of age and therefore in clause 27 of our Bill we have made a special provision to meet this very case. Clause 27 says:

"If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a child, the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner."

In all cases, therefore, where it is uncertain whether or not a child is or is not below 18 years of age, we make provision for the settlement of the dispute. It seems to be quite unnecessary to impose on these ignorant miners the obligation of telling the truth with regard to the age of their children when they themselves probably do not know what that age is.

Mr. N. M. Joshi: Sir, I also oppose this amendment. It provides for a penalty on the parents of the children on the ground of misrepresenting the age of their children. I think, Sir, in the case of these illiterate people, anything can be proved against them, and therefore I think that such a provision is most dangerous. I therefore oppose it.

The motion was negatived.

Clauses 16, 17 and 18 were added to the Bill.

Mr. K. B. L. Agnihotri: Sir, I beg to move that sub-clause (7) of clause 19 be deleted.

Sub-clause (7) is to this effect:

"Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898."

Sir, under this sub-clause we give authority to a Magistrate to stop the mines and take proceedings under section 144 of the Code of Criminal Procedure. The House will remember that only a few minutes ago we have provided that the District Magistrate may be made an Inspector in a district. Sir, if the District Magistrate is declared to be an Inspector in the District, this clause becomes superfluous because, in his capacity as a District Magistrate, he could take action and in his capacity as an Inspector also he could take action; moreover, under this Bill, we have also provided that the Chief Inspector or the Inspector, if he finds that the mine is in a dangerous condition or something to that effect, can under clause 19, sub-clauses (1) and (2), close the mine. So this power under 144 will be superfluous when the same thing could be done by the Inspector or the Chief Inspector and by the District Magistrate. They can also withdraw the workers from the mines and they can stop the working of the mines. It might be said that there may be a likelihood of a breach of the peace and therefore the Magistrate's intervention may be necessary but this very thing could be done by the Chief Inspector and the Inspector under the other sub-clauses of clause 19 and therefore this sub-clause (7) is superfluous and unnecessary and should be deleted.

The Honourable Mr. C. A. Innes: Sub-section (7), Sir, is in the existing Act. As I understand the matter, it is as follows: "under section 144 of the Criminal Procedure Code a Magistrate has power to take certain action in an emergency—that is a general power. Under clause 19 of this Bill we confer upon the Chief Inspector and the Inspector special powers to take action also in an emergency. The object of sub-clause (7),

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as I understand it, is to make it perfectly clear that nothing in the special powers which have been conferred upon the Chief Inspector and the Inspector override or interfere with the general powers exercised by a Magistrate under the Criminal Procedure Code. It is by no means clear to me whether, if you remove this section from the Bill, you would in fact deprive a Magistrate of his general powers under section 144 of the Criminal Procedure Code. To take the question, on the merits, whether a Magistrate should be allowed to exercise these powers, I would point out, as I have just pointed out on an earlier amendment, that we have only got four Inspectors in all India. Quite conceivably, there might arise a case where a part of a mine becomes extremely dangerous, where a Magistrate has to take action on the spot without waiting for an Inspector to come down. It seems to me, Sir, whether it makes any difference or not if we remove this sub-clause, it will be a mistake to do so.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): I think Sir, the Government is not well advised in having a clause like this. If they once bring in a special act of reservation in respect of a particular section of the Criminal Procedure Code, it would mean that the Magistrate cannot exercise any of the other powers conferred by the same Code. For example, take section 133. Does the Honourable Member mean to suggest that, unless power is given by this Bill to exercise powers under that provision of the Criminal Procedure Code, the Magistrate could not exercise the power? I think, if he thinks the matter over, he will find that the introduction of this clause is likely to lead to a great many difficulties. If we specifically mention section 144, it would imply that the other powers are not open to the Magistrate; I do not think the Government would be well advised in having a clause like this. Once you mention a specific section you exclude the exercise of powers under other sections of the Criminal Procedure Code. Take section 133—taking precautions in respect of danger to property. If you leave out that and put in section 144, what would be the effect? It would be regarded as if you had made provision for exercising powers under section 144, but that the Magistrate cannot exercise powers under section 133. I think it is a dangerous innovation and is likely to lead to difficulties.

The Honourable Mr. C. A. Innes: It is not innovation: it is in the existing Act.

The Honourable Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, in reply to my Honourable and learned friend who has just spoken, I should like to point out that section 144 and this particular clause of the Bill that we are now considering deal with the same matter, deal with an emergency where speedy remedy is desirable. Section 133 is another matter altogether: that deals with the case of a nuisance. I would point out one mistake into which Mr. Agnihotri has fallen. I understood him to say that, as the District Magistrate has the powers of an Inspector under the Act, he can as an Inspector use his powers under section 19 to meet the emergency and therefore it is quite superfluous to allow him any power or any Magistrate any power under section 144. Mr. Agnihotri has, Sir, I am afraid, overlooked the clause of the Bill under which the District Magistrate gets his powers under the Bill. If he will look at sub-section (8) of section 4 he will find that the District Magistrate is not, and cannot be, invested with powers under this particular section 19. It is

one of the two sections which is excluded from the scope of the Magistrate's action under this Bill. Therefore, Mr. Agnihotri's sole argument to support this amendment has disappeared. A District Magistrate cannot take action under section 19 and we make it quite clear that he can take action under section 144 of the Criminal Procedure Code.

Mr. Chairman: Amendment moved:

"In clause 19 delete sub-clause (7)."

The motion was negatived.

Clauses 19, 20 and 21 were added to the Bill.

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

"That in clause 22, substitute 'in the local official Gazette' for the words 'at such time'."

Sir, clause 22 of this Bill is to this effect:

"The Local Government may cause any report submitted by a Committee under section 11 or by a court of inquiry under section 21 to be published at such time and in such manner as it may think fit."

My amendment will make it obligatory on the Local Government to publish it in the local official Gazette, in addition to the other modes that the Local Government may decide to give publication in as required. My reasons for this are, Sir, that the local official Gazette is practically the mouth-piece of the Government. Every event, order or piece of legislation, rules or regulations and every report that has to be published by the Government, unless it is of a very voluminous size, is generally published in the local official Gazette and every person including a mine owner is expected to know it and even the law presumes that whatever has been published in the Government Gazette is a proper communication to the persons who may be concerned. Therefore I suggest that it would be better that in addition to the other modes of publication the Local Government may think proper that the publication should also be made in the local official Gazette so that no person could complain afterwards that he had not the knowledge of it because the manner of publication under the Bill remains uncertain and may not probably be known to every mine owner or to persons concerned; while they are expected to know and actually know that there is a Government Gazette which contains these publications. Therefore, it will be better if the local official Gazette is inserted in this clause and the Local Government be required to publish the reports, etc., in the local official Gazette in addition to the other modes that they may think right.

The Honourable Mr. C. A. Innes: I would just point out, Sir, as a point of form, that if this amendment is adopted, it would seem necessary to add before "manner" the word "such". Otherwise the clause will stand "in the local official Gazette and in such manner as it may think fit." That will probably amount to an injunction for the Local Government to consider whether it should be printed in small pica or big pica or whatever it may be. But apart from that, Sir, I do not think I need take the time of the House over this amendment. Surely in a matter of this kind we can leave it to the Local Government to decide what is the most suitable method of publishing a report of this kind and I do not see why we should tie them down in this Bill to any particular method.

The motion was negatived.

Clause 22 was added to the Bill.

Mr. B. N. Misra: Sir, my amendment runs as follows:

"(i) That in clause 23, sub-clause (b) for the word 'sixty' the words 'forty-eight' be substituted.

(ii) That in clause 23 (c) for the words 'fifty-four' the words 'forty-two' be substituted."

Clause 23 runs as follows:

"No person shall be employed in a mine:

(a) on more than six days in any one week;

(b) if he works above ground, for more than sixty hours in any one week;

(c) if he works below ground, for more than fifty-four hours in any one week."

My amendment relates to clauses (b) and (c). The first sub-clause says that no person shall be employed for more than six days in one week. Practically a labourer has to work sixty hours in six days, and if he has to work sixty hours in a week, it comes to this, that he has to work ten hours a day. I consider that this ten hours' continuous work is really very unwholesome and it will greatly tell upon the health of the labourers. The object of the Bill is to protect the safety and health of the labourers. Generally labourers go to work at about 7 in the morning, come at about 12, prepare their meals, have their bath and so on. They go to work at 3 P.M., come back at 6 P.M. An ordinary labourer works 8 hours a day. That is outside, in the open fields. In this case, if the present conditions are allowed, they will have to work 10 hours. For instance, if they go early morning at 7, they will complete their ten hours' work by 5 o'clock without any recess. If some recess is allowed for their bath and their food,—you must allow at least two or three hours,—even if you allow only two hours, they will have to work till night 7 o'clock. I think two hours' recess is absolutely necessary for their bath and other things. Practically they will have to work from morning 7 till night 7, if any recess is allowed. If no recess is allowed, as is not contemplated, they will have to work continuously from 7 A.M. till 5 P.M. I wish to point out to Honourable Members that we began just at about 11 o'clock and we went for our lunch at 2 P.M. That is, after three hours' work we had one hour's rest. I think Honourable Members will have some sympathy and some consideration for these hard working poor labourers. If two or three hours' work is sufficient for an hour's rest for us, don't you think that these labourers who have to work in pits deserve your sympathy! I am told sometimes these pits are 5,000 feet deep and some are 2,000 feet deep and they have to work at such depths underneath the ground that they do not get any free air, and the pits are very warm and very unhealthy. Do they not, as human beings, require some sort of concession and do you think it proper that they should be so much tormented and work for ten hours a day at such depths? Sub-clause (c) provides that they will have to work only fifty-four hours underground. That means that underground labour is required to be 9 hours a day and above-ground work 10 hours a day. There is no definition of what is above-ground work and what is underground. We do not know which they will call underground work—200 feet or 300 feet or 1,000 feet under the ground. In these circumstances, to labour for 9 hours or 10 hours a day is very unwholesome for these labourers. Probably my Honourable friend, Mr. Innes, will tell us that we have to conform to the decision of the Geneva International Conference which has accepted 10 hours' labour to be the minimum. I submit that for this particular kind of work, which is really very difficult, and in a country

like India where the weather is really so uncharitable or so specially hot in summer, it is very difficult for labourers to work for 9 or 10 hours a day. I think 5 or 6 hours will be really very tiresome for any labourer who really wants to work. If you simply want them to be there even till 10 o'clock, they might be idling away their time. In the interests of hard work you have to give them some rest. If you give less hours, they can work more energetically and more vigorously, and they can turn out more work than if you allow them to be there for 20 hours or 15 hours or any longer hours. The result that the mine owners will get by allowing these people to work more hours, will not be profitable to them, because we must imagine that the workmen are after all human beings and no man can do hard work continuously for more than 7 or 8 hours. If you keep him there for 10 or 15 hours I do not think it will be profitable to the mine owners. Probably, it may be said that these labourers will get more money. As a matter of fact, they do not get more money. The work is carried on on a contract system. Say, the cooly sirdar takes 10 or 12 coolies. He takes a contract and whatever extra money is got is taken by the cooly sirdar from the mine owner or his agent. The actual coolies do not get any profit, because the coolies continue to get the same daily wages. The gain goes to the sirdar, or headman or contractor. I submit therefore that if they work hard it will not benefit them. I do not think that such provision will really bring any benefit to these labourers. Then, probably, it may be said that in the Factory Act we have also 10 hours labour. I submit to this House that labour in a factory and labour in a mine is quite different. Labour in a factory is more comfortable where they have to work under buildings or in open air, whereas this mine work is really very tiresome and unwholesome work. Ten hours labour is very difficult even above ground and 9 hours a day or 54 hours in the week is really very very difficult to do. Of course, we are not making any provision that those who have worked 4 or 5 hours underground should be brought above-ground and another set should go underground. If there were some such provision, there might be reason in that, but there is no such provision. So, a man working underground will always be there continuously 9 hours which is very difficult. In these circumstances I move:

"That in clause (b) instead of '60 hours' '48 hours' be substituted and in clause (c) instead of '54 hours' '42 hours' be substituted."

Mr. Chairman: Amendment moved:

"That in clause 23, sub-clause (b), for the word 'sixty' the words 'forty-eight' be substituted."

Mr. N. C. Sircar (Bengal National Chamber of Commerce): The provision is that in respect of work overground it is 60 hours, that is, ten hours a day. Ordinarily, there are 12 hours in a day, I think my Honourable friend understands it. The practice in our coal mines is that the above-ground labourer gets two hours' rest from 12 to 2 p.m. In ordinary days, I mean in the summer season, the sun rises at about 5-30, and the labourer goes to work at about 6 o'clock. After working 6 hours he gets two hours' rest, and then he comes back at 2-30 or 2 and goes back home at 6 o'clock. We get 10 hours' work and at the same time they get two hours' rest. So, that meets the desire that a labourer should get a certain amount of rest. (A Voice: "What about winter?") In the winter season, they get their two hours' rest all the same, but they cannot get to work before 7 o'clock, and they are always let off at 5-30 p.m. In

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the winter season we do not get 60 hours' work. (*A Voice*: "Why is it provided in the Bill?") Then there must be two provisos that in the summer season it ought to be 60 hours and in the winter season it must be 54 hours. But in respect of underground work, the provision is for 54 hours and six days in the week which means nine hours a day. Of course, we have not at present the shift system in the mines, in fact, it is impracticable, because some miners come to work from a distance of 5 or 6 miles and therefore they cannot return home every day. Therefore they stop at the coal mine and they are expected in their own interests to work 9 hours. But the miners generally go down at 8 or 8-30 and sometimes at 9 o'clock. Whoever goes later is to come out later and from 8 o'clock they work up to 4 o'clock which means actually 8 hours and we do not get more than 8 hours' work. Of course, the provision is for 9 hours but we shall be quite pleased if we get 8 hours' work from the miners. As a matter of fact, we do not get more than 8 hours work. The same thing applies here as in the case of surface labour that in the winter season we get a certain amount of less work because they cannot go down until it is 9 o'clock and in the hot season, of course, they go down a bit earlier. At any rate, they do only 8 hours' work under the mines, and such being so, I do not see what effect the amendment is going to have on the practice already in force in the coal mines.

The Honourable Mr. O. A. Innes: My Honourable friend, Mr. Misra's speech contains so many startling mis-statements that it left me panting and breathless at the end of it. He referred to coal mines 5,000 miles deep. (*A Voice*: "Feet.") He referred to the Geneva Conference which was a conference which dealt with seamen. What he really meant to refer to was the Washington Conference, the conference which mainly dealt with factory labour. The whole of his speech indicated, I think, that he had never been to a coal mine, and that he had not even read the previous debates in this House in regard to this Bill. Mr. Misra evidently thinks that in the coal mines at 6 o'clock every morning you ring a bell and miners come out from neatly whitewashed houses and troop down the mine, and at five in the evening a bell is rung and the miners troop out of the mine. That is not so, for the mine labour in India, especially in the coal mine, is, I regret to say, very unorganised. It is difficult enough to get the labour at all. When the miner comes, he comes often from a long distance. The men come with their families. They go down the mines and come up whenever they like, they stay there as long as they like, and they are paid entirely by results. They do not do any fixed number of hours work. They merely cut so many tubs of coal. When they cut enough tubs of coal sufficient to maintain them for a week, up they come and away they go. That is why in making for the first time an effort to limit the hours of labour in a mine we have contented ourselves with fixing a weekly limit of hours, and in fixing that limit of 60 hours for labour above-ground, we have followed the desire expressed by this House, the mandate of this House. The Washington Conference recommended that in India the limit of 60 hours a week should be adopted for all workers in industries covered by the Factory Act and in mines. The House recommended to the Governor General in Council that that draft convention should be ratified and that is why we have adopted the 60-hour a week for labour above-ground. That is, we have adopted for labour above-ground in mines precisely the same limit as we have adopted for ordinary factory labour. Is there any reason why we should treat

above-ground labour in mines with more consideration than similar labour in factories? As regards underground labour we have gone rather beyond the prescriptions of this draft convention. We have adopted a 54-hour week, and we did that for a special reason. At the Washington Conference there was a special Committee sitting. It did not go as far as recommending the inclusion in the Convention of a 54-hour week for underground labour in mines, but it made a special recommendation to the Government of India that we should consider that proposition. We embodied these two propositions in the Bill. We have addressed all Local Governments and all Local Governments except one, Burma, which objects to the limits and thinks they are too low, have agreed to them. At this stage it would be very difficult for us to go further and lay more drastic limits down. And since in this Bill we have carried out the mandate of this Assembly, I think that this Assembly should reject this amendment.

Rai Bahadur S. N. Singh (Bihar and Orissa : Nominated Official): Sir, I am afraid I think a further lowering of the maximum working hours will affect the growth of some indigenous industries such as mica and coal, and will reduce their output

Mr. Chairman: Will the Honourable Member kindly speak up.

Rai Bahadur S. N. Singh: Ten hours a day is not considered intolerable even for brain workers and there is no sufficient reason why a labourer should not put in 60 hours a week or 10 hours a day above ground, and 54 hours a week or 9 hours a day below ground, especially as it has been made clear that he must have absolute rest for one whole day in a week of seven days. In this connection I would venture to invite reference to the opinion of the Punjab Coal Company, which considered that the limitation of the hours of employment in mines and the enforcement of a weekly day of rest would be the death blow of the Punjab collieries. This provision has on the whole met with the approval of the Local Governments and the representative public bodies as the maximum limit reasonably enforceable, but even then, Sir, it is recognized that it will be necessary to make some rules to exempt the cases of firemen, pump-men and other labourers of an intermittent kind, at least for a considerable time to come, as it will not be an easy matter to provide specially qualified men of this class in the near future. Also, Sir, it is a matter of some significance that even the veteran hero of the labour classes in India (Mr. Joshi) favours the retention of this clause, as his proposed amendments to this clause would go to show.

In the circumstances, Sir, I think this amendment should be readily outvoted.

Mr. N. M. Joshi: Sir, I have great pleasure in supporting this amendment. The hours of work suggested by this Bill are no doubt too long and I hope the House will accept the amendment proposed by my Honourable friend, Mr. Misra. I am of opinion that no man should be allowed to work for more than six hours a day and for more than six days a week and that for adequate wages. I do not think my friend, Mr. Sircar, really made out a strong case. He himself admitted that people do not work for more than eight hours. If they do not work for more than eight hours why should you not accept the amendment?

Mr. N. C. Sircar: I meant to say as regards sub-surface work.

Mr. N. M. Joshi: If they do not work very long and for more than two days, why should he object to the amendment? I think if the amendment is accepted, we shall be following the modern and latest European standards. I therefore feel that this House should accept this amendment.

Mr. J. N. Mukherjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I did not want to speak, but having heard my Honourable friend, Mr. Joshi, I should like to say a word or two on certain aspects of this question. There is one thing to which I would like to draw the attention of the House particularly. It is that the clause in question merely lays down the outside limit. Clause 23 of the Bill does not compel every labourer to work for 10 hours or any other specified number of hours. What it says is that no person shall be employed in a mine (a) on more than six days in a week, (b) if he works above ground, for more than sixty hours in any one week, and (c) if he works below ground, for more than 54 hours in one week. Now, Sir, we have just heard one of the coal proprietors from Bengal, and we know now that physical laws and economic laws cannot be very often resisted, in spite of regulated hours of work. So that if at certain seasons of the year workmen are obliged to work shorter hours and at other times longer hours, these periods have to adjust themselves to the needs of surrounding circumstances. That is a point, Sir, we should not lose sight of. Therefore if the amendment proposed be accepted, and then on any occasion if somebody is required to work for 10 hours, and he does so willingly and even for his own gains he will be punishable under the law according to the proposed amendment. That is what the present law wishes to provide against. It does not require any labourer to definitely work for 8 or 10 hours. Unlike my Honourable friend from Orissa (Mr. Misra), I have been in a mine myself and have seen things as they are. Sunrise or sunset has very little to do there. Down there, it is pitch dark relieved only by electric bulbs and one has to move about there with difficulty. I may repeat, one has very little to do with sunrise and sunset in marking his hours, when working in a mine. Putting aside these questions, I submit that clause 23 of the Bill provides for the maximum limit only for the period of work for a labourer in connection with a mine, and bearing this in mind we should not raise objections which might interfere with the output of coal, or with the cost of the output of coal, and may bring about economic conditions which may place India at a disadvantage in the economic world. Therefore, Sir, I oppose the amendment.

Mr. Chairman: The amendment before the House is:

"That in clause 23, sub-clause (b) for the word 'sixty' the words 'forty-eight' be substituted."

The motion was negatived.

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

"That in clause 23, sub-clause (b) substitute the words 'fifty-four' for the word 'sixty', and in sub-clause (c) substitute the words 'forty-eight' for the words 'fifty-four'."

I do not think that this amendment requires any argument. The Honourable Mr. Innes gave us two grounds in opposing Mr. Misra's amendment. The first was that generally these people were not required to work for more than eight hours, and certainly not for 10 hours, as Mr. Sircar has pointed out. The second was that we have adopted the draft Convention which lays down 60 hours, and it is thus necessary to adopt that as a principle for fixing the maximum hours of work in the mines.

But, Sir, we have already deviated from the draft convention in adopting 54 hours as the maximum period of work underground, and there is no cogent reason why should we put a maximum of 60 hours and stick to the convention. Mr. Sircar has pointed out that the labourers generally work for only 8 hours. (Mr. Sircar: "I was not speaking of surface labour, Sir.") Say, 10 hours in summer and less in winter. But, Sir, even clerks and other people employed in offices whose work is not of such a fatiguing nature as that of the labourer are never required to work for more than six or seven hours in the day. (Voices: "No, no.") From 10 to 4 o'clock or 5 o'clock: what does that come to. (A Voice: "Till 10 o'clock.") Office hours generally are from 11 to 5 or 10 to 4. If a man works later than that, it is his own lookout. When therefore we people who have light work to do, work only for seven or at the most eight hours, why should we take more work from the labourer whose work is much heavier and tiresome and make him work for 10 hours a day as is being provided in this Bill. And if, as pointed out by Honourable Mr. Innes and Honourable Mr. Sircar, they actually work for less than 10 hours, then there should be no objection to fix the maximum of working hours at 54. Even that will amount to nine hours work a day, which is in itself too much. Therefore I suggest that by way of a compromise the Government should accept this proposal for the substitution of 54 instead of 60, in place of 48 which has just been thrown out. The Honourable Mr. Mukherjee has said that that is only the maximum period which has been fixed. I do, of course, realize that in the mines where illiterate labourers work, they are never expected to be punctual in attending to their work, and often they come late. But there is no necessity to keep the maximum at a figure which is not desirable, because that may give an excuse to some mineowners to extract 60 hours full work from them and the Government could not interfere. Mr. Sircar has said that if a labourer comes late, he has to continue late. Therefore I submit it is better to reduce the work from 60 hours to 54 and if a man has to do underground work, from 54 to 48. Therefore I move that this substitution be made.

The Honourable Mr. A. C. Chatterjee: I do not think the Honourable Mr. Agnihotri has advanced any new arguments at all. He has referred to the fact that men working in commercial and Government offices do not usually attend office for more than 6 or 7 hours, but have we ever passed any law preventing any man from working for more than 10 hours in a commercial or a Government office? I wish we had, because then I personally should have some relief from occasionally working from 6 in the morning to 8 o'clock at night. The whole principle here is different. We are preventing people from working more than a certain number of hours. Therefore we have to be extremely cautious. My friend, Mr. Mukherjee, has already emphasised the fact that we are laying down maxima. We are not laying down minima at all. I hope all the Honourable Members of this House will bear that fact in mind. Then the Honourable Mr. Agnihotri has utilised the statement made by Mr. Sircar that as a matter of fact these men in the mines do not actually work more than 8 hours underground. That is quite true. I would go further. From the statistics that we gathered, we learnt that as a matter of fact the hours they work underground are even less than 8 per day on the average but then there is no reason why we should restrict them from working hard and working fairly decent hours if they want to. The fact is, and I think Mr. Sircar will bear me out when I make this statement, that most of these people who work in the mines are also at present agriculturists. The result is

[Mr. A. C. Chatterjee.]

that they devote a certain number of hours of work to the mines and devote the rest of the week to work on their fields. Therefore they do work rather shorter hours in the mines both above ground and below ground than they ordinarily do in the factories. But we all know that the standard of living in these mines among the mine workers is extremely low. Our aim should be to raise the standard of life amongst these workers and then and then only their condition will improve and the condition of the industry will improve. Therefore our aim should be to get as many men to work all the time in the mines as possible and not devote their time half to agricultural work and half to mines. When they do that, they will certainly be expected to work fairly long and steady hours in the mines and we should do nothing in our present legislation to prevent any such tendency. I think, Sir, everybody will admit that this House has been most progressive in the matter of labour legislation. Even in the very first Session on the motion of Government this House agreed to laying down a 60-hour limit for workers in mines and in factories. In the present case we have gone even further. Government have made the proposal that the labour of miners underground should be limited to 54 hours. This has been done (as the Honourable Mr. Innes has already explained) with special reference to a recommendation made by a Committee at Washington. Therefore we are not really deviating from the Resolutions that were passed by this House two years ago. We are only carrying out the further suggestion that had been made at Washington. Everybody agrees that that suggestion is a sound one. Therefore Government cannot be considered to have been inconsistent in having made this proposal. I do not think, Sir, that Mr. Agnihotri's proposal will tend to the well-being of the miners. I think, Sir, in their own interests they should not be prevented from working a decent number of hours above ground. I hope, therefore, Sir, that the amendment will not be accepted.

Mr. W. M. Hussanally: I wish to add a few words, Sir, to what has fallen from the mouth of the Honourable Mr. Chatterjee. If I understood the Honourable Mr. Innes aright and if these miners are not paid by the day, it will make a very considerable amount of difference in their daily earnings if the time of working is further curtailed. That is the first point which must be taken into consideration. Secondly, I think that if there is a further curtailment of the hours of work for these miners, the price of coal must necessarily go up. That would cost a good deal to our industries. There is another point which has also to be considered in coming to a decision on this matter. We all want more coal and more industries. If we go on limiting the hours of work in this manner from time to time, I think our industries will not prosper so fast as we all wish. I therefore oppose the amendment.

Mr. Chairman: The amendment before the House is:

"That in sub-clause (b) of clause 23 substitute '54' for '60'."

The motion was negatived.

Mr. B. N. Misra: Sir,

Mr. Chairman: Is the Honourable Member formally moving it? He has already made a speech.

Mr. B. N. Misra: I have already made a speech, Sir; that is what I was going to express. I think I have dealt with both the clauses, and I submit

that at least this amendment (42 hours a week) for underground work should be accepted. I therefore move:

"That in clause 23, sub-clause (c), for the words 'fifty-four' the words 'forty-two' be substituted."

The motion was negatived.

Mr. K. B. L. Agnihotri: Sir, I beg to move this amendment, *vis.*:

"That in sub-clause (c) substitute the words 'forty-eight' for the words 'fifty-four'."

The motion was negatived.

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

"Add the following sub-clause to clause 23:

'(d) for more than ten hours in a day'."

Sir, we have provided 60 hours' work in a week, but we have not provided the limit of the hours for which a labourer is to work in a day. Therefore I propose, Sir, that a man may not be made to work for more than 10 hours a day.

The Honourable Mr. C. A. Innes: Sir, this point has been examined very carefully not only by the Government of India but also by a special Committee which sat on the Coal requirements in the coal-fields in 1919 and 1920. We have been advised on all sides that it is quite impracticable as things are at present in the coal-fields to impose any daily limit of hours. If the House will remember, we had a debate on this very subject in September last and I then explained in full detail this fact, namely, that it is not possible, as things are now in the coal-fields, to enforce a daily limit, and, since it is impossible to enforce a daily limit of hours, I think the House will agree with me that we ought not to impose one.

The motion was negatived.

Mr. Chairman: I think it will be for the convenience of the House if we adjourn now.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 30th January, 1923.
