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OF THE

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LEGISLATIVE ASSEMBLY.

Saturday, 10th February, 1923.

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

MESSAGES OF CONGRATULATION ON THE BIRTH OF H. R. H. PRINCESS MARY'S SON.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): Before the regular business of the day begins, I ask your permission, Sir, to move a Resolution which I am quite sure will be carried with acclamation by the whole House. We saw an announcement in the papers the other day that Her Royal Highness Princess Mary had a son born to her. That makes the first grandson to His Imperial Majesty the King Emperor. Sir, according to Hindu ideas the very name of a king signifies that he gladdens the hearts of people and a true subject is he who rejoices in the success and happiness of the Royal household. Sir, we are very happy that His Imperial Majesty has the first grandson through his daughter, Princess Mary. We wish you, Sir, to convey to the Princess our hearty congratulations on the birth of a son and to His Imperial Majesty our felicitations on the birth of a grandson.

Mr. N. M. Samarth (Bombay: Nominated Non-Official): Sir, I associate myself with what has fallen from Mr. Seshagiri Ayyar, and I have been asked by the National Party to request you to convey the same message to His Imperial Majesty the King Emperor.

Sir Campbell Rhodes (Bengal: European): Sir, on behalf of the non-official European community, I have much pleasure in endorsing the Resolution proposed in such eloquent terms by my Honourable friend, Mr. Seshagiri Ayyar. The general rejoicing throughout the Empire at the birth of a son to the daughter of our beloved Emperor will be echoed widely throughout this land, where the advent of a son and heir is not only a happy social event but is also an event of deep religious significance. I heartily support the proposal.

Dr. Nand Lal (West Punjab: Non-Muhammadan): Sir, I most heartily share the view which has been placed before this Assembly by my learned friend, Mr. Seshagiri Ayyar. The birth of a son is an indication of great happiness, and I think the whole Empire will rejoice in it. With these few remarks I support the motion.

Mr. President: The question is that the President be instructed to convey an expression of the profound pleasure and thankfulness of the Legislative Assembly at the birth of a son to Princess Mary; and that a dutiful and loyal message be conveyed to His Majesty the King Emperor of the pleasure of the Legislative Assembly at the birth of a grandson.

. The motion was adopted.

THE MALABAR (COMPLETION OF TRIALS) SUPPLEMENTING BILL.

The Honourable Sir Malcolm Halley (Home Member): Sir, I ask leave to introduce a Bill to supplement the Malabar (Completion of Trials) Act, 1922.

It may be as well perhaps that I should explain to the House the exact purport of this small Bill.

There have been a series of special Ordinances issued by the Governor General in connection with the Malabar Rebellion; I need deal only with that aspect of these Ordinances which provided for the special trial of prisoners. The original Martial Law Ordinance established courts under the authority of the Military Commander, and subsequently a special tribunal was instituted. That Ordinance expired in February last. At the time it lapsed there were still a very large number of pending cases with which the ordinary courts of the districts were not able to deal. A further Ordinance was thus necessary and under the Malabar (Restoration of Order) Ordinance, 25th February, 1922, the Local Government were given authority to appoint special courts, special Judges, special Magistrates and summary courts. That Ordinance, in its turn, expired in August last and on its expiry the Madras Government still found itself confronted with a considerable number of cases. In some instances trial had already begun, in others the accused were arrested and were awaiting trial, and in a large number of other cases the accused had not even been arrested. It was felt in regard to the part heard cases, and those in which the accused were already under arrest that delay must be avoided, and the Governor General in Council, at the instance of the Local Government, passed a still further Ordinance, the Malabar (Completion of Trials) Ordinance, 1922, of 19th August last. Under this special Magistrates and special Judges already appointed were enabled to continue the trial of these cases. Arrangements were thus made for the definite class of cases to which I have referred, namely, those in which trial had begun or accused had already been arrested. A large class of cases however still remained for disposal in which, though information had been lodged and inquiries completed, or were well on their way, the accused had not been arrested. There were limits to the capacity both of the investigating authority and of the courts, and these two causes combined to make it impossible to take steps against a large number of persons who were nevertheless believed to be guilty of crimes so serious that with every desire to arrive at a speedy end of the proceedings, the Local Government could not overlook them. The Madras Government therefore in December last placed before their Legislature and passed a Bill known as the Malabar (Completion of Trials) Bill, the principal effect of which was to extend section 30 of the Code of Criminal Procedure to special Magistrates in the district of Malabar, with power to try under the provisions of that section offences certified to be offences connected with the events which necessitated the enforcement or continuance of Martial Law in the district of Malabar. That Bill further provided a remedy for a technical difficulty arising from the Completion of Trials Ordinance which was passed in August last, and which will expire in a few days time. When it expires there will undoubtedly be some cases in which an appeal has not been finally decided or has not yet been lodged. There will then be left no successor to the courts which will have disappeared along with the Ordinance, and there will therefore be no court to which the appellant could apply for records

or to which the appellate judgment could be notified. Section 4 of the Madras Act rectified this position by laying down the courts which should have authority for taking action in order to give effect to the sentences passed by the expiring special courts or by any court in appeal regarding the judgments or orders of such courts. Section 5 further provided that notwithstanding such expiration an appeal should lie in any case in which an appeal would have lain but for such expiration, and that such appeal should be heard and decided by the High Court in cases in which under the Ordinance an appeal would have lain to the High Court, and that in other cases appeal should lie to the Sessions or Additional Sessions Judge, South Malabar. Now comes in the purpose of our present Bill. Section 5 of the Madras Act, to which I have referred, so far as it purported to give appellate jurisdiction to the High Court, was *ultra vires* of the local Legislature, and it is therefore necessary that the central Legislature should pass an Act giving the required jurisdiction to the High Court. The purpose of our Bill is therefore to supplement the lack of statutory authority in the Madras Legislature and its effect will merely be to confirm the action of that Legislature in making a provision for appeals to the High Court in cases where but for such provision no appeal would lie.

In the circumstances I have explained I have no doubt the Assembly will not only agree to the introduction of this measure, but will have no objection to further consideration being treated as a matter of urgency. The effect of the Ordinance lapses on the 18th of this month, and I propose therefore, if leave is given to-day, to put the further consideration of the Bill down for Monday next.

The motion was adopted.

The Honourable Sir Malcolm Halley: Sir, I introduce the Bill.

THE INDIAN STAMP (AMENDMENT) BILL.

The Honourable Mr. C. A. Innes (Commerce and Industries Member): Sir, I move for leave to introduce a Bill further to amend the Indian Stamp Act, 1899.

The facts of this case are clearly stated in the Statement of Objects and Reasons. Non-judicial stamps are at present a provincial source of revenue, but they are subject to all-India legislation. Last year the Bengal Government submitted proposals to us for the enhancement of the stamp duty on these instruments; but on looking through their proposals we saw that there were certain instruments on which the stamp duty must be uniform all over India. Accordingly we reserved those instruments—a list of them is given in the Statement of Objects and Reasons—for all-India legislation, provided that Local Governments, after they were consulted, agreed that such legislation was necessary.

We have now consulted all Local Governments, and as a result of that consultation we have decided that we do not desire to enhance the duty on certain of these instruments such as acknowledgments, bills of exchange, cheques, delivery orders, receipts and shipping orders; but we propose—that is the object of this Bill—we propose to enhance the duty on the remaining instruments—share certificates, letters of allotment of shares, letters of credit and proxies. We also propose to enhance the

[Mr. C. A. Innes.]

duty upon demand promissory notes and we also desire to make certain changes in regard to policies of insurance such as annual earthquake insurance. As the Act is now drafted they pay the same duty as live assurances, which is a heavy one. We want to bring that class of policy under the same head as fire insurance. The revenue which will accrue from these proposals, if they are accepted by the House, will of course go to the Local Governments.

I move for leave, Sir, to introduce the Bill.

The motion was adopted.

The Honourable Mr. C. A. Innes: I introduce the Bill.

THE INDIAN FACTORIES (AMENDMENT) BILL.

The Honourable Mr. C. A. Innes (Commerce and Industries Member): Sir, I beg to move that the Bill further to amend the Indian Factories Act, 1911, be taken into consideration. I explained very fully, Sir, the objects of this Bill when I introduced it last week, and at this stage I do not think it is necessary for me to say more. I move, Sir, that the Bill be taken into consideration.

The motion was adopted.

Clause 1 was added to the Bill.

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

“ For clause 2 of the Bill substitute the following :

‘ In clause (a) of sub-section (1) of section 22 of the Indian Factories Act, 1911, (hereinafter referred to as the said Act) the words ‘ has had or ’ shall be omitted, and for the words ‘ one of the three days immediately preceding or succeeding the Sunday ’ the following shall be substituted, namely :

‘ any other day in the week consistently with this Act ’.”

Sir, before I ask the House to accept my amendment, I should like the House to consider what were the intentions of the Legislature when the Factory Act was passed last year. The object, the apparent object, with which Government have introduced this Bill and this section is that they wanted to give effect to the intentions of the Legislature. Therefore, it is necessary for us to see what the real intentions of the Legislature were when they passed the Factories (Amendment) Bill last year. I would like the Members to refer to the wording of the section and see what it intends to do. What the section intends to do is that a particular Sunday belonging to a certain week should be transferred from that week into another week for the purpose of calculating the hours of work. In the first place, Sir, I consider this drafting to be not a proper drafting. The other day my friend Sir Henry Moncrieff Smith found fault with some Members for bringing into existence unmarried grandfathers. Now, Sir, I want to congratulate his department on bringing into existence a week of 8 days and a week containing 2 Sundays. That is what the expert draftsman of this Bill has done. Let the Members carefully read the words. I will draw their attention to the wording :

“ For the purpose of calculating the weekly hours of work of such person the Sunday be deemed to be included in the preceding week.”

That week should be deemed to have 8 days and that week should be deemed to have two Sundays. This is the drafting of the Bill, but, Sir, I do not mind the drafting at all. What I want the House to do is to give effect to the intentions of the Legislature. Now what were the intentions of the Legislature? Sir, not being a lawyer I cannot discuss with such great skill as some of my friends did discuss that question of the intention of the Legislature last year about the votable and non-votable items. A great deal of skill was exhibited by our friends; I do not propose to do that. Now how are the intentions of the Legislature to be judged? The original section in the Bill which deals with this subject is this:

"No person shall be employed in any factory on a Sunday unless he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday."

This is the wording of the original section. Now what is found in practice is this, that you cannot under certain circumstances, if you observe all the sections of the Factories Act, substitute the Sunday for every other day in the week, especially you cannot substitute a Sunday by a Thursday or Friday or Saturday. Now my Honourable friend Mr. Innes and his department will say that "if you observe all the rules of the Bill you cannot substitute a particular Sunday by a Thursday, Friday or Saturday; and therefore the intention of the Legislature was to break the other rule." My point is that what the Legislature intended was this, that this clause about the holiday should be followed as far as it could be followed by observing all the other sections of the Act. It did not mean that in each case the employer should be able to substitute for Sunday any one of the days in the week. That was not the intention of Legislature at all. The intention of the Legislature was that the employer should be able to substitute for a Sunday some other day if it was permitted by the other sections of the Act. I think, Sir, this is the ordinary interpretation which laymen like myself can put upon any section of any Bill.

Mr. Jamnadas Dwarkadas (Bombay City: Non-Muhammadan Urban): There are two holidays per week?

Mr. N. M. Joshi: It may be two holidays, sometimes three holidays. My friend Mr. Jamnadas is surprised to see

Mr. Jamnadas Dwarkadas: I am only asking. . . .

Mr. N. M. Joshi: My friend, Mr. Jamnadas, is surprised to see that there should be two holidays in a week. I will draw his attention to the list of holidays which the Mill Owners' Association of Bombay have printed and circulated. In that list at least there are two occasions on which there are not only two holidays in a week but three consecutive holidays. So he need not be surprised. I have got the list. If he wants it I can supply him a copy.

Sir, that was the intention of the Act. The Legislature never intended that the other important sections of the Act should be contravened in order to enable the employer to substitute a holiday for a Sunday. If that had been the intention the Legislature would have made it quite clear. Sir, I admit that the wording of this section is not happy, and if the Legislature had been careful the wording would have been changed. But let the Legislature know how the wording came to be here. I want to explain to Members the circumstances under which this defective wording came into this Act. The original intention of the Government of India was to make Sunday compulsory. The wording was "that Sunday shall be a

[Mr. N. M. Joshi.]

holiday," and there was no option given to the employer to substitute any other day for Sunday. That was the intention of the Government of India; that was the original Bill. The Joint Committee thought that the employer should be given option to substitute some other day for that Sunday. But I accept this that the Joint Committee intended that power should be given to the employer to substitute any other day for Sunday, but it was never the intention of the Joint Committee or of this Legislature that employers should be enabled to do this even by breaking the other rules. No mention was made either in the Joint Committee or in the Legislature that employers should be given the power to substitute any other holiday by even breaking the other rules. Now, Sir, the Objects and Reasons of the Bill make it clear which rule is contravened by the Bill. The rule contravened is that of 60 hours a week. This is not an ordinary small rule. This is one of the main principles of the Act that there should be no more than 60 hours a week. Now what Government tries to do is this. Whenever in such a case where the employer wants to substitute one particular day for a Sunday and where this rule of 60 hours a week is contravened, the Legislature gives him power to calculate this Sunday into the previous week. That is to say, the Legislature gives the power to the employer to give a go-by to the principle of 60 hours a week and introduces another principle, namely, of 120 hours in a fortnight. If, Sir, the employer is to be given the power of substituting another principle, namely, of 120 hours for a fortnight instead of 60 hours a week, the Government can go one step forward, and instead of making 120 hours for a fortnight, let Government say once for all that the employer should have the power of observing 3,120 hours in a year instead of 120 hours in a fortnight. But let the House know that when you substitute for 60 hours a week 120 hours a fortnight, you are making a change in the principle. Sir, moreover, when you make this change of principle of substituting 120 hours a fortnight for 60 hours a week, you are tampering with the International Obligations. They had ratified the convention for 60 hours a week, not 120 hours for a fortnight or 3,120 hours for a year. They had ratified a convention for 60 hours a week and in order to tamper with that convention and that ratification, Government proposes that that Sunday should be transferred into the previous week. I do not think, Sir, that this will be considered to be a very straightforward conduct in a very great Government. Now, Sir, I think the mistake of the Legislature or of the Joint Committee was that, when they changed the original Bill as drafted by the Government of India, instead of making their own draft they lifted up from the original Factories Bill the old clause and put it in the new Bill without knowing that that old clause would contravene the other amendments which are made to the Factories Act. That was the reason why the mistake was made. The draftsman or the Joint Committee, I do not know which, put in the Bill a clause which belonged to the old Act without considering whether that Act would break any other rule, and therefore the mistake was caused. Now, what the Government say is this: As the Legislature have passed these words, therefore the Legislature must have intended that the other rules should be broken in order that effect should be given to these words. What I say is this: That, as these words cannot be given effect to, the Legislature never intended to pass this rule as it is. The Legislature intended to put in some words which could be put in here consistently with the other provisions of this Bill. Now, Sir, I want to know from Government why they are making this change. Is it because they want only to make

the Act consistent or because there is a demand from some people for this change? As far as I know, there is not much widespread demand from the country. I have not seen Calcutta Chambers of Commerce or any other Associations asking for this change. At least Government have not told us that. As far as I know, the Mill Owners' Association of Bombay did want this change in order that they should be able to cut down the holidays which the employees would get according to the present Act. According to the present Act, I think they will have to give about 62 holidays. They are prepared to give 55 or 56 or 57 holidays. The Act gives the employees a few more holidays. The Bombay Mill Owners' Association do not propose to do that. Therefore, they go to the Government of India and ask them to make this change. I want to know, Sir, whether the government of this country is to be conducted by the real Government of India or by the Mill Owners' Association or the Chambers of Commerce or the Landholders' Association. I do not think it was right for the Government of India to have yielded to this demand of the Mill Owners of Bombay in this fashion and introduced an absurd provision in the Act altogether, making the week consist of 8 days and of 2 Sundays. After all, what is the real substance involved in this change?—4 or 5 more holidays which will have to be given to the employees—if you keep the Act as it is or if you accept my amendment in order to regularise the whole Act. Now, is it really worth doing? Even if the Legislature considers that the intention of the Act was to do this. Suppose I do not admit for a moment that the Legislature intended to do what the Government is proposing to do—but suppose, by chance, it is done, is it right for you to take away the holidays from the employees in this fashion? Sir, I do not think the Legislature will accept that proposition, even if the Government of India has brought it forward.

There is one thing more, Sir. It may be said, when my friend Captain Sassoon begins to defend his position or the Government of India's position, that the piece-workers in the factories will suffer, that, if you give them two holidays, they will get less wages. That is an argument, Sir, which has been used always, not on this occasion only. When the Factories Act was amended and the hours of work were reduced from 12 to 10 or from any number of hours to 60 hours a week, the same argument was used. At any time, whenever there is going to be a change either in the hours of work or in the holidays, the same argument will be used that the piece-workers will suffer. But, Sir, no disaster has yet fallen upon the country on account of the several changes that we have made so far in our Factories Act. And by giving a few more holidays to the employees, no very great disaster will follow either. Therefore, Captain Sassoon or my Honourable friend, Mr. Innes need not very much worry themselves about the great loss which the working classes will suffer by enjoying 4 or 5 more holidays in the year. I, therefore, think that my amendment, which gives effect to the real intentions of the Legislature, namely, that the employer should be able to substitute 8 days in the week for the Sunday, should be accepted by the House.

The Honourable Mr. C. A. Innes: Sir, I feel that I am somewhat protean in my incarnations in this Assembly. A fortnight ago, when the Mines Bill was being considered, I was held up to the Assembly by Mr. Joshi as a hardened reactionary. Last week, when I, with the assistance of this House, passed the Workmen's Compensation Bill, I am afraid that some of the employers were inclined to look upon me as a crack-brained idealist. Mr. Joshi for his part regarded me as a pilgrim on the path of progress but

[Mr. C. A. Innes.]

with frequent backslidings from which he endeavoured to dissuade me. Again, to-day, I stand before you as the henchman of the millowners of Bombay. Sir, I decline to accept that characterisation. If the House wishes to know why I introduced this Bill, it is because I take a different view of my responsibility from Mr. Joshi. Mr. Joshi stands before the House as a picker-up of unconsidered trifles; he stands before the House as a man who wishes to take advantage of an obscurity and defect in the Bill in order to get for labour a few more holidays which the House never intended to give them. I, Sir, stand before the House as a man who does his very best to hold the balance evenly on either side, to do justice both to the employer and to the workman. Now, Sir, let me read the Act. The Act as it stands at present says:

"No person shall be employed in any factory on Sunday unless he had or will have had a holiday for a whole day on one of the 3 days immediately preceding or succeeding the Sunday."

The intention of that section, whatever Mr. Joshi may say, was to enable the employer to substitute for a Sunday an important religious festival whether that religious festival preceded or succeeded the Sunday. And as I explained when I introduced this Bill, we have not been able to carry out that intention because, when we passed the Act, we did not realise what the cumulative effect would be of this clause, read together with the definition of week and read with section 27 which prescribes that no person shall be employed in a factory for more than 60 hours a week. Now, the result of the section as it stands at present is that, if an important religious festival occurs on Friday or Saturday and if the employer gives his workman that holiday instead of the following Sunday, then, if he works for 9 or 10 hours a day in the succeeding week, he will have infringed section 27 of the Act because then he will have worked more than 60 hours a week. That was the point which we had overlooked and that is the point which we now wish to correct by this simple expedient which I have placed before the House. Mr. Joshi has held that up to derision, but I defy Mr. Joshi or anybody else in this House to find a more simple or more convenient way of remedying what is an undoubted defect in the Act. I can speak with feeling on this point for my Honourable friend Mr. Clow and myself spent a whole morning in trying to find out the best way of dealing with that defect. Now, Mr. Joshi has attempted—or I will say he has laboured at the attempt—to prove that the intention of the Legislature was that section 22 (a) should be subject to section 27; that is to say, the employer might substitute a religious festival day for a Sunday provided that he did not exceed the sixty-hour week. Mr. Joshi, I think, has not looked at the proviso to section 22. The proviso to section 22 says:

"Provided that no such substitution shall be made as will result in any person working for more than ten consecutive days."

It is perfectly clear, therefore, that the Legislature did contemplate that a man should work for ten consecutive days and that in these circumstances the sixty-hour week should not be adhered to. Mr. Joshi has also said that my proposal involves an infringement of the International Convention. That is entirely a mistake. The International Convention provides a weekly rest day. Well, Sir, even under my proposal, we do give a weekly rest day. We do give a sixty-hour week. It is true that in certain cases we do not give a sixty-hour week if the week be taken as a week from Sunday to Saturday. But the effect of our proposal will be that in the seven days beginning with Thursday and ending in the following Wednesday the man will not work more than sixty hours. He will always get

one holiday and so, though in a different way, we have entirely carried out our International Convention. The trouble has merely arisen from our definition of 'week.'

Now, let me take Mr. Joshi's amendment. Mr. Joshi says that no person shall be employed in any factory on a Sunday unless he will have a holiday on any other day in the week consistent with this Act. The effect of that amendment will be to make the Act even more restrictive than it is at present, for it will mean that an employer will not be able to substitute for a Sunday any but the first three days of the week. I should like the House to note this point. It means that the employer will not be able to substitute as a holiday for Sunday any but Monday, Tuesday or Wednesday, because, normally, the week begins on a Sunday. We will take it that the first Sunday is given as a holiday. Then the man works six days, then works again on Sunday and then works on Monday, Tuesday and Wednesday. He will then have worked ten days consecutively. The House will therefore see that it will be quite impossible for the employer to substitute Thursday, Friday or Saturday in any circumstances for a Sunday, because he infringes against the ten days' rule. Now, the object of my amendment is to give that elasticity to the employer which is necessary in order to enable that employer to substitute religious festivals for the English Sunday. It suits the convenience of the workman and it suits the convenience of the employer. There is no reason at all why, if the workmen prefer to have a holiday on an important religious festival day, they should not do so. There is no reason why, against their own will and their own convenience, they should be tied down to the Sunday. Mr. Joshi says "Let them have these extra holidays." If that is Mr. Joshi's point, let him make a frontal attack. Let him propose to amend the Act so that they have not 52 holidays in the year but 60 or 62, whatever it may be. You need not take advantage of this hole in the Act in order to say that they ought to get these extra holidays. What will be the result of this? The result, I imagine, will be that the employers will refuse to substitute important religious festivals which fall on a Thursday, Friday or Saturday for the Sunday. They will say to the workmen, "No, we cannot give you this holiday. You must take it on the Sunday." What is going to be the result? Friction all round and strikes merely because Mr. Joshi wishes to get these men a few more holidays and merely because Mr. Joshi is not prepared to carry out what I say was always the intention of the Legislature, merely because Mr. Joshi is not prepared to play fair with the employers. I say, Sir, that this Assembly, this Legislature, has a very real responsibility in this matter. We are not here to be led away by Mr. Joshi's eloquence. We are here to try and do justice to both sides. We are here to try and correct the mistakes that we have made, and that, Sir, is the reason why I have introduced this Bill. Sir, I oppose Mr. Joshi's amendment.

Mr. Manmohandas Ramji (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I have followed very closely Mr. Joshi's arguments and he has tried to put the case in a manner which is not fair to the employers and not fair to the workmen even. Mr. Joshi says "Give them 5 days more holidays. What does it matter?" He ought to have more information of what the practice in Calcutta is. I am told that in Calcutta the workmen get holidays on Sundays but they are not allowed a holiday on religious days. What will be the effect? As the Honourable Mr. Innes has rightly pointed out, there will be dissatisfaction. The millowners of Bombay do not wish to curtail even a single holiday. What they wish

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to do is to comply with the wishes of the workpeople and give them holidays on their festive occasions. Then again, there is this important point that the industry has to stand competition from other parts of the world. If workmen are given holidays after holidays as Mr. Joshi would have, it means greater cost of production. The workmen, as it is, get more than sixty holidays in a year. That means two full months of thirty days. But taking 25 or 26 working days for a month, it means more than two months. Further, some people are paid monthly wages and others are on piece work. Who will suffer? The workmen themselves; and if they draw less by this arrangement, they will ask for more wages, and more wages means more cost of production. In these circumstances, I think it is not wise on the part of this Legislature to accept Mr. Joshi's amendment.

Mr. J. Ohaudhuri (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, Mr. Manmohandas Ramji has referred to the practice in Calcutta. So far as I know, the mills and factories close on important festival days such as, for instance, the *Id* or the *Dushera* which is called the *Durga Puja* holidays, and other important festival days. The workmen do get holidays on these days. I also appreciate the objection that was raised by the Honourable Mr. Innes. If a holiday is to be substituted for a Sunday, sometimes I know that it may be a Muhammadan festival day, and they are let off on that day. But the Hindu workmen are not let off on that day and a Sunday is substituted for the day that is taken off from the week of the Muhammadan community. In this way sometimes it happens on a Friday you have to substitute a Sunday for the Friday. I would think that it would be better if we leave elastic the point for the employers to arrange with their workmen instead of putting in a hard-and-fast rule that if they are made to work on a particular Sunday this day is to be taken off during the next three days and it cannot be taken off the week on a later day. I think that will not be either to the advantage of the employers or of the workmen. Of course, I am not very familiar with the working of factories, but I know that in newspapers sometimes, when the paper is issued on Monday the workmen have to work on the Sunday, and then either an off day has to be given during the week or they have to be paid extra wages. In this particular newspaper business, many of the newspapers are issued on Mondays and some are issued on Sundays. Those newspapers which are issued on Sundays have to work on Saturday, but in the case of the paper which is issued on Monday, Sunday is practically a working day. So, I should not adopt any hard-and-fast rule with regard to this matter but I would make it elastic so that the matter may be arranged amicably between the employers and the workmen.

The amendment was negatived.

Mr. President: The question is that clause 2 stand part of Bill.

Mr. N. M. Joshi: I rise to oppose this section altogether. Sir, it was said by the Honourable Mr. Innes that I wanted to give a few more holidays to the employees by an underhand manner. As a matter of fact, I did not want to do that at all. I did not introduce the Bill. It was my Honourable friend who has introduced the Bill and he is responsible for this change, if there is any one, and not I. He brought forward the Bill to reduce the holidays and I want to prevent that. That is all. I do not want to increase the holidays by any underhand manner.

Sir, I do not think this section gives effect to the real intentions of the Legislature at all. The Legislature intended that the other sections of the Act must be observed if the holidays are to be substituted for Sundays. My Honourable friend Mr. Ramji said, "Why should not the holidays be substituted?" As a matter of fact, that is my amendment that the employer should be given the right to substitute any other day for a Sunday, but the intention of the Legislature should not be contravened, namely, that the other sections of the Act should not be broken at all.

The Honourable Mr. Innes in defending his section said that he was giving effect to the real intentions of the Act and he quoted a section in the Bill newly introduced that the workmen will not be allowed to work continuously for more than ten days. The existence of this clause is an argument in my favour. As a matter of fact, if the intention of the Legislature was to retain the old clause, namely, no person shall be employed in any factory unless he has had or shall have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday, then there will be no necessity of having this clause at all, because according to the old Factory Act, automatically there was the necessity of a holiday at least once in 12 days; that was the ultimate effect of the old Act. My Honourable friend Mr. Ramji has got experience of the working of the old Factory Acts and he will tell you that even under the old Act it was not possible for any one to work for more than 12 days without being given a holiday. If the old section was to be retained and if that was the intention of the Legislature, then certainly this section was not necessary at all, because according to the old Act it was not possible to continue working a factory for more than 12 days without giving a holiday. It was on account of that, there was no provision in the old Act about continuous working for more than 12 days or 10 days or 15 days. Otherwise the old Act would have provided for this contingency. That was not put in the old Act because it prevented the working of a factory for more than 12 days automatically. It was on account of that there was no provision regarding continuous working for more than 10 days. When the Legislature intended to give this facility to the employer, namely, to substitute another holiday for a Sunday, they thought the employer may be able to go on working for more than 10 or 12 days and that section was put in. As a matter of fact, the argument which was used by the Honourable Mr. Innes is in my favour. The mere fact that a clause has been inserted in the Bill prohibiting working a factory for more than 10 days continuously shows that the Legislature never intended to put in the old clause about holiday in the old Act. Therefore, that argument is altogether in my favour.

Then, my Honourable friend Mr. Ramji said, why should there be two holidays, as if two holidays should never be given. (*Mr. Manmohandas Ramji*: "Why"?) Then if you pass this Bill you shall have to give two holidays in certain weeks. I am sorry to have to discuss these details in the Assembly. But I shall give an example. Take a holiday on the 5th of any month, Thursday. Sunday will be working. Take a holiday on the 18th of the month, Wednesday. Wednesday will be substituted for Sunday. You cannot do it. You have to give two holidays. Even if you pass this Bill you are not preventing the giving of two holidays once in two weeks at all. If that had been your object I could have understood it. I also pointed out in answering my Honourable friend Mr. Jamnadas Dwarkadas that as a matter of fact—not of law or rule—

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here is a list of the holidays given by the Bombay Millowners' Association. There are these holidays—14th, 15th and 16th March, Tuesday, Wednesday and Thursday—three consecutive holidays. Where was your
 12 Noon. consideration for the wages of the employees then? Did you object to this? Then, Sir, there is another instance—20th October, 21st October and 22nd October—three consecutive days. Did not the piece-workers suffer? Did you ever take that into consideration? You do not take that into consideration when it suits you and you are afraid of giving two holidays when it does not suit you. If the argument is to be considered that the workman should not have more than two days simply because their wages will suffer, you are not preventing that. I showed that even if you pass this Bill there will be several cases in which you will not be able to substitute that holiday for a Sunday. I have quoted one case. I can quote several. Again I do not think it is right for me to take up the time of the House by putting before them these conundrums and riddles. I therefore hope that this House in the interests of its own integrity as regards the intentions of the Legislature will not pass this. The Legislature never intended that the section about the 60 hours week should be broken or should be tampered with in the fashion in which Government has done.

The Honourable Mr. A. C. Chatterjee (Education Member): I had no desire to intervene in this debate though I feel that I had some responsibility both for the framing of the present Bill and in connection with the passing of the Indian Factories (Amendment) Act last year. I did not wish to take up the time of the House because the facts had been very lucidly explained by my Honourable friend, Mr. Innes. As Mr. Joshi has not been able to overcome his desire to get in a reply to the remarks of Mr. Innes on the amendment, I feel bound to say a few words. Mr. Joshi has referred to the intention of the Legislature. As I said, I had the privilege of conducting through this House the Bill which is now the subject of discussion. I remember perfectly well the discussions that took place in the Joint Select Committee on that occasion.* My Honourable friend, Mr. Joshi, was present throughout those discussions. He was not present in the Assembly when the Act was passed. Therefore I think I have as much authority, perhaps a little better authority, than Mr. Joshi has with regard to our intentions when we passed the Bill. I confess it was my mistake as well as that of the draftsman of the Bill that when we changed the original phrasing of the Bill and introduced the present phrasing we overlooked the new provision with regard to the weekly limit of work. It was perfectly plain to everybody during the discussion in the Joint Committee on the motion of Sir Vithaldas Thackersay that we wanted to restore the old system that prevailed in Bombay and in some other parts of the country with regard to holidays. Mr. Joshi is perfectly well aware of that fact and I am very much surprised that he neither made a reference to it when the report of the Joint Select Committee was presented last year nor did he argue against it in the proceedings of that Committee.

Mr. N. M. Joshi: I accepted the Act as it was.

The Honourable Mr. A. C. Chatterjee: I therefore entirely repudiate Mr. Joshi's assertion that it was the intention of the Legislature at that time to give the 60 hours and that at the same time the holidays should

be on the basis which Mr. Joshi now contends that they should be. Then again Mr. Joshi says that the present Bill does not provide that there should never be two holidays in the week. That is quite true. We do not intend that on no occasion at all should there be two holidays in the week. The proviso still exists and we are not proposing to make any alteration in the proviso. On no occasion whatever will a man be compelled to work for more than ten days continuously. That is the continued intention of Government. I therefore hope that Mr. Joshi's objection will not prevail.

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

The motion was adopted.

Mr. President: The question is that clauses 3, 4 and 5 do stand part of the Bill.

The motion was adopted.

Mr. President: The question is that the Title of the Bill and the Preamble of the Bill do stand part of the Bill.

The motion was adopted.

The Honourable Mr. C. A. Innes: I move that the Bill be passed.

Mr. President: The question is that the Bill further to amend the Indian Factories Act, 1911, be passed.

The motion was adopted.

THE INDIAN PAPER CURRENCY BILL.

The Honourable Sir Basil Blackett (Finance Member): Mr. President, I beg to move for leave to introduce a Bill to consolidate the law relating to the Government Paper Currency.

After the astronomical and mental gymnastics through which we have been passing, the House will, I am sure, turn with relief to so simple and lucid a subject as the paper currency in India. I feel that I am really doing a public benefaction. This is a purely consolidating measure and makes no change of any kind in the existing law. It is really a measure to give one day's holiday a week to the hard worked people who deal with Paper Currency Acts. As the House remembers, the Paper Currency Act now in force was passed in 1910. Since that date there have been various amendments—numerous amendments of provisions relating to the constitution of the Paper Currency Reserve passed mostly during the War or just after it. The last series of amendments was made by the Act No. XLV of 1920. I need not dilate on what the provisions of that Act were. It introduced certain permanent provisions and certain temporary provisions to last so long as the created securities, so called, in the Reserve remained created. These temporary provisions were not incorporated in the Act. They did not take the form of specific amendments to the Act and in consequence it is almost impossible to understand the existing Acts in the form in which they are printed. One of the first things that happened to me when I found myself in the Finance Department was that I asked for a copy of the Paper Currency Act in its present form and after a day's hard labour I gave it up. I was then told that I was expected to introduce a Paper

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Currency Bill. As I knew how controversial a subject it was, naturally I was relieved to find that it was merely a Bill to consolidate the existing Paper Currency Acts in order that they may be printed in a consecutive and intelligible form. The present Bill is intended to bring all the existing provisions together in a clear form and as I have already explained it makes no kind of change in the existing law. I beg to move for leave.

Mr. President: The question is that leave be given to introduce a Bill to consolidate the law relating to the Government Paper Currency.

The motion was adopted.

The Honourable Sir Basil Blackett: Sir, I introduce the Bill.

RESOLUTION *RE* EMIGRATION OF UNSKILLED LABOURERS TO CEYLON.

Mr. President: The House will now resume consideration of the Resolution moved by Mr. Hullah on the 1st February this Session in the following terms:

“ This Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Ceylon, and recommends to the Governor General in Council that the notification be published in the Gazette of India.”

Mr. J. Hullah (Revenue and Agriculture Secretary): I only wish, Sir, with your permission, to make a very brief statement regarding the papers that we have placed in the hands of Honourable Members. The arrangement of these papers, the bringing up to date of certain notes which were placed before the Standing Emigration Committee, and which we have now placed before the House, and the printing of these papers involved heavy and very rapid work. The Honourable Mr. Sarma promised to supply to Members all papers of a non-confidential character. We have gone much further, and have placed in Members' hands papers which have hitherto been regarded as confidential. It will be seen that among them are the full proceedings of the Standing Emigration Committee. These have hitherto been regarded as confidential; and since we informed the Deputations that came from Ceylon and Malaya that these proceedings were confidential, it was necessary for us, after the last debate, to telegraph to the Colonial Governments and ask whether they had any objection to our laying them before the House. We also asked them whether we might lay before the House the correspondence with them. They replied at once that they had no objection. I hope, then, that the House will feel satisfied that this is a set of papers sufficiently full to enable it to take cognizance of all the considerations that are relevant to the subject.

The Honourable Mr. B. N. Sarma (Revenue and Agriculture Member): Sir, Mr. Hullah in a very full, lucid and eloquent speech has clearly explained to the House the relations which have existed hitherto between Ceylon and India with regard to emigration and the history of the proposals which have led to the Notification being laid on the table of this House. If I rise to intervene in the debate at the present stage, it is because I have felt that, having regard to some of the observations made by Honourable Members when they asked for time to consider the question

more fully, a further exposition of the policy of the Government, its position and attitude towards this question might help in a speedy termination of the Resolution before the House. The House may rest assured that it is not the desire of the Government to encourage, or encourage unduly, emigration from India either to British possessions or to other countries. The Government know and realize that it is their duty to make the conditions of life in India as easy and comfortable as possible. They realize that, in the interests of agricultural prosperity as well as economic and industrial development, it would be a short-sighted policy to denude the country of labour, and they have been taking and propose to take all steps that may be necessary to improve the conditions of labour prevailing in the various parts of India. But there is no use disguising from ourselves the fact that in certain parts there is an undue congestion, that labour conditions are unsatisfactory, and we have also to recognize the fact that it is the freedom of the individual that we have to respect, that a man should be able to go where he pleases to make the best of the conditions and opportunities which are possible to him. So subject to reasonable exceptions, the freedom of the individual has to be promoted and safeguarded. But the Government have recognized and do recognize that there are essential safeguards to be taken when they are dealing with an ignorant population who are unable to protect their own interests and may be seduced or rather may be induced to go abroad in search of a comfortable living without a full appreciation of the conditions. It is under those circumstances that the Government have passed the emigration law which has been placed on the Statute Book last year and propose to provide suitable safeguards to protect assisted emigrants to foreign countries. But in making rules and in imposing conditions, the House will remember that the relations between India and Ceylon are peculiar. Mr. Hullah has laid stress upon this aspect of the question, and I propose to add only a very few brief remarks. We may treat Ceylon as practically an annexure to or a district of India from the standpoint of proximity and facility of communication and, viewed geographically or ethnologically, we may say that the conditions are so similar that distinctions, such as can be drawn between the overseas possessions of His Majesty, the distant overseas possessions and India, cannot be drawn in the case of Ceylon and India. There is only a very narrow stretch of sea, 22 miles long, which separates the two. There is a large inflow, interchange, of labour between Ceylon—200 or 300 passing from Ceylon.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): There is no interchange of labour.

The Honourable Mr. B. N. Sarma: There is no interchange of labour proper but interchange of population though on a small scale. The Government as far back as 1847 recognized that it was essential—and I lay particular stress upon it—that it was essential to secure the good will of Ceylon to render their emigration policy effective. They have also recognized that the apprehensions which may exist in the case of other Colonies need not be entertained in the case of Ceylon. Honourable Members will recognize also that 25 per cent. of the population, including the emigrant population, are closely allied by affinity to the South Indian Tamilian population. are Tamilians, and even with regard to the vast majority of the Singhalese, if tradition is to be relied on, they come from an Upper India stock which is said to have emigrated more than 2,000 years ago; so that, in substance, you can look upon Ceylon as practically a country peopled with Indian races. We

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shall also have to recognize that with the prosperity of Ceylon is intimately connected the prosperity of South India. The trade relations are very extensive and I would therefore ask the House to remember these peculiar conditions which subsist between Ceylon and Southern India. I am not going to minimise in the slightest degree the fact that there has been anxiety or that there is room for anxiety that ignorant villagers in Southern India may go to Ceylon to better their conditions under various inducements only to find that the conditions are no better there than those prevailing in Southern India. The Government propose in this connection to take effectual safeguards and the Committee has been of very great assistance in formulating proposals as to what may be necessary in this behalf. Now, Sir, if we treat Southern India and Ceylon as practically one country for general trade and labour purposes, if we remember that in the past Ceylon was governed from Madras and was part of Southern India—the Chola Kings ruled that tract for a long time—if you remember all these facts, I suggest that you should treat emigration to Ceylon on a somewhat different footing from emigration to other distant countries. The Government of Ceylon have pressed very seriously and very strongly upon the Emigration Committee their view that there should not be any obstacle whatsoever in the way of a free interchange of populations between Southern India and Ceylon. They have pointed out that no great evils had entered into the body politic of either country by reason of such free interchange in the past and that it would be hard to enforce any restrictions upon such emigration without seriously handicapping the skilled or free unskilled emigrant. Their views are supported by a certain section both in Southern India and in Ceylon, but the Government as well as the Emigration Committee have felt, and I think rightly, that it would be impossible, having regard to public feeling on the subject and the necessity for safeguarding the interests of the labour population emigrating to Ceylon, to accede to these demands, and we therefore propose not to except unskilled labour emigration from the purview of the Act. We have proceeded further and wish to ensure that whenever a labourer goes across this 22 mile stretch of sea to Ceylon and finds himself in uncongenial surroundings or finds that he has been induced to go there under unfulfilled promises or the conditions do not suit him, either by reason of the work he has to do being unsuitable or the wages he is paid being inadequate or for any other satisfactory reason is able to convince the Emigration Agent that it is fair he should be helped, he should be sent back to his home at the expense of the Colony; and the Government of Ceylon have agreed to it. The Government and the Committee have felt it incumbent upon them further to press upon the Ceylon Government to remove all penal restrictions, and whether willingly or unwillingly—let us be charitable and say willingly—the Ceylon Government have removed all such restrictions. But the Emigration Committee were not satisfied—and I do not blame them for it—with regard to the wages that are being paid in Ceylon. I am not going to trespass upon the ground to be covered by the amendments, but that was the one point upon which the Emigration Committee had grave doubts. It was not originally intended to press upon the Ceylon Government the fixing of a basic wage subject to a minimum. I shall have to briefly explain to the House the various stages through which this aspect of the problem presented itself to the Emigration Committee and the Government. In the beginning the idea was faintly hinted at but was set aside on the advice of Mr. Marjoribanks who was deputed by the Madras Government to assist

us and who was one of those who went to study the conditions in Ceylon and the Straits Settlements. They were induced to drop this question on the ground that the labourer was a free labourer and entitled to repatriation when he found that the conditions were unsuitable, and the Tundu having been abolished the conditions of the labour market would adjust themselves and that it was not desirable to fix a minimum which might easily become a maximum. Rightly or wrongly, they at first hesitated to ask that any minimum wage should be fixed. We pressed certain other conditions upon the Ceylon Government which were partially accepted. Then a deputation waited upon us and the question was again raised in the Committee because the Committee has always felt unhappy about this wage question. It was then suggested to the deputation that this problem should be solved at an early date in order to ensure harmonious relations between the two countries. The deputation very strongly pressed upon Government and the Committee the practical difficulties in the way of concluding any investigation in a short space of time, and undertook to inquire into the subject to find a solution so that the position may be made easy for all parties concerned. Then the Committee sat specially to consider this point on the 21st September and resolved to ask the Government of India to negotiate with the Ceylon Government for the purpose of making this inquiry as speedily as possible and for improving meanwhile the conditions of labour; but they did not make it a condition precedent because they recognized that some time must elapse before the inquiry was concluded and its results made known. They further stipulated that any results which might be tentatively arrived at should be placed before them, so that with their suggestions before them the Government may be able to negotiate further before final conclusions are come to and the matter is placed before the Ceylon Legislative Council. Therefore in our last letter to the Ceylon Government we expressed the hope that they would at once take steps to see that the conditions of labour were improved. (*A Voice*: "When was that?") In October, I believe. The last meeting was on the 21st September and in October we wrote to Ceylon asking them to undertake an inquiry, and they wrote back at once saying that they would undertake an inquiry and pointing out the various stages through which that inquiry had to pass, and, having regard to the fact that there were 1,230 estates with varying wage conditions prevailing in different places, they said that some time was required but that they would conclude the matter as early as was practicable. That is where that question stands, and I hope that it will be settled speedily to the satisfaction of this House and to the satisfaction of the whole country. But I ask you, Sir, if we had waited from 1847 up to date without, I will not say any hardship, but if we had waited patiently for the amelioration of the position so long, would it be too much to ask the House to wait a little longer and allow the Government to negotiate with Ceylon wage? The Government has the interests of the labourer at heart. The Government recognises the difficulties in the way of the Ceylon Government. They recognise that the conditions in Southern India are not altogether dissimilar to those obtaining in Ceylon. The conditions of labour in Southern India have to be ascertained to a certain extent, because we have asked the Ceylon Government to fix the wage in such a way as to enable the labourer when he comes back to Southern India to live happily on his savings, which might serve as a pension for him; and, therefore, having regard to these limitations which we have imposed, I would ask the House to recognise that the Government and the Committee have placed as many reasonable conditions as conditions precedent to emigration being

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allowed as are practicable. I lay once more stress upon the fact that confidence begets confidence, and that if we allow this matter to lie at this stage for a little while longer, the Ceylon Government, recognising that we have placed implicit trust in their good faith, in their desire to improve the conditions of labour settled there, would co-operate with our Emigration Agent, if we are so fortunate as to find funds to appoint one there; with his co-operation and the co-operation of the Government of India, I hope that the Ceylon Government would be in a position to place this vexed question on such a satisfactory basis that they and we may be able to co-operate fully for the betterment of the conditions of Southern India as well as Ceylon. And, mark you, Sir, let us not expose ourselves to the charge that by enforcing unduly hard conditions in the desire, in the natural desire, in the just desire, to improve the conditions of our countrymen who may be going abroad, that we shall be unduly depressing the labour market in Southern India; because that outflow, be it on a small scale or on a large scale, is helpful, is good, in the interests of the labourers of Southern India, inasmuch as it naturally raises the position of the labourer and his value in the market. I, therefore, hope that the House would take a very generous view of the difficulties of the Ceylon Government—I am not trying to overdraw the picture, I am not trying in the slightest degree to minimise the difficulties to which labour is subject or the public opinion which faces us and I do not say that public opinion has been unduly exercised having regard to the stories which have been rightly or wrongly propagated with regard to the condition of labour in Ceylon—well, Sir, having regard to the peculiar relations subsisting between us and Ceylon, the fact that their prosperity and our prosperity are bound up together and that we cannot afford to see the planting industries in Ceylon rudely affected, let us trust them a little more; and we have got the power, we have got the will, to enforce and we shall be firm in enforcing a policy which would secure justice for the labourer who may be going to Ceylon from here. Section 13 of the Emigration Act fully empowers the Governor General in Council to stop emigration at any time he considers proper laying reasons therefor and the Resolution he has come to on the table of this House. If this House is dissatisfied with the conditions it is always open to them to recommend to the Government to take such steps, if the Government does not of its own accord take such steps, in that direction as may be necessary. We have got ample power in the Statute Book to enforce our will and we shall do so. Let us show that we trust the Ceylon Government, the Ceylon planters, and if they betray that trust, if they are not fully alive to their responsibilities, then it will be time for this House to ask the Government to lay down rigid conditions so that they may not make a mistake once again. So far Ceylon has fully complied with the conditions which we have asked them to comply with and we have no reason except in this one instance for any grounds for dissatisfaction, and I therefore ask the House to accept the Resolution as it stands.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, the Honourable Mr. Sarma has without bringing the real issue before the House given us a sidelight on the subject in question. I know, Sir, he has supported what the Honourable Mr. Hullah described so fully and moved so eloquently. The Honourable Mr. Sarma is a lawyer, as we know, and when he has got a very bad case it is the lawyer's business to argue that case. That is the real point of the whole matter.

Sir, before I move my amendment in this House I should like to point out that the subject of to-day concerns people who are going mostly from Southern India to Ceylon. They are generally recruited by a class of people called Kanganis, and they go to a land which is not very far across the sea. Probably a man could easily cross the 22 miles that lie between at a jump, as was suggested by the other side. Then, Sir, we have heard also that if labour does not like to stay there in that happy land, it can be repatriated by that beneficent arrangement which has been made by the Colonial Government in that country. Sir, it is very kind of them to have done so; but for those unhappy creatures who desire to be repatriated by any means to their motherland, the difficulties of the situation under which they are placed after they have been recruited by these Kanganis for that country are very great. Some information was supplied to us about two days ago by the Honourable Mr. Hullah. Let us see, Sir, from the perusal of it what the difficulties are of those poor unhappy people going to that country. I don't know whether Honourable Members have it with them, but at page 3—paragraph 11—of "Emigration to Ceylon" they will find the following remarks:

"There is no minimum wage fixed by law. Reliable statistics for all estates are not available. Calculations based on information supplied by particular estates show that actual wages varied in 1917 from Rs. 10 to Rs. 8 for men; from Rs. 6 to Rs. 4 for women, and from Rs. 3 to Rs. 5 for a child."

That is to begin with, and that is the average pay. Now this paper called "Emigration to Ceylon" has been kindly supplied to us by the Honourable Mr. Hullah, on page 7 of which you will find under the heading Appendix "Statistics of comparison between a Ceylon Estate cooly's cost of living and his earnings in cash." There are two headings. Rubber Estates and Tea Estates, and in the sixth column there is a heading "Total average of monthly earnings." The average is probably that which is given on page 3 of this paper per man, woman and child. This is the average for rubber estates. The average monthly salary is from Rs. 6 to Rs. 11; a man gets Rs. 11 in 30 days, a woman gets Rs. 8 and a child gets Rs. 6, and that is the accurate figure, and then the total is Rs. 15 per man, Rs. 10 per woman and Rs. 7 per child. That is the average monthly earning in 30 days.

Then we come to Tea Estates. The average monthly income is Rs. 9 per man, Rs. 6 per woman and Rs. 4 per child, and in the sixth column you will find the total average monthly earning is Rs. 12 per man, Rs. 8 per woman and Rs. 6 per child and for single adult Rs. 8.

Then from page 37 you will find that these people spend much more than they earn. There is a deficit in the family and the cost of living is much more than the amount of earning, and yet attempts are made to encourage emigration to Ceylon. It was pointed out by the Honourable Mr. Sarma that a friendly feeling is established between the Government of India and the Government of Ceylon. The Government of Ceylon, as we all know, is not for the benefit of the Indian. Their feeling towards Indians is like this. There are two brothers living side by side, or there is a partition of their whole ancestral estate; therefore it is probably much nearer than 22 miles distance from Southern India to go to that happy land of Ceylon, and there is a conflict of interest going on between the two brothers under the same paternal house. You know the feeling that generally exists between two brothers under these circumstances, one brother wants to eject the other and take complete possession of the property. That is the position between the Ceylon Government and the

[Mr. K. Ahmed.]

people of this country with regard to their treatment there. Sir, I keep aloof other subjects for the present. How are they taking an interest in the uplifting and safeguarding of our Indian interests generally? Sir, I do not think that the Honourable Mr. Sarma is justified at all in saying that a close relationship between India and Ceylon exists. It is not in the interests of the Government of India that we should allow recruitment to that country and a Kanganis is to take the major portion of the small salary which these people get, and what balance is left them to spend for their living. These debts are incurred through those blood-thirsty Kanganis. People lend money, Sir, at the highest rate of interest and the condition is that if you don't pay you know what the penalties are. I have got, Sir, certain telegrams in the name of my Honourable friend, Mr. Venkatapatiraju, who was probably a member of that Committee that went the other day to inquire into the condition and status and the method in which things are going on in that extraordinary land of Ceylon. I am told, Sir, that my friend submitted a report, which has been kindly forwarded to me by my Honourable friend, Mr. Hullah. In the Standing Emigration Committee, my Honourable friend, Mr. Sarma, said this :

"I think the less said about emigration the better and there is not much to be said either on this specific question. The Deputations to British Guiana and Fiji have not yet reported about the state of things there nor have they made any recommendations."

Well, Sir, I understand the Report has been submitted since.

Mr. W. S. J. Willson (Bengal: European): On a point of order, Sir. Are we discussing emigration to Fiji or to Ceylon?

Mr. K. Ahmed: My Honourable friend again jumps up, seeing things are going very badly against their interests I presume. Probably he has got a good heart and sympathy with the people of Ceylon, so many miles away from the Southern part of India. I congratulate him, but, Sir, when you are talking about the subject of emigration, when you talk about the labourers who are to be recruited in the other country, the labourer in India who is to go to Kenya, Fiji, or any other part of the world, they are all emigrants from India. Their condition is not in any way better than the condition of these poor people who are recruited to that happy land of Ceylon and therefore, Sir, I referred to them. My Honourable friend will have an opportunity to oppose my amendment, if he so wishes, and we shall be very happy to hear him if he has anything to say about Fiji not touching Ceylon.

That being so, I pass on to the telegram from Ceylon which my Honourable friend, Mr. Venkatapatiraju has received. This is a telegram to my Honourable friend, Mr. Venkatapatiraju. I have got it in my possession. My friend after giving me permission to read it does not probably want it to be read now. This is the telegram :

"Mr. Hullah's statement misleading. Excepting removal penal clauses Ceylon Government's concessions useless. Old debts remain. Several cases instituted against labourers in different Courts of Requests. Numbers can be quoted. Several cases transferred to India to attach Indian properties of labourers. Removal Tundu farce. Tundu replaced by discharge ticket. Labourer given notice is asked to pay debts new. Have investigated 500 estate labourers have run into debts for 1922. On average 10 to 15 Rupees. Can be . . ."

Mr. J. P. Cotelingam (Nominated: Indian Christians) "proved".

Mr. K. Ahmed: "... proved from accounts. Education unsatisfactory. Not even 300 estates have schools. Wages very low. Kept so by means of discharge ticket. Indian opinion favour restriction for improvement wages. Will interest Assembly to know why Mysore insisted declaration before Magistrates for recruits. Ceylon Government intend appointing civilian represent labour. Fight for maximum"

Mr. J. P. Cotelingam: "minimum".

Mr. K. Ahmed: "wages eradication debts compulsory Education Committee's recommendations give no protection. Question of repatriation farce. Labourer who as planters said will be afraid of Magistrates in India will they apply to Ceylon official for repatriation. Natesa"

Mr. J. P. Cotelingam: Natesa Aiyar, sender of the telegram.

Mr. K. Ahmed: Natesa, Andival Street, or whatever it is.

This is what the telegram says. Now, Sir, a meeting was held only the other day in Madras. It appears from the *Madras Mail*, dated the 8th February, that the meeting was held only two days ago, and

Mr. President: I must ask the Honourable Member to draw his remarks to a close.

Mr. K. Ahmed: I will just give the House the opinion of that part of India from which my Honourable friend, Mr. Sarma, comes, and I am sure he is familiar with them. The report in the *Madras Mail* says:

"A public meeting was held on last Wednesday evening at the Victoria Hall to concert measures for improving the conditions of Indians who had emigrated to Ceylon. The conditions of Indians in Ceylon were becoming serious and the Government of India were endeavouring—how, it is very difficult to say—to improve them. The Government of India and the Secretary of State, it was hoped, would come to the help of Indians abroad. Why should Indians go abroad as labourers and not stay in their own country? Zemindars, merchants and other rich people should persuade their countrymen not to leave India if they were sufficiently educated to carry on modern industries."

Now, Sir, at that meeting it was also resolved that they wanted an Indian Consulate if it was necessary. Mr. C. R. Reddy, a very able and moderate politician, in seconding the Resolution, said that the Government of India and their own leaders were responsible for the legal status of Indians in the Colonies. The Government had not taken sufficient care of the people and did not discharge their

Mr. President: The Honourable Member will resume his seat after moving his amendment.

Mr. K. Ahmed: I move:

"That after the word 'Ceylon' the words 'for one year only' be inserted and at the end of the Resolution the following words be added:

'and further recommends that a Committee of Inquiry consisting of three persons be sent to Ceylon to investigate the condition of the labour with a view to find out on what terms emigration should be permitted after the 5th of March, 1924'."

In 1924, on the 5th March, if this notification for emigration is continued

Mr. President: Amendment moved:

"That after the word 'Ceylon' the words 'for one year only' be inserted and at the end of the Resolution the following words be added:

'and further recommends that a Committee of Inquiry consisting of three persons be sent to Ceylon to investigate the condition of the labour with a view to find out on what terms emigration should be permitted after the 5th of March, 1924'."

Rao Bahadur T. Rangachariar: As one of those who has sat on the Emigration Committee I wish to give my views on the outstanding questions which remain with the Ceylon Government so that we may know how the further discussion on the amendments should proceed and also those who move these amendments may consider what amendment should be pressed to a division.

There are still only three outstanding questions which remain to be settled with the Ceylon Government so far as I am able to gather the difficulties of the situation. As Honourable Members are no doubt aware, the old tundu system arising on account of this indebtedness of the labourer to the kangany and the kangany to the estate has been abolished but the debts have not been abolished. The moral force of those debts and the slavish sentiment which hitherto had prevailed in the minds of these people still remain and that is a matter which will take some time for the Ceylon Government to adjust because it is a matter of lakhs and lakhs of rupees which have to be written off by the estates as against the kanganies, but as between the kanganies and the labourers there should be no difficulty and the Emigration Committee have pressed it home both on the Deputation and on the Ceylon Government that this indebtedness of the labourer to the kangany should disappear, for the kangany uses it as a moral force to retain the labourer on the estate to which the kangany is attached. The kangany profits by retaining the labour on the parti-

1 P.M. cular estate to which he is attached, for he gets so much per head of cooly which he retains on the estate from the planter and he uses this debt as a force, not as a legal force but as a moral force and these poor ignorant men, although the law gives them freedom of movement from estate to estate, are not able to get out of the clutches of these kanganies. So this debt will have to be abolished but however as I said already it is a matter in which the Committee felt considerable difficulty whether it should be made a condition in the Notification because the Ceylon Government themselves proposed such an Ordinance, only in the year 1921, after considerable agitation there. They themselves proposed some steps should be taken with reference to the abolition of this debt system and it is hoped that they will take those steps very soon and we were assured that such steps would be taken and that only it is a matter of time. The second outstanding question and the most important of all is this question of the wages. I want Honourable Members to understand the real situation as regards the wages. The figures supplied to Honourable Members both by Mr. Hullah in his opening remarks and in the papers circulated are somewhat likely to be misleading. We have to be guided by the wages which each man earns, not by the averages. We should be guided by the lowest figure which each man, woman or child earns. If you go by averages it is no good at all. If you make an average of the income of all the Members of this Assembly, we are not going to distribute it to all the Members. It depends on the lowest income and we have to find out whether it is a living wage. There is no use therefore taking the *kanakupillai* on the estate, the *maistry* on the estate and the kanganies who are also labourers and get their wages in addition to what they get so much per head of cooly who works under him. So you lump these things and strike an average. That is no good at all. And with reference to this matter I wish Honourable Members to realise what are the actual wages which are earned by these labourers when they go there. I mean the minimum, the lowest which they get. If Honourable Members will turn to page 7 of the Appendix, in the first place there is a

misprint there, which I am surprised to see repeated from the final reprint of the Deputation print. We corrected it with the Deputation in the case of tea estates. As regards the daily minimum wage, Honourable Members will see 51 cents marked there. It is a misprint for 41 cents. It is not 51 cents at all. 41 cents is the average for tea estates and 47 cents is the average for men so far as the rubber estates are concerned. Now, Sir, the wages range from 36 to 50 cents in the case of tea estates. That is the lowest wage paid is 36 cents and the highest wage paid is 50 cents. The highest wage is paid in the case of the factory labourer, in the case of *kanakupillais* or these *sillarai* kanganies who actually labour. You may take it that 36 cents means 5 annas 9 pies per day. 5 annas 9 pies per day,—that is the wage which these people earn; and as regards the women, it ranges between 26 and 33 cents; that is, it is merely 4 annas 1 pie, and in the case of a child, he gets 2 annas 11 pies. Now it must be admitted at once that this wage is hardly a living wage. On their own admission, Honourable Members will see taking their own figures, the cost of living is given at page 3—for a man, woman and child, that is, a non-working child, the cost of living would work to, including clothing, Rs. 20 and annas 4. That does not provide for expenses, for festivals, such as Diwali or Pongal or such other festivals, or even for religious worship, or for offering worship, the usual worship: so that the actual, bare cost of living without providing for these things would come to Rs. 20 and annas 4. We have another estimate of that by a man who is well acquainted with the conditions of labour, one Mr. Natesa Aiyar who gave evidence before the Committee. He calculates the cost of living at Rs. 23 annas 8 for a family. We will take the lower figure of the Deputation, namely, Rs. 20 annas 4, and if we allow a few extras for these festivals, festive occasions, it cannot be less than Rs. 21 or Rs. 22 per mensem. What does this man earn? Even on the most favourable calculation you will find, taking 40 cents as the average, or 41 cents as they put it, on an average, or if you take any of these things, it comes to this,—unless the woman also works, the family cannot live; even with the woman working, it is less than the actual cost of living. The Committee were greatly impressed with the fact that the prevailing wages were inadequate even with a man and woman working together, that they were not able to earn the actual cost of living, the estimated cost of living. The Committee were impressed with that fact and they pressed upon the Government of India that they should immediately press upon the Government of Ceylon—as Honourable Members will see from the proceedings—for an immediate rise in the wages, in the existing wages. That was considered most essential. It is quite true the Honourable Mr. Sarma told us that before we had full information the Committee were doubtful about fixing a minimum wage. But after the next meeting in fact when Major Nicholson gave us interesting figures which Honourable Members will find at page 29, we realized the necessity. He is the gentleman who is in charge of the recruitment of this labour. Honourable Members will find the figures given by Major Nicholson as regards wages, which these people get when they go there, are,—a man, 6 annas 1 pie for rubber, and for tea, 5 annas 9 pies; a woman, 4 annas 2 pies, and for tea, 4 annas; children, 3 annas and 2 annas 11 pies. When we got those figures—in fact we got them by telegram during the sittings of the Committee—when we got those figures we thought that the matter required further examination, and therefore we insisted upon it. The Ceylon Government gave us figures which afterwards turned out to be exaggerated. The Ceylon Government gave us figures which Honourable Members will find in their letter of July—Honourable Members will find

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them printed also here—in these papers they exaggerated the income of these labourers—in their July letter, that is printed at page 18—they wanted to make out that a man gets Rs. 16 to Rs. 20 in rubber and Rs. 12 to Rs. 16 in tea. It is hardly correct; for women, Rs. 10 to Rs. 12; for working children, Rs. 6 to Rs. 8. It is not borne out by the figures actually given to us by the Deputation themselves.

The Honourable Mr. B. N. Sarma: That is, before they become efficient; there is a qualifying phrase there—on first joining before they become efficient.

Rao Bahadur T. Rangachariar: Yes, that is so; they do not become efficient till one year. We are not concerned about their efficiency. When they go out of the country what is it they get? That is the point we have to consider. We are now asked to encourage emigration to Ceylon. I quite admit the necessity for it. Therefore I do not want to go into questions of policy; I want to look at it from the practical point of view so that we may come to a practical conclusion to-day. I am not opposed to emigration to Ceylon; I do not want to discourage it. In fact it will be difficult to prevent it having regard to the proximity of the place and the past habit of the people of those districts, especially the Tamil districts. I should like, however, to say just a word in regard to the alleged facility of the journey from these districts to Ceylon. Mr. Hullah has presented a rather exaggerated picture of the easiness of the passage from India to Ceylon. Take the district of Chittoor. It is 300 miles from Chittoor to Mandapam and although it may seem a very easy matter for these poor labourers to cross the intervening 22 miles of sea, I must inform the House that it actually takes them seven days to get across, for there in Mandapam they are kept in quarantine. That is a hardship which is greatly felt, as negotiations are going on between the Ceylon and Madras Governments with a view to removing this hardship, we have not therefore laid much stress upon it. But apart from that there are practical difficulties which have yet to be faced by the Madras Government and by the Indian Government before this emigration question can be satisfactorily settled.

As I was saying, with regard to the figures furnished to us by the Ceylon Government, in June Major Nicholson gave us some figures; in July the Ceylon Government furnished us with another set of figures; when the Deputation came in September they gave us a third set of figures; and we find them irreconcilable, and therefore it is a matter which has to be carefully inquired into. But taking them at their best, the wages are unduly low. It may be true that the wages earned by these people in their own districts are not much better, but I doubt if in any place the wages are so low. From my own experience of several Tamil districts I do not think the agricultural wages are so low as they are in Ceylon. It may be asked, why is it then that these people go at all? The real answer is that you have an army of kanganies. For the recruitment of about 39,000 people 14,000 kanganies are employed; each man recruits three or four labourers, and he gets five rupees for each labourer to begin with and five rupees afterwards; each labourer also gets an advance of five or ten rupees. And probably it is the pleasure of the escapade, the trip which he takes, and the freedom of social life away from his home—that is perhaps the secret of these people going away from their

homes. I have investigated this matter, and I do not think there is much fraud going on. I visited the Trichinopoly camp where about 400 or 500 coolies were waiting; they understood what they were about, and I cannot say that there is much deception practised. I have therefore come to the conclusion that these people go out for such low wages because of their desire for social freedom, to go to a place where no question of Brahman and non-Brahman exists and where various other social restrictions do not exist. It is perhaps a matter which has to be investigated. But I do think, Sir, that in discussing this question we should not take into consideration whether these people are happy or not in their homes. We are bound to make them happy here and we are neglecting our duties: if we do not make them happy here. But merely because they may not be happy here is no reason why we should allow them to be unhappy somewhere else. At least let us see that they are happy in other places. I quite agree with the sentiments expressed by the Honourable Mr. Sarma. You must encourage freedom of the individual. I am quite willing to concede that. It is not the question of freedom of the individual here. We are now concerned with assisted emigration of labour. So long as it is unassisted, you are not controlling it. But you give your measure of assistance to Kanganis to go about, to recruit, to advance money and take them over and it is that which we want to prevent. If individuals go there on their own account at their own expense seeking their livelihood on the face of the earth, nobody can have any objection. We have to control, therefore, assisted emigration. Therefore, Sir, I want to impress upon this House that the existing wages are unduly low; admittedly they cannot meet the living cost even on their own modest calculation. The cost is Rs. 21, and man and woman cannot earn Rs. 18. That is why the labourers owe to the Kanganis nearly Rs. 150 lakhs, or Rs. 1½ crores. There is indebtedness of Rs. 1½ crores for these poor people. It is quite true that these people have not got much on which you can realise these debts. But all the same you know that they are under obligation in debt. It is moral obligation and moral fear; moreover, decrees can be obtained here and the little property they may have in the villages can be attached. Another fact which strikes me is this. How is it that people are going there all these years, there has been free emigration to Ceylon all these years and yet not one of them has acquired property in Ceylon? Whereas I was quite satisfied to see the conditions in Mauritius, where, for instance, nearly more than 40 per cent. of the land is owned by these Indian labourers who emigrated there; in Ceylon not an inch of land is owned by these labourers. If Honourable Members will compare the inflow and outflow of figures, they will see that 39,000 people go there and 29,000 people return in the year. So, it is merely a short trip, as it were, which they make and they do not profit by it. This country does not profit by it. The only country which is profited by this labour is Ceylon. The planters on account of this large inflow of labour there are able to keep down the labour market. That is the reason for these low wages. There is too much competition and on account of too much competition the wages are low. If we restricted the number or rather if we compelled the planters to give a minimum wage, then perhaps these conditions would not exist; the conditions will much improve. I think it is our duty to do that. I strongly impress on the Government and on this House that we should take some steps. I do not think left to themselves the Ceylon Government will do it. How many months have they had now? This Emigration Act was a Bill before this House for nearly six months, and before the Select Committee, in fact, I pressed only for six months' time

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to be given under the Act. But, Sir, the House allowed one year. What has the Ceylon Government done? In September we gave them time. What have they done? Have they appointed the Committee which the Emigration Committee suggested to them in order to go into this basic wage? It is still under correspondence. What do they say in their reply of October which the Honourable Member referred to? That conditions in South India have to be investigated! Why should conditions in South India be investigated in order to fix what is the living cost there and what wage should be a good wage? All this is a mere attempt, a ruse, on their part to delay, to gain time; and, Honourable Members will also see that since July last the number of people taken to Ceylon, because the Act does not apply, has considerably increased. They have taken advantage of the fact that the Act does not apply. If Honourable Members will look at page 43, the large increase of numbers begins there. Whereas from January to April the number is only, 1,000, 2,000, 3,000, etc., after May, it is, 7,000, 10,000, 10,000. I rather suspect that taking advantage of the delay in coming into force of this Act, there is more effort put forth by the Commission in order to take more labour, so that they may have a large number of labourers on hand, so that when the Act comes into force the labour market there may be overflowed and they may be able to keep down the wage.

I drew the attention of the deputation to that and they say it is due to normal conditions. I do not believe it. For my part I do not believe this statement. I pressed upon Government to get the publication that the Ceylon Planters issue every month or two months. I do not know whether they have done so yet. That would give them the clue as to why this large inflow of labour is going on. I have not heard whether the Government are going to get this monthly publication which shows the activities of the Ceylon planters. I am satisfied that the Ceylon Government and the Ceylon Labour Commission are one. The deputation was not a Government deputation. Unlike the other deputations which waited upon us from Mauritius and from the Malay States, the Ceylon deputation was really a planters' deputation. There was no Government servant on that deputation. Therefore, Sir, I do not think we should leave it to the Ceylon Government to do the needful. We have left it too long. I insist that this question of wage should immediately be attended to. Otherwise we should put a minimum on the number that should go. I attach the greatest importance to this. I am very sorry I have to do it, but I do not expect much from the Ceylon Government unless we put pressure upon it. Sir, these are some of the remarks I wish to make on this subject.

Dr. Nand Lal (West Punjab: Non-Muhammadan): Sir, we really feel much indebted to the Honourable Mr. Sarma and to Mr. Hullah for supplying us with the printed record in connection with the proceedings and relating to the rules and regulations which are obtaining in Ceylon. I quite recognise the honest efforts, which have been set forth by the Government of India, to ameliorate the condition of Indian emigrants in Ceylon; but one thing is not clear to me, Sir,—it is a puzzle to me; and that is this—whether this Resolution, on behalf of the Government, is being moved for the benefit of Indian labourers or for that of the planters in Ceylon. I should like to be enlightened with a very precise and concise answer to this question. The Honourable Mr. Sarma tells us, and we

thank him for that expression, that the Government, to a certain extent, is reluctant to allow free emigration, but there are certain conditions, subsisting in Madras, which induce Government to allow emigration. What are those conditions? He says that in some quarters and in some months of the year there is congestion—that is, the number of labourers there becomes much more than the work that could be secured to them in that Province. That is the explanation which has been put forward by the Honourable Mr. Sarma. Very good, Sir. If it is out of sympathy with the labourers that they may be given work and that they may not idle away their time, then what about the educated unemployed men of India? Will they be able to secure employment in Ceylon? Will the Government of Ceylon recognise them? Will they be able to hold posts there? Well, if the answer to that is a negation, then I am forced to this conclusion, that our countrymen are sent away simply as coolies, because, coolies cannot be supplied from other quarters. Allow me to say that I, as an Indian, feel ashamed of that and feel very deeply that such may be the condition, that such may be the predicament into which we are, at present, forced. If some of us were to be sent there, as scholars, in the pursuit of knowledge . .

Mr. President: Order, order. The Honourable Member knows perfectly well we are talking about the conditions under which persons going to Ceylon as assisted emigrants may work there. He must confine himself to that subject.

Dr. Nand Lal: Very well, Sir, I shall do so. Therefore, Sir, as I have already submitted, these arguments, which have emanated from the Honourable the Revenue Member, have not appealed to my mind, at any rate. Now, Sir, we are told that the Ceylon Government will see their way to raise the wages after due inquiry and when the proper occasion arises for it. All right, Sir, let us then wait till the Ceylon Government tries to raise the wages of these people. What is the hurry about it? Hurry is not in favour of the labourers or coolies of India. This is being hurried on, if I mistake not, in the interests of the planters of Ceylon, and why so? It cannot be denied that the present wages are too low. It is extremely difficult to see how these unfortunate people live there, and I think, on their return to their own province, they must be coming back without even a farthing with them. That cannot be denied, and, therefore, the Government of India, I think, will feel it their duty to impress upon the Ceylon Government, the necessity of raising the wages of the labourers before they help them, otherwise, they should not help the Ceylon Government. As my Honourable friend, Rao Bahadur Rangachariar, has argued before the House, it is startling to us to see that in some past months there has been a great demand for labour. For instance, he told us that from May onwards there was a very large influx of emigrants in Ceylon. How is that? Where is the need for special demand?

The Honourable Mr. B. N. Sarma: In some months there will be greater emigration.

Dr. Nand Lal: I think the planters anticipate, and they foresee, that the labourers in Ceylon, that is the local men will not be satisfied with this low wage. Therefore, the real desire of the planters, if I can say so, is that the market should be dumped by importing a very large number of Indian coolies, so that the local labour may not be able to raise its head. I take it in that light. If I am wrong I may be excused, but that is the result of my study of the whole situation. Therefore, it seems to be highly undesirable that the Government of India should allow this state of things

[Dr. Nand Lal.]

to continue. If the Government of India are not aware of the labourers' condition in Ceylon, then, I may respectfully submit, it is simply regrettable, and if the Government of India, who have very faithful sources of information, still continue to give assistance to the planters of Ceylon, though indirectly, in spite of their knowledge about the labourers' condition in Ceylon, then, I may say, it is still more regrettable. Now, the Honourable Mr. Sarma has very kindly told us about the proceedings which went on before the Deputation and about the understanding, which was come to between the Government of India and the Deputation. The crux of the whole thing is whether the Deputation has given any effective shape to the question which indirectly concerns the fixing of the minimum wage. They say: "tundu has been abolished." It is true that it has been abolished. We are told that the recruiters will not in future be given the liberty of inducing or persuading the Indian coolies to go. We must thank the Government of India for that. But what about the indebtedness which is hanging over their (the coolies') heads? As Mr. Rangachariar very ably put before the House: What about that? Can the Indian coolies' minds be relieved of it? Will they feel themselves free from that civil liability, or encumbrance, so to speak? These are the two points which ought to have been given prominence by our Government, and I am very sorry that the adequate consideration has not been paid to it. I take it, more or less though not exactly, as a kind of slavery, if I may be allowed to say so. May I hope that the English gentlemen here, members of that sympathetic nation that abolished slavery, will help Indian coolies and will join us in giving a defeat to the Government Benches, so far as this Resolution goes? However, Sir, the view of this side of the House is, that, if certain conditions, as described in our amendments, are considered and those conditions, when considered and placed before the Ceylon Government, are accepted, then emigration may be allowed. That is, there should be some increase in the wages, and there must be some practical and suitable arrangement in that behalf, in any case. In addition to that there must be an authoritative stipulation between the Government of India and the Government of Ceylon that the previous indebtedness of the coolies should be removed and the minimum wage fixed for the future. If these stipulations, these covenants are accepted and they are acted upon, then, of course, we shall not have any hesitation to countenance the emigration from India to Ceylon. Unless and until these conditions are fulfilled, unless and until these sympathetic efforts are made, this House is not in favour of supporting this Resolution at all.

Mr. President: I propose to put Mr. Kabeer-ud-Din's amendment in view of the fact that nobody seems inclined to discuss it.

The original Resolution was:

"That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Ceylon, and recommends to the Governor General in Council that the notification be published in the Gazette of India."

Since which an amendment has been moved:

"That after the word 'Ceylon' the words 'for one year only' be inserted and at the end of the Resolution the following words be added:

'and further recommends that a Committee of Inquiry consisting of 3 persons be sent to Ceylon to investigate the condition of the labour with a view to find out on what terms emigration should be permitted after the 5th of March, 1924'."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President: I propose now to adjourn and to take Mr. Bagde's amendment after Lunch. I may point out for the information of the Assembly that on the original amendment paper amendments Nos. 2, 4 and 5 are of the same character inasmuch as they make the continuance of emigration for the purposes of unskilled labour in Ceylon conditional on certain action being taken by the Government of Ceylon. And, therefore, it may be convenient to take one or other of these amendments as an amendment in its turn to Mr. Bagde's.

Sir Montagu Webb, in the new amendment put on the paper to-day, raises the same question in a slightly different form. He invites the House to give the Government of Ceylon a time notice of 18 months instead of one year.

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

The Assembly re-assembled after Lunch at Twenty Five Minutes to Three of the Clock. Mr. President was in the Chair.

Mr. K. G. Bagde (Bombay Central Division: Non-Muhammadian Rural): Before moving my amendment I beg the Chair's indulgence to effect some verbal changes in it. They are, before the word "emigrants" I intend to put the word "assisted," and I wish to omit the words "who have been assisted otherwise than by a relative." After introducing these changes the amendment would read thus:

"That after the word 'approves' the words 'with the modification set out below' be inserted; after the words 'the notification' the words 'as approved' be inserted; and at the end of the Resolution the following be added:

'After clause (3) of the draft notification the following clause shall be inserted:

'(4) Before the 1st of April, 1924, the Legislature of Ceylon shall have enacted a law fixing the minimum basic wage for assisted emigrants to the satisfaction of the Governor General in Council and of both Chambers of the Indian Legislature.'

'And the subsequent clauses shall be re-numbered accordingly.'

Sir, by this amendment I propose that no emigration should be allowed to Ceylon after the 1st of April 1924, if the Legislature of that country does not pass a law fixing the minimum basic wage for assisted emigrants. This demand for the fixing of a basic minimum wage has been made for a long time. Honourable Members are aware that Mr. Marjoribanks and the Honourable Mr. Ahmed Thambi Maricair were specially deputed for the purpose of an exhaustive inquiry into the condition of Indian labour in Ceylon and these two gentlemen made certain recommendations. These recommendations are given on pages 4 and 5 of the Memorandum with regard to Emigration to Ceylon that has been distributed to us. There is the seventh recommendation which reads thus:

"The fixing of a minimum wage for labourers."

It is also important to note that the Ceylon Government is trying its best to evade the fixing of this minimum wage. On page 18 of the same Memorandum we find the opinion of the Government of Ceylon with regard to this question of minimum wage. They say:

"As regards the minimum wage this Government is not in favour of introducing such a principle as there is no doubt that it would tend to deprive the cooly of the benefit of higher wages which he earns at times of good crops or scarcity of labour. The cost of living of a family consisting of a man, his wife and two children is approximately Rs. 17 a month for bazar stuffs and rice. This, of course, excludes the cost of cloth, expenditure in festivals, etc."

[Mr. K. G. Bagde.]

This will give a clear idea that the Ceylon Government is trying its best to ignore this question of fixing the minimum wage. Now, I submit that the non-existence of a minimum wage involves a hardship upon the labourers in general. Labourers are allured from this country outside on the prospect of high wages. When they are taken there they find that the promises given to them were all false. They have no other alternative but to stick to the jobs there and work on wages that are offered to them. If a minimum wage is fixed the labourers in this country would know exactly what wages will be paid to them and therefore there would not be much ground for deception. If we look to the present standard of wages in Ceylon we find that it is extremely low in comparison with that which obtains in this country. Even in urban areas we find that labourers are required to be paid more highly than they are paid in Ceylon. There are other amendments than mine which involve the same principle. The Honourable Sir Montagu Webb has got his amendment and there is not much difference between his amendment and mine. In that amendment he fixes the period from the 1st of October 1924, while in mine I mention the period from the 1st of April 1924. I have taken the 1st of April 1924, because it is the beginning of the new official year. Then there is another difference and that is he wants the minimum wage only to satisfy the Governor General in Council, while in my amendment I have added that this minimum wage should satisfy the Governor General in Council and both Chambers of the Indian Legislature. I specially introduce the Indian Legislature in this amendment because this question of emigration is very important. Day by day it is growing more important and the fates of thousands of Indians are involved in this problem. If this amendment as proposed is included in the notification, then a period may arise which will make it necessary for the Government of India to prohibit or restrict emigration to Ceylon. Now, if we look to clause 13 of the Indian Emigration Act, I mean Act VII of 1922, that clause reads thus: "The Governor General may, by notification in the Gazette of India, prohibit from a date and for reasons to be specified in the notification of persons or any specified class of persons from emigrating to any specified country from the territories of any Local Government or any specified part thereof for the purpose of unskilled work. Every notification issued under this section shall be laid before both Chambers of the Indian Legislature as soon as it is made." So that right is vested in this Legislature by this Act, and therefore I think it is not advisable for the Legislature to part with that right. With these words, Sir, I commend my amendment to the acceptance of this House.

Mr. President: Amendment moved:

"That after the word 'approves' the words 'with the modification set out below' be inserted; after the words 'the notification' the words 'as approved' be inserted; and at the end of the Resolution the following be added:

'After clause (3) of the draft notification the following clause shall be inserted:

'(4) Before the 1st of April, 1924, the Legislature of Ceylon shall have enacted a law fixing the minimum basic wage for assisted emigrants, to the satisfaction of the Governor General in Council and of both Chambers of the Indian Legislature.'

And the subsequent clauses shall be re-numbered accordingly."

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I have given notice of a similar amendment, and therefore I take the earliest opportunity of supporting Mr. Bagde's amendment.

The reason why a minimum basic wage was insisted upon by the Select Committee and why it was proposed for the acceptance of this House is this. Unfortunately, Sir, even if emigration to the Colonies were prohibited, they have fixed a certain wage, not less than one shilling, and subsequently increased it, to suit the conditions in other places. But though we have the advantage of not having long-term contracts in Ceylon which is called indenture, it is worse in some respects. Sir, for a period of no less than 40 years there has been no large substantial change in the wages Bill. Even if we refer to India—and I refer the House to the rise in wages given by the Government of India—you will find that all industries during the last 20 years increased their wages by about 75 to 100 per cent. This is the only place where there has been no substantial increase in wages. In the latest statistics published for Ceylon by an officer of the Government, they state that roughly they may put the increase of wages at 33 to 70 cents per day. I may take it that the high figure is with reference not to the Estate labour but with reference to other labour, because the Ceylon Government admitted that they are paying about 20,000 people employed in the harbour and Public Works and in Railways a wage of Re. 1 to Rs. 1-8, on the average Rs. 1-4. But when we come to State labour, it actually starts with one-third, 5 annas 4 pies. The increase, as pointed out by the Honourable Mr. Rangachariar, is 5 annas 9 pies, it may be 6 annas in some places, according to the ability of the worker. When we have seen that the whole world is moving, why should this country, Ceylon, remain at a standstill? The only suggestion that could be put forth by the planters is that the industry cannot bear a higher wage. But so far as the tea industry is concerned they cannot put forth any such plea, because I have figures before me to show that the productive cost of tea is about 35 cents, whereas the ruling price during the last 12 years, 45, has gone up to 60, even to 70 and I may go further and state that even when it is selling at 43 cents, there are several Companies which made profits of between 50 to 100 per cent. And if detailed dividends given by various Companies are wanted, I would only refer Members who are curious to know to what is called the Rupee Company Book, corresponding to the "Investors' Review". There they will find what dividends were made even when it was selling at a rate of Rs. 43. Therefore there is a sufficient margin; but in spite of a sufficient margin no increase is made. Now, the Honourable Mr. Sarma suggested that Government generally do not interfere. It is true, but they interfere in cases where a powerful organization on the one side and ignorant masses on the other side are concerned. That is the reason why this emigration law has been introduced. The Honourable Sir Barnes made it plain when he introduced this Bill that its object is to protect the ignorant masses of India, to prevent them being duped and advantage being taken of them by powerful and influential persons on the other side. That is the object of this emigration law; otherwise there is no object in bringing it in at all. According to the statements made by the Ceylon deputation, according to the statements made by the Ceylon Government, the actual cost of food alone for a man, woman and two minor children who do not earn, is Rs. 17, and Rs. 17-8 according to the Deputation. The cost of clothing is besides variously valued at Rs. 3-8 and Rs. 5. Whatever it be, Rs. 21 or Rs. 22 is absolutely essential for a man and his family. Moreover, wherever a man gets a decent pay, he does not send his wife out to work to supplement the domestic budget. Here even the woman has to work. According to the Government of India's information, the wage for a man is Rs. 10 and for a woman Rs. 8. They can thus between them earn only Rs. 18, while the cost of living is Rs. 22. Is it

[Mr. B. Venkatapatiraju.]

fair that we should allow such a thing to go on? I may say, Sir, that the Government of India since the time of Lord Hardinge, during the Viceroyalty of Lord Chelmsford and in the present Viceroy's time, have made every effort to secure proper conditions for Indians overseas, but Ceylon has escaped notice all along. It is admitted that there are about five lakhs of Indians employed on the estates in Ceylon, and of these about 90 per cent. have nothing to count upon; they have not a pie saved and they have no property whatsoever while they are all indebted to the extent of from Rs. 70 to Rs. 200. Would any Government who cares for the interests of its subjects allow them to go to a foreign country, stop there for many years and in the end have nothing more than indebtedness to fall back on? It is not even suggested that they are wasting their money in drink or other evils. It is economically impossible for these people to save anything. When their expenditure is more than their income how is it possible for them to save? They have indeed to run into debt. With regard to this, one witness who gave evidence before the Committee stated that he has 2,000 coolies on his estate of whom only 150 are out of debt, and he stated that the misery and trouble of these people is due entirely to the low wages which they receive from the planters. These planters are not Europeans, but look like Anglo-Indians or Eurasians. They stated that unless you raise the wages to at least 75 cents (that is 12 annas), they cannot live; otherwise they must live in misery.

Now, Sir, it is stated,—and it must be said to the credit of the Government of India—that they insisted upon securing the abolition of the penal clauses and they have succeeded in that. Much credit is due to them for this and they have also abolished the *Thundu*, that is indebtedness for failure or breach of contract. For this they cannot be proceeded with criminally and in Ceylon they cannot be arrested civilly, though civil liability still exists. Those things the Ceylon Government have cheerfully accepted and we are also grateful to them for what they have done. But whenever we touch this question of decent wages, we do not expect acquiescence from them, for persons who are accustomed to take large dividends are not the persons likely to agree to forego any profit voluntarily; some pressure must be brought to bear upon them; and that is the reason why the Select Committee insisted that that should be done. The only suggestion that has been made by the Honourable Mr. Webb is that instead of having 12 months, it should be 18 months. Giving 12 months or 18 months must depend on whether there is any prospect of any immediate increase of wages. If there is no increase it will be ruinous to the lakhs of people who are suffering in Ceylon. The reasons why these people go there are numerous. As Mr. Rangachariar said, if so many people have gone there to secure Rs. 10 per head, there are other means of inducing these people to go. It may be that people are not better off in India. That does not redound to the credit of the British administration. If we say "our people cannot get a proper living, therefore let them go on starvation wages elsewhere." I do not think that would be an argument. But it may be an argument for the Government to take necessary steps for improvement of conditions in India. Therefore, Sir, before we agree to a period longer than one year, which is reasonably suggested by Mr. Bagde, I appeal to the House. The Select Committee have recommended that there should be a basic wage and the Ceylon Government have been advised that they should adopt it, and that Government have stated that they have no objection to institute inquiries. We know what is the meaning of instituting inquiries. We do

not want to leave it in a haphazard manner when the interests of 5 lakhs of people are concerned. This is the only occasion when we can exercise our right. We must insist that there should be a basic wage to the satisfaction of that Government, of our Government and of ourselves. Otherwise, there is no use in bringing forward any Emigration laws when we cannot safeguard the interests of our subjects. It is the fundamental duty of every State to protect its own subjects, and if it does not do so, then it is failing in one of its legitimate duties.

Mr. J. N. Mukherjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I rise to take part in the debate because I think we are straying away from the real point which is before the House. On a reference to the literature on the subject with which we have been furnished, I find, Sir, that there is absolutely no difference of opinion as to whether the Ceylon Government should fix a minimum wage. No doubt, the Ceylon Government at one stage raised the question that such fixation of minimum wage might interfere with certain industries in that country. And they were inclined not to favour such a proposition. I refer to page 18 of the paper-book:

"As regards a minimum wage this Government is not in favour of introducing such a principle as there is no doubt that it would tend to deprive the cooly of the benefit of the higher wages which he earns at times of good crops or scarcity of labour."

But towards the end of the deliberations of the Standing Committee, I find, from the paper-book that the question was put in a very definite form to the representatives who came over from Ceylon, and it was suggested that this question of a minimum basic wage should be settled once for all. At page 44 of the paper-book, the House will find that the Standing Committee:

"Resolved that the Ceylon Government should be asked to make an inquiry into the question of fixing a basic wage subject to a minimum, and of the cost of living in relation to the rate of wages now paid. In the meantime the Government of India should do its best to secure an improvement in wages. On the receipt of the report suggested above, the Emigration Committee would have to consider the findings and to decide whether to ask for a Joint Committee to settle what should be the rate of wages and other details."

Now, Sir, the question to my mind, is this. But before proceeding further I should say that at page 42 it has been reported that—the Honourable Mr. Sarma stated to the Deputation from Ceylon, that "negotiations on the subject of a basic wage should take place at an early date with a view to an arrangement being arrived at, if possible, before the draft notification under section 10 should be laid before the two Houses so as to enable the Government of India to reach conclusions satisfactory to all and to carry the Councils with them." That being so, Sir, there is no doubt that the Committee came to the conclusion that the question of the basic wage should be settled before the notification was issued. The House has adopted by its attitude towards the notification, already certain suggestions which were recommended by the Standing Committee, and these have been embodied in the proposed notification. They are of very great practical utility and are entirely in accord with the decision which the Committee arrived at. It is incumbent upon us to see that the notification secures those conditions and safeguards for the benefit of the emigrants. Therefore there is only one question now standing out, for consideration by the House, namely, the fixation of the basic wage. That question, Sir, I may ask the House to consider, will take some time to

[Mr. J. N. Mukherjee.]

settle, and the result of the amendments proposed will be that if for securing that end in view, we have to wait, and the notification in question be held back, for the present, emigration in the meantime will continue without those safeguards which have been provided in the notification itself and on the old lines, without securing those benefits which the notification intends to secure to the emigrants. The question of a basic wage, if it could have been settled in accordance with the wishes of the Committee, would have been settled before this notification was placed on the table of this House. That having failed of immediate achievement, the only question that now remains is whether we should allow the old state of things to continue, with regard to emigration, or have a notification at once securing most of the ends we have in view and which are exactly in accordance with the conclusions of the Standing Committee. If the wording of the amendments be considered, it will appear that it is more or less inconsistent with the notification itself, and that the amendments in question do not fit into the Resolution. The notification says that emigration shall be valid only if the conditions laid down therein are fulfilled, whereas the amendments that are proposed are to the effect (to take up the first amendment), that :

“ After clause (3) of the draft notification the following clause shall be inserted :

‘ (4) Before the 1st of April 1924, the Legislature of Ceylon shall have enacted a law fixing the minimum basic wage for emigrants, who have been assisted otherwise than by a relative to the satisfaction of the Governor General in Council and of both Chambers of the Indian Legislature ’.”

It does not suggest any immediate action. Does it mean that if on the 1st of April 1924 the Legislature of Ceylon fails to enact a law fixing the minimum basic wage, all emigration will then become illegal? As it is, it simply declares a pious wish, because it merely says that the “ Ceylon Government should enact by the 1st of April 1924, a law as proposed to the satisfaction of the Governor General in Council and of both Chambers of the Indian Legislature ”. It is really a direction to the Ceylon Government, and there are no means of compelling the Ceylon Government to accept the suggestion, and carry it out, within the proposed time-limit. On going through the papers supplied to us, I find that it was not decided by the Standing Emigration Committee that emigration should be stopped. Pending the settlement of the minimum wage questions I could have understood the position if emigration could have been stopped in the meantime and if the Standing Committee came to the conclusion that emigration should be suspended until conditions as to fixation of a minimum basic wage were fulfilled. But that is certainly not to the advantage of the emigrants themselves, or to the people of India. Further whatever we may say, emigration after all is the natural outcome of economic conditions, and therefore it must have operation where economic conditions require it. Therefore, Sir, if we try to stop it in British India, it will seek its natural outlet. If emigration is really wanted it will find some natural mode of operation. On the whole, I think it will not be good for the emigrants themselves if this House desists from all action, and allows things to go on as at present without our doing anything until the question of a basic wage is settled. I submit, Sir, that is not a desirable state of things to have. We have been told,—and it is a fact,—that the Government has retained the power of imposing upon the Ceylon Government certain conditions on the question of a basic wage. Judging from the papers before us, it will certainly take some time to settle this

question satisfactorily. It requires some inquiry, and it cannot be done in a hurry. So that, if we take such a view of the whole question, it will not be difficult to see that it is altogether to our advantage that the restrictions and safeguards, whatever they are, as provided in the notification should meet with the acceptance of the House. We are assured that Government is prepared to act in accordance with the conclusions of the Standing Committee on that point. I for one therefore do not see any reason why in order to gain that one point, we should keep in abeyance the operation of the other clauses as laid down in the notification. I hope the House will consider the whole question from that point of view, and try and cut short the debate on a point which, if gained, will perhaps not carry any advantage to anybody.

Rao Bahadur C. S. Subrahmanayam (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, before I enter into the merits of this question, I would refer to section 10 of the Emigration Act. According to that section, from the 5th of March of this year, all emigration to Ceylon will become illegal unless permission is given by notification by the Governor General in Council, and therefore this Resolution is put before the Assembly with certain conditions imposed in regard to emigration.

The new conditions we now propose will no doubt require a certain amount of time to negotiate. And therefore in our amendments we have given a further period to bring these conditions into operation. That does not mean that these amendments would prevent the continuance of emigration under the conditions laid down in the Resolution moved by Government.

Now, Sir, in regard to this question, my Honourable friends who have spoken have entered into the fullest details as regards the conditions of labour, wages and other matters. The point immediately covered by the amendment is the question of a minimum wage. Now, this question is important, apart from other considerations, in that, if the Government of Ceylon fixes a minimum wage, it will be an authoritative notification as it were to all emigrants of what they are sure to get in Ceylon and it will prevent, as has been said by one of the previous speakers, any exaggerated ideas of the wages that await the emigrant to Ceylon. That will be one good result of fixing a minimum wage. As regards this point, the Ceylon Government no doubt said they were agreeable to fix a minimum wage. But they said they would have to make inquiries as regards the prevailing rates in the various estates and also they want to make inquiries in Southern India, that is the area from which these emigrants come. I do not think that these two grounds are really very material. That is, a basic wage, to be fixed by the Government of Ceylon, must I suppose reasonably vary from one area to another. They cannot say that this is the minimum wage for every part of Ceylon. There must be some variation and that they must go about doing as quickly as they can. As to discovering the conditions of labour and all the amenities which the labourer enjoys in his own home, I think that is unnecessary, for this simple reason. You fix your wage just as you like. If the labourer desires it and if he thinks the wage is better than he would get at home, he will come: if not, he will not. For an inquiry like that into the wages earned in this area from which the emigrant generally goes, will not be a satisfactory one unless this Government also takes part in it, and it will be an inquiry which will have to take up various aspects of the question. There is rural agricultural labour, in which it is impossible to fix, impracticable to settle, the actual

[**Rao Bahadur C. S. Subrahmanayam.**]

amount earned by a labourer, for this simple reason that there are so many things which the agricultural rural labourer in Southern India gets which, if converted into money, would be very much more than the money which the labourer gets in the city. He gets free housing, free vegetables, free fish, free firewood, and always a certain area of land for which nothing is charged in which he can grow his own garden or he can raise some short crops. And, besides, there are certain customary gifts at festivals given to the labourer—both festivals in his own house and festivals in the employer's house. I mean to say an inquiry like that in regard to rural agricultural labour will never be satisfactory. And that, I point out to the House, is at the root of the very low figure which sometimes is given as wages to agricultural rural labourers and all people who are philanthropically minded start saying: They get such a low wage. The test would be to find out what is the wages in towns—smaller towns, bigger towns and even in cities. That should be the test. That could be found out without much difficulty and no Ceylon Commission need come over here to inquire about that. We know, every one in this Assembly knows, that the minimum wage of an ordinary unskilled labourer in the towns is twelve annas.

Dr. Nand Lal: More than that.

Rao Bahadur C. S. Subrahmanayam: More than that. I gather from my friends everywhere that it is more than that. I want to put my case on the most modest scale. I know it is one rupee or Rs. 1-8-0 or it even goes up to Rs. 2. Strong able-bodied men are able to earn Rs. 2 a day. That is by carrying loads from one place to another. Therefore, unskilled labour is not underpaid in India, at any rate in the smaller towns or larger towns. Well, then the question is—and it is a question which it is not easy to answer in one word—if there is such a high wage here, why do people go to Ceylon? We have got two facts. Even according to the highest estimate the wages in Ceylon varies from Rs. 12 to Rs. 17 per month. That gives us not more than 8 annas or 9 annas *per diem*. That is an undisputed fact. And we know also as a fact that the wages in India in towns is never less than 12 annas. Why do people go then? That, I consider, is a question which I can only answer by saying that there is some defect in the mental condition of a large class of people and that they do not understand what is good to them. That is all I can say. The question has been asked of me by several friends and I would only say that the defective judgment of these labourers is responsible for their not knowing that in India itself, not far from their homes in the villages, they could find better wages. Well, apart from that question, with regard to emigration to Ceylon, I will not say that there is much that we can say against our own Government. During the last 8 or 10 years the Government of India has taken a good deal of interest in this matter and has endeavoured to protect the interests of emigrants. Even at present, the Government of India are as keen, I have no doubt, as we are; only they are not in a position to speak out as strongly as we do. The Government cannot do that in respect to another Government. But the fact remains that these rural labourers who are admittedly in every country unable to protect themselves and unable to judge for themselves, are persuaded by some kind of promise, by some kind of rosy account, to go to Ceylon, after receiving some money and executing a bond for the amount. If it is not indenture in the strict sense of the term, the bond which they execute for moneys they receive and for moneys which they have not received—that is a point which is admitted in the Government papers and I do not

think there can be any dispute about that—subsists all their lives in Ceylon. The wages they get in Ceylon does not enable them to discharge the debt which they have contracted and the bond which they have signed in India for advances to meet the expenses of the voyage and maintenance during transit. That debt subsists and so long as they are not able to discharge that debt, they cannot come back. Coming back means an expenditure of Rs. 10 or 15 and these people who are admittedly in debt to the tune of Rs. 70 to Rs. 200—that is one of the official figures—are unable to find the money to come back to their homes and therefore they remain there. I think that is an answer why people go there and do not come back. Therefore, the fixing of a minimum wage is an absolute necessity now-a-days.

Then, there is another consideration in regard to this. There are hardly any returned emigrants from Ceylon who could be pointed to as having improved their condition by this emigration. Such instances we have found from emigrants to the other colonies. Though hundreds may have gone under there have always been some who have come back better off than they were when they left the country and those were shown as examples of the advantages of emigration. But in the case of Ceylon we can hardly find a person who has improved his condition either when he came back or who is in an improved condition in Ceylon, having acquired a house, having acquired land or being in a better position.

These considerations ought to lead the Assembly to decide upon the fixing of a minimum wage. It is now too late. If we throw away the Resolution or if this Resolution which the Government has proposed is not passed, the whole thing will be upset and therefore we propose to give a time limit to the Government of Ceylon to fix a basic minimum wage for the labour that goes to Ceylon.

In that matter there is a slight difference in these amendments, but I shall refer to it for this reason. The amendment proposed by Mr. Bagde says that the minimum wage ought to be accepted by both the Chambers of the Legislature. It is a point on which there might be a difference of opinion. Is it necessary to have it before both the Houses of Legislature? Can we not trust the Governor General in Council to accept—I am simply putting the alternative case because I do feel personally that there is very little ground to complain against the action of the Government of India in this matter. I think they may well be trusted to look after the interests of labourers, while I cannot say the same of the Government of Ceylon which unfortunately is peculiarly situated, because it has long identified itself with the planters and all this recruiting goes on at the expense of the Government of Ceylon, and naturally owing to certain conditions in Ceylon the Government has to identify itself with the planters. Therefore, in regard to that point it is a matter on which there might be a difference, but I should prefer not to divide the House on that matter and it is better for us to be unanimous about it. Then as to the time limit there is again this difficulty. A year's limit is proposed in the amendment which my Honourable friend, Mr. Bagde, has moved. Sir Montagu Webb suggests 18 months. I do not know whether we should divide on that point again, whether Mr. Bagde or Sir Montagu Webb cannot either of them give up his position and agree, because we all seem to agree upon the main question that a minimum wage ought to be fixed and I do not see why we should on small matters disagree. Now in regard to the wage, the substantial grievance is the wage figure, 10 and 16. 10 is the figure given in Mr. Marjoribanks' report. That was a report which was published in 1917. I consider that

[Rao Bahadur C. S. Subrahmanayam.]

as a report which the Assembly could readily accept, probably more readily accept than other statements which were made before the Emigration Committee and on other occasions. Now, Mr. Marjoribanks and Mr. Maricair put Rs. 10 as the maximum wages earned by a man and about Rs. 6 as the wages earned by a woman. That is Rs. 16 for both man and woman. Now, it is apparent that when the cost of living is Rs. 20 and annas 4 only for feeding and clothing, without any extras, the husband and wife are both compelled to earn in order to make up only Rs. 16. It means a wage less than that on which they could live in comfort. Now we have another figure. That is the cost of maintaining a person in jail in Ceylon. It is Rs. 6 and some annas. Honourable Members will at once see the disparity between the wages earned and the cost of living.

The Honourable Mr. B. N. Sarma: May I ask the Honourable Member whether he is moving his own amendment or speaking on Mr. Bagde's amendment.

Rao Bahadur C. S. Subrahmanayam: I am only speaking on Mr. Bagde's amendment.

Mr. N. M. Joshi: Are you moving yours?

Rao Bahadur C. S. Subrahmanayam: Please wait. The question of minimum wage is very important and there is great disparity between the wages earned and the cost of living. I have pointed out that it is so great that it has become necessary that we ought to fix a minimum wage. Now, I do not know how you are going to deal with these amendments. I shall however move my amendment now. I do not want to get into conflict with any of those who are at one with me on the main question. That is my difficulty at present. This is not a matter on which I should like to fritter away the support of the Assembly on any small matter on which we may disagree and therefore my amendment is to the effect that we may trust the Governor General in Council to see that the minimum wage which the Ceylon Government may fix is sufficient to keep only body and soul together for these people but also keep them in comfort and keep them in some kind of self-respect and the time limit which I propose is that it may be extended to one year. I have no objection to that. That is the first of my amendments. I have three amendments on the paper. My first amendment reads thus:

"To the Notification the following shall be added, namely:

'Within six months from the issue of this Notification or within such further period as the Governor General in Council may by notification appoint before the 5th March 1924 the Government of Ceylon shall take and complete the necessary steps to legally fix a minimum wage to be paid to emigrants by the Ceylon planters—such wage being one previously approved by the Governor General in Council.'

Then my next amendment runs as follows:

"The number of new emigrants after the date of this Notification to Ceylon shall not exceed 10,000 for the period ending 5th March 1924."

It is an important one for this reason. A large overcrowding of these emigrants to Ceylon would necessarily reduce the wages. The competition would be so great that practically either they would be without employment or accept such low wages as the planters, the employers, choose to give them and as during the last one or two years after this question was raised and after the passing of the Act and after the introduction of

the Bill, the emigration activities, the recruiting activities have been very keen, large numbers of people have been taken to Ceylon, and there is a sufficiently large number of labouring population there, it is better to cry halt at this stage so that the numbers that now flock to Ceylon may not reduce the wages and make the rule under which we are going to have a minimum basic wage practically inoperative. It is on that view, I say, that the number of emigrants ought to be restricted. Ordinarily about 25,000 people

Mr. President: I must draw the Honourable Member's attention to the fact that his time is exhausted.

Rao Bahadur O. S. Subrahmanayam: Ordinarily 25,000 people used to emigrate, and as large numbers emigrated later on, so I reduce it to 10,000. Another amendment is that during this period, the transition period, that is, the period before the fixing of the minimum basic wage, undoubtedly we must call upon the planters to raise the wage they are now giving on each estate by 30 per cent., by at least 30 per cent., and that is the third point. I therefore move, Sir, my amendment.

Mr. W. S. J. Willson: Sir, I should like to thank Mr. Seshagiri Ayyar for asking for this complete set of papers which Government have kindly given us, and it has been a most interesting study. Since we have had it, as the latest recruit to the Emigration Committee, I feel that I can make some remarks upon the labours of my predecessors, for which I was not responsible, and I think we may very well congratulate them on the results of their efforts with the Ceylon Government, which tend so much to improve and ameliorate the conditions under which labour is employed in Ceylon. For myself, I am impressed with the Government letter from Colombo dated the 28th October and with the readiness with which the Ceylon Government have yielded to the persuasive powers of our letter of the 11th October and their promise to at once institute an inquiry with a view to ascertaining the cost of living and the rates of wages paid, etc., etc. That wish was the one arrived at by the Emigration Committee, and my own view is that we shall be very well advised to await the results of that inquiry before we attempt to legislate for what ought to happen after the 1st April 1924 or any other date which may be mentioned in these other Resolutions. Sir, this House does not know what it is likely to do itself by the 1st April 1924, or what is likely to be the position anywhere: so that it seems to me rather unreasonable to ask the Government of Ceylon to enact what planters shall do in 1924 in what is now an unknown state of the trade in that year. Various figures were given, particularly by Mr. Raju, and I noticed that he confined his remarks entirely to the wages paid in the tea trade and he referred to the temporary, or at any rate recently accrued, prosperity of the tea gardens. But rubber is very far from being a prosperous concern. Now, Sir, I find it very difficult indeed to lend any support to any amendment in favour of fixing a basic minimum wage. We know very well that to move from his home in India the common lot of the labourer. I have travelled down through Southern India and I have seen labourers living there in the most miserable mud huts where a man of my size could very easily touch the roof; where they have no facilities of any sort of description and where they earn what seems to me to be absolutely a beggarly wage. It is, as I have said, customary for labour to emigrate everywhere. Even my own syce in Calcutta has found it to his advantage to emigrate from Delhi;

[Mr. W. S. J. Willson.]

with me in Calcutta he gets Rs. 17 a month and no other allowances. Now these gentlemen who emigrate from South India to Ceylon have only to travel a little distance of 22 miles by sea. I have visited plantations, Sir, in Ceylon (though I may say that I am not financially interested in any of them) and I did not go to examine the position personally with a view to addressing this House on the subject but merely as a passer-through. I found there very comfortable outfits generally for the workers on the estates that I happened to come across. They are provided with very good houses and they have all sorts of allowances which I need not go into because they are all reported on in this list. But it strikes me that they had arrived at a state of comfort, convenience and happiness which they—a great many of them—did not have originally in their own homes. Now I say that the proof of the pudding is in the eating. If these men were as well off in their own homes, they would not want to go to Ceylon though it is only just a very little distance away. They are, it is true, of an ignorant class, but they are by no means fools and a man knows when he is well-fed and reasonably housed and what is to his own personal advantage so far as purely creature comforts are concerned. Efforts have been made all the world over to fix basic rates of wages, and so far as I know they have practically all failed. Labour is a commodity and we all live by disposing of our commodities, whatever they may be; they may be our brains, our houses, our goods or the labours of our hands. Labour is employed in producing something. What that something fetches in its turn is governed by the law of supply and demand, and that law must inevitably react on the labour that is used to produce it. One Honourable Member compared the wages paid in places like the docks and harbours in Ceylon, which is Rs. 1/8 a day, with the wages shown in this paper earnable on a tea estate; but the conditions are totally different. In the first place, labour on an estate is rather a pleasant occupation, if any occupation which we have to indulge in to earn a living is pleasant, whereas labour in docks is extremely hard work, and people prefer the lighter duties on an estate and the open air life in the country to those conditions in town labour, where they have to find expensive lodgings, and those comparisons made are, to my mind, outside the point. I should be very pleased indeed if by a mere stroke of the pen we could raise the wages of everybody, of every cooly to Rs. 100 a month, of every clerk to Rs. 1,000 a month, double the wages of every medical practitioner, halve the wages of every lawyer, and so on, but it cannot be done, Sir. Labour has its value which comes out in the article which it produces. Mr. Rangachariar made rather a point about the indebtedness to the kanganis. But I find, from this very excellent brief, that of the 90 lakhs which were at one time outstanding, two-thirds of it have been paid off, and that being so, I think we can leave it to time to adjust the balance. As I have said, Sir, I cannot support any amendment which aims at fixing a basic wage, because I am convinced that it is impracticable, and I have no fear, as seems to be entertained in some quarters in this House, that labour is likely to rush off to Ceylon in such overwhelming quantities that it will bring down the market. Mr. Rangachariar also mentioned the figures on page 43 showing that 49,000 men went between January and August 1922, at the rate of some 10,000 a month during June, July and August. Sir, there is nothing striking in those figures at all, because if he will turn to page 30 of the brief, he will find that in the 9 years from 1913 to 1921, 585,401 coolies went, which divided by 9 gives an average of 65,000 per year, which is a

little less than 5,500 per month, against 6,000 per month that he has pointed out in the figures which he quoted; and, I must remind him that those figures for June, July and August relate to a time of the year when crops are coming on and it is the natural time when labourers should go. I do not think, Sir, that I need labour the point any further about the fixing of a basic wage. I am very much afraid of it. I do not think it will work. I do not think it is right that we should attempt to impose on the Ceylon Government what they ought to do twelve months hence, whereas, I say, we do not in the least know what we are likely to do then ourselves or what the position is likely to be.

Rai Bahadur S. N. Singh (Bihar and Orissa: Nominated Official): I move that the question be now put.

Sir Montagu Webb (Bombay: European): Sir, I have spent most of my life in India. One of the results of that experience is that I yield to no Member of this House in my desire, I may say in my anxiety, to see that all Indians who go overseas to labour, shall be treated fairly and properly, and with that respect which is due to Members of the British Empire. Now, Sir, we have heard a great deal about the alleged misfortunes and the poverty of these unfortunate men who have gone to Ceylon. It has been my good fortune, Sir, to see with my own eyes the state of the Indian labour in Ceylon. I have also seen it in Natal. I have seen it in Central Africa; and in other parts of Africa and of the world. I must say that the impression left upon my mind is that on the whole those Indians who go overseas, generally do very well for themselves and are living very comfortably and satisfactorily, perhaps even more so than they did in this country. I know in some cases that Indians who go overseas not only live comfortably, but they acquire property and they amass considerable wealth. I can recall several parts of the British Empire where Indians own shops, houses and properties far superior to those which some of the Europeans on the spot hold.

(An Honourable Member: "Not in Ceylon.")

Sir Montagu Webb: I remember, Sir, if I may recall the incident, I remember a few years ago when I was travelling in Central Africa,—in Northern Nyasaland to be quite definite,—some hundreds of miles away from the coast, to my astonishment, away in the jungle I came upon an Indian with a little field and a little shop. I was so astonished that I stopped to inquire where this man came from, and he told me "Oh I belong to Porbandar,"—half way between Karachi and Bombay. I felt that I was meeting one of my own countrymen, and I stopped and had a very long conversation with this man. We were very pleased to meet each other. I cross-questioned him closely. He was doing very well. He was satisfied with his surroundings, and he was remitting—this is the point—he was remitting through the Post Office a considerable sum of money to India. A few weeks later when I happened to be talking to some of my European friends in that part of the world about this man, they said "Oh yes, these Indians are not much good to this country because they do not spend very much here; they remit all their money back to India." Sir, I seem to have heard that argument before, about people who do not do much good where they work, because they remit all their money back to their mother country. Sir, I am no believer in those theories.

Dr. Nand Lal: I thought we had to discuss the question of Ceylon only.

Sir Montagu Webb: I mention these facts merely to lend emphasis to my argument that Indians working overseas remit their savings to India, and further that the labour in Ceylon is not nearly so badly off as some of the speeches which we have heard in this House this morning might lead us to believe. Mr. Willson has just given one or two explanations and anticipated my remarks with regard to certain figures of emigration which I had proposed to quote. Now, Mr. Rangachariar could not make out why it was that so many people went from the south of India to Ceylon. May I suggest that the explanation is obvious? They are going there to better their conditions of life. They are going there, Sir, because they are finding better circumstances, and they are better off in Ceylon than they are in the South of India. There is in my mind not the slightest doubt about it. I have been there and seen it with my own eyes. My friend, Dr. Nand Lal, went so far as to hint there was a sort of slavery in Ceylon. Why, Sir, I can only say in reply that there must be still more slavery in Southern India. I suppose it is to escape that kind of slavery that some of this labour goes over to Ceylon. Now, Sir, I have an amendment on the paper which indicates that my sympathies in this matter and those of the movers of other amendments are very much the same. We should all like to see something done to benefit the labour that goes over to Ceylon. But I think Sir,—I do not know if the Honourable Members who moved their Resolutions can see eye to eye with me, but I venture to submit that my Resolution puts the matter perhaps a little bit more acceptably. It proposes for example not to alter the Notification. I have suggested merely that we should add a few words to Government's Resolution. I have suggested in my amendment that we should give another six months—eighteen months in all—to the Ceylon Government in order to do what they can, and I think this House has every reason to feel confidence in the Ceylon Government. They have to consult the different parts of the country; they have to satisfy their own Legislature. All this will take time. There will be consultations with the Government of India and naturally this will take more time. I do not think, Sir, that we should press for too short a period, and I have therefore suggested that we should give the Ceylon Government time up to the 1st of October, 1924, and thereafter, if they have not brought about an improvement in the conditions of labour which this Government thinks satisfactory, we can move again. I quite share the doubts expressed by Mr. Willson as to the possibility of fixing a minimum wage. I do not think such a thing has ever been done in the East yet, and although it was attempted in the United Kingdom, there is no doubt whatever that the attempt has broken down. It is not so easy to fix a minimum wage as some Honourable Members think. At the same time, I am prepared to give the Ceylon Government an opportunity of improving the conditions of this labour. I think it is our duty to do so, and I would therefore ask Mr. Subrahmanayam if he can see his way to accept the proposal I have put forward. I do not know, Sir, whether I can move still another amendment to the amendment that he proposes. Perhaps my friend Mr. Bagde will accept the proposals I have put forward

Rao Bahadur T. Rangachariar: You don't make it a condition. You simply make a recommendation, while the others make it a condition.

Mr. President: I took Mr. Ahmed's amendment first against the Resolution because it stood first on the paper. Then Mr. Bagde proposed to make the continuance of emigration conditional on certain action by the Ceylon Government. The Honourable Member does not propose to do that.

The scope of his amendment is even narrower. I must put Mr. Subrahmanayam's amendment as an amendment to Mr. Bagde's amendment as an improvement or the reverse of it according to the judgment of the House. It depends upon the decision of the House whether that excludes the Honourable Member from moving another amendment.

Sir Montagu Webb: In that case, Sir, I will wait for the opinion of the House, before moving my amendment.

Mr. N. M. Joshi: Sir, although I sympathise with some of the proposals in the amendments proposed before this Assembly, I must say that I cannot accept several others put forward by my Honourable friends. In the first place, it must be made quite clear that I do not want that any restrictions should be imposed upon the labourers against their leaving the country if they feel that by going out of the country they can improve their condition. We have no right to keep them here when they feel so. Sir, although that is my view, it is also necessary for us to see, when we allow large emigration to those Colonies where there are a large number of Indians already settled, that their wages are not lowered by fresh emigration to a point which is undesirable. The solution of this question is not very easy. We have to reconcile the interests of those people who want to go out to better their prospects with the interests of those people who have already settled in the Colony. If these people who are settled in the Colony are not Indians perhaps this Assembly may not give much attention to that point, but still it is necessary for us to look to the interests of those who are already settled there. I, therefore, feel that, under these difficult conditions, it would have been much better if the whole question of negotiation had been left to Government. I do not believe an Assembly like this is capable of negotiating a treaty with a foreign Government. That is the business of the Government. Unfortunately, even Government, in order to please the Assembly, put a clause in the Bill that such conditions should be approved by this Assembly. The whole difficulty is created on account of that. And, therefore, we see here proposals made which unfortunately we cannot throw out nor can we accept. Take the proposal of my friend, Mr. Subrahmanayam. I sympathise with him that the number of people to be sent should be limited. But how are we to decide whether that number should be 10 thousand or 15 thousand? That is a matter which he should have left to the Government of India and certainly I should have then supported him. As regards the minimum wage, Sir, my sympathies are fixing a minimum wage. I have no fears, which my Honourable friend, Mr. Willson, and my Honourable friend, Sir Montagu Webb, have, about fixing the minimum wage. The minimum wage has been fixed in several countries and these minimum wage laws have not yet been repealed, so we can have some assurance in our minds with regard to these laws. If we fix the wage, to some extent, we protect the interests of those who are already settled. Sir, but it is also out of place to fix the minimum wage in our Assembly. It is a matter which we must leave to the Government of India,—whether that minimum wage should be Rs. 15, or Rs. 16, or Rs. 17. I therefore do not approve of the idea that the fixing of the minimum wage should be in the hands of this Assembly. Sir, when we have to fix the minimum wage, we must see that we do not fix the minimum wage at such a high point that the emigration will be stopped. My Honourable friend, Mr. Rangachariar, said: Why should the Ceylon Government inquire into the conditions of Southern India? It is necessary to find out whether it will be advantageous to the labourer in Southern

[Mr. N. M. Joshi.]

India to go to Ceylon on a particular wage. Therefore, an inquiry into the conditions in Southern India is certainly necessary. But there are some people who are afraid of that inquiry. They know that the inquiry will bring out information which they do not wish should see the light. Only the other day, my Honourable friend, Mr. Rangachariar, was praising the planters of India and he painted a glowing picture of the conditions of the plantations in India. What are those conditions? In the plantations in India people are paid Rs. 6 or 7 or 8. Why should we prevent these people from going to Ceylon to get Rs. 12, even if they do not get Rs. 17? Sir, the other day I also wanted several conditions to be pressed upon the planters in India in order that the conditions should be improved for the labourers, but, Sir, the proposal was not accepted. Unfortunately, the Standing Emigration Committee now comes forward to lay down restrictions upon the planters in the sense that the people should be repatriated under certain conditions, sick leave should be given, etc. If we want that our labourers should not go to Ceylon, the best thing is to improve the conditions in India and therefore I think my Honourable friend, Mr. Rangachariar, instead of painting glowing pictures of the labour conditions in India, should henceforth try to improve them. Sir, Mr. Rangachariar also referred to the debts which these labourers have with kanganis and from that he inferred that the people who are there do not really prosper. It is a wrong conclusion altogether. If he had inquired into the debts which existed on the Indian plantations he would not have been surprised by this at all. It is the business of the planters to keep these people in debt, whether they prosper or not. My friend, Mr. Nag, who has got experience of Assam, will tell you that if a man goes and pays his debt, the planter will not accept the money. That is a fact in India in Assam.

Mr. B. C. Allen (Assam: Nominated Official): I protest against that statement. Mr. Joshi has no foundation whatever for making that statement against the Assam planters.

Mr. N. M. Joshi: I would only refer my Honourable friend to the report which was recently published by the Assam Labour Committee.

(An Honourable Member: "I have got the authority.")

Mr. B. C. Allen: Can Mr. Joshi quote it here? Can he let me have the paragraph?

Mr. N. M. Joshi: I cannot quote it here to-day.

Mr. N. M. Samarth (Bombay: Nominated Non-Official): He has given the authority. The Honourable Member had better consult it.

Mr. N. M. Joshi: I am quite sure of my facts. There is here my friend, Mr. Nag, who has got a lot of experience of plantations in India and I am quite sure he would corroborate that fact. Therefore, the fact that these labourers are indebted to some extent is not a negation of the fact of their own prosperity at all. I therefore think that although we should fix the wage, and it is necessary to fix the wage in the interests of the people who are already settled there, we must not fix it at such a point which will prevent emigration altogether and which will be against the interests of the people who have to emigrate from this country. Therefore, when we try to settle the conditions on which we should permit emigration, we should take into consideration the fact that without sacrificing the interests of

those people who are settled there, and without also sacrificing the interests of those who want to go, we should be in a position to improve their condition. The only way in my humble judgment to secure improvement is that the Government of India should be watchful about the interests of our people. Sir, nobody has mentioned that it is necessary for the Government of India to appoint an agent in these Colonies. I do not know whether the Government of India has decided

The Honourable Mr. B. N. Sarma: It is one of the conditions.

Mr. N. M. Joshi: It is one of the conditions, but I want to know from the Government of India whether they are going to fulfil that condition themselves. This is not a condition to be fulfilled by the Ceylonese Government. It is a condition to be fulfilled by the Government of India. The Government of India have never mentioned yet that, as soon as emigration is permitted, they will appoint an agent. If an agent is appointed, I think that fact in itself will tend to improve the labour conditions in Ceylon. It will enable us to get correct reports upon which we can place reliance and upon which we can take action. Sir, if we have got our agents, then we can get correct information, and if we get correct information, we can propagate that information, so that no person will go out of the country under any misapprehension or on any incorrect information. If they do this much, I think we shall have taken sufficient care of the people who will be going out. But the real solution of the problem lies in our improving conditions here. Unless you improve the conditions here, people will go out, and it is not right that we should prevent their going out. On the whole, Sir, after having seen all these amendments, I am inclined to support the amendment of Sir Montagu Webb, because it does not ask the Government of India to stop emigration altogether but it lays a certain duty upon them to see that a minimum wage will be fixed very soon. With these remarks, Sir, I resume my seat.

The Honourable Mr. B. N. Sarma: Sir, I have been always an optimist in my life and I am sure that after shewing me the indulgence of hearing me once again, the House will agree that the Notification which has been put by the Government of India before them is one that they can readily accept. I do not propose to go into all the details of the criticisms that have been levelled against us for it is a very late hour and it is unnecessary to dwell minutely on the state of the wages in Ceylon. But there are some salient points which have been urged on the attention of the House which I should like to deal with.

A good deal of confusion of thought has been exhibited in the course of the discussion between the causes which have led to the indebtedness of the cooly in Ceylon in the past and existing at present there and the conditions on which we propose to allow labourers to emigrate hereafter to Ceylon. Every one admits that under former conditions the labourer went to Ceylon saddled with debt. The cost of emigration, the advances given to him when he was in India, the penal provisions which were provided to enforce labour, the facilities for his obtaining loans, enabled him, or rather compelled him, induced him to get into debt, and that, as has been shown, is going to be wiped out. He is to be no longer subject to that debt and cannot be imprisoned for it. And under our Notification the labourer from India would go to Ceylon without any debt whatsoever. All the expenses must be met from the common fund. No agreement for more than a month would be valid. The monies that are advanced to him in India, or that may be advanced in Ceylon cannot be recovered.

Dr. Nand Lal: What about civil liability?

Mr. President: Order, order.

The Honourable Mr. B. N. Sarma: I am talking of the labourer that is going hereafter from India and that is the only labourer we have to deal with under this Notification, because the other labourers are there already. This labourer goes saddled with no debt whatsoever. He cannot contract any debt enforceable by arrest. There is no penal provision binding him. At the end of a month he can quit. We have, furthermore, provided that the Government undertake to repatriate him at their expense provided he satisfies our Emigration Agent or other officer who may be appointed in his stead that the conditions do not suit him. Therefore, every precaution that can be taken has been taken under the Notification laid before you. Nor would it be possible for Honourable Members, I think, to justify such a gloomy picture as has been drawn as to the state of wages obtaining in Ceylon. As has been effectively put by one of the members of the Revenue Department, in former days, if you are going to calculate the cost of labour on the footing that every man has to be paid a certain rate, if the cost of cultivation be counted up in money, there would hardly be any profit left to any agriculturist and the wonder would be how any agriculturer could manage to subsist on the soil or pay any revenue whatever. Similarly, elaborate calculations have been made as to what the labourer and his family have been deriving in the past in the shape of wages and their sufficiency. As has been aptly put, the proof of the pudding is in the eating of it. The men find it to their advantage to go there. I go further. We have positive proof. Two members of the Deputation which went to Ceylon in 1917 reported to us that the wages were not altogether unsatisfactory:

“The rate of wages paid on estates (they give calculations) does appear to be sufficient to keep a labourer in health and strength and to leave a margin over.”

I had the curiosity to send for the post office statistics and I find that there were three hundred thousand and odd money orders remitted to India during 1921-22 to the extent of 87 lakhs of rupees. I am not going to contend for a moment that all this represents the savings of labour but surely three hundred thousand traders are not there and the number itself clearly shows that a large number of labourers have been remitting small or large sums to India and they would not have been labouring there if they had not been in a position to do so. I do not wish the House to be under the impression that the Government are satisfied that the wages are as adequate as they might be, but to depict the picture the other way and show that the conditions are absolutely unsatisfactory is, I think, overdrawing it. We have positive information that a large number of labourers have been remitting their savings to this country. It is a fact that about 60,000 or 70,000 labourers have been coming and going back and that shows that the conditions cannot be as unsatisfactory as is imagined by many individuals. The figures that have been quoted in the proof that has been circulated show clearly that every year 60,000 or 70,000 or sometimes as many as 100,000 come back and many go back to Ceylon. It is quite easy to understand those figures, the total labouring population being about six hundred thousand, only 10 per cent. come back owing to various causes and there must be other people who replace them. Apart from the question of new labour, 60,000 labourers are coming and going and in addition to that a certain number of new labourers are added

every year to the plantations in order to replace wastage. That accounts for the figures which have been shown at the last page and my Honourable friend, Mr. Rangachariar, complains there has been a very large influx of labour during the last 8 months into Ceylon showing thereby that the planters were taking a very large number in anticipation of any prohibition which we may seek to impose upon them. 31,000 come down and 49,000 go out again and the net surplus is about 8,000 and as has been pointed out that this occurs in the summer months when there is not much labour here and there is more demand for labour in Ceylon. Therefore we need not be perturbed by these facts. Taking them all into considerations, the conditions there are not so unsatisfactory that a remedy has to be found immediately or the normal flow should be stopped at the end of one year. I commend to the House the view taken by Mr. Joshi. Mr. Joshi has got the interests of the labourers at heart as much as anybody and the view taken by him is eminently reasonable barring one exception in that he accepts the amendment which is suggested by Sir Montagu Webb. These matters are matters which really might be left to negotiation as between the Ceylon Government and the Government of India. That was the view taken finally by the Emigration Committee themselves. No doubt they have felt keenly the desire to improve the lot of the labourer that may be going to Ceylon or that has been already settled there and they press very hard for an increase in the wage and finally when the matter was considered as to whether it should be a condition precedent the final Resolution was that the Ceylon Government should be asked to make an inquiry into the question of fixing a basic wage subject to a minimum and about the cost of living in relation to the rate of wages now paid. In the meantime the Government of India should do their best to secure an improvement in wages. The Government of India immediately addressed the Government of Ceylon and the Ceylon Government have promptly promised to do their best to improve the wages and they have told us so.

Rao Bahadur T. Rangachariar: May I ask whether they answered that portion of the letter?

The Honourable Mr. B. N. Sarma: They have answered that the wages have been rising, that they are closely watching the interest of the labourers, that the *Tundu* system has been abolished, that the labourer has been able to find his feet, that there is a great movement between estate and estate and they say that there has been a rise in wages; and the very fact that there is voluntary emigration on an appreciable scale from India, they point out as a clear proof that the wages have risen in the Colony. They say that they are as anxious as our Government to see that all that can be done is done, and they have promised to institute inquiries at once. But we cannot reasonably blame them for not having instituted an inquiry until they know as to whether we are going to issue a notification, and the Government of India are in a position to press upon the Ceylon Government the institution of an inquiry or any further expenditure on that account, until we make up our mind and tell them that we are going to give them a reasonable margin of time in order to set their house in proper order. I therefore think, Sir, that the Ceylon Government's attitude cannot be depicted or pictured as being an unreasonable one so far as the past is concerned. We need not go back to an Antediluvian period to see what had been done years ago. We have now the fact that they have readily complied with every one of the conditions that we stipulated—they have readily agreed—you may say, some of you, because they had no other

[Mr. B. N. Sarma.]

option, but I would not do them that injustice; they have agreed to every one of the conditions that we laid down, and they are apparently going to institute an inquiry. But as I put it some time ago, there are 1,200 and odd tea estates alone, and there is the further difficulty that most of these workers do work on the piece-work system. The figures that have been referred to by Mr. Rangachariar are somewhat illusory for this reason that on the whole, including overtime, including sundries and so on, the wage is between Rs. 16 to 20 in the case of rubber estates and Rs. 12 to 16 in the case of tea estates per adult male labourer. They take into consideration the average wage no doubt, but that does not mean that the minimum is very much below. The figures that have been given were for a particular kind of work which has to be finished, which may be finished within 5 or 6 hours, but after that work is finished, after the task work is finished, there would be ample leisure according to the evidence given in which more money can be earned and the average wage any labourer can earn is between Rs. 16 to Rs. 20 and Rs. 12 to 16. In addition to that, they get some perquisites which I need not refer to at length.

Mr. J. P. Cotelingam: May I point out, Sir, that this includes piece-work and overtime work?

The Honourable Mr. B. N. Sarma: I did not say that. Rs. 12 to Rs. 16, that figure is exclusive of overtime. I am excluding the perquisites from it which are marked below 5, 7 and 8 in the last column.

Rao Bahadur T. Rangachariar: It is not everyone that does overtime, only the able-bodied.

The Honourable Mr. B. N. Sarma: Yes, everyone, I suppose, who goes there is an adult labourer, is not lazy, but does work. And then we must also remember the class of labourer which emigrates from Southern India to Ceylon—a large section of the labourers go from the depressed classes and from the classes, in which both men and women work, and even in Southern India we find that it is impossible to maintain a household until both men and women work on the fields. They do work here, and they work in the same way there, to earn their living: and simply because there is a distinct Government, a different Government there, we should not I think interfere unduly between employer and employee. We must let the natural laws operate and make the necessary adjustments, but if we find that those natural laws oppress the weak, the Government may have to step in and will step in. I therefore suggest, Sir, that the Committee and the Government were fully right in imposing as conditions only those that have been shown in the notification, that the Government might be well left to adjust matters and to press upon the Ceylon Government to immediately bring out an increase if it be possible, to see that the interests of the labourers are safeguarded, and that the inquiry is concluded at as early a date as possible. It will be impossible for the Government to accept this limitation with regard to the number of emigrants. For instance, 60,000 people may return on a holiday to their homes in one year; there must be somebody to take their places or they will not be able to come to their homes to see their people, and 10,000 fixed as the limit will be absolutely inadequate. You will, if you introduce such a limit, be compelling the labourers now there to work on year in and year out without a holiday to India. The inflow and outflow of the coolie population to and from Ceylon is on an entirely different footing from that which

obtains in respect of other distant overseas possessions. I therefore submit that the limitation proposed could not work at all.

With regard to the fixing of a minimum wage 30 per cent. above present rates, I suggest that there is some danger in such a course. We have first to see indeed whether it may not be necessary to fix the minimum at an even higher figure, and these artificial interim increases will not only be illusory but will in the end prejudice the cause we have at heart. If we tell them that we will be satisfied with this *ad interim* increase and that be fixed as the minimum, it may become as well the maximum: whereas on inquiry it may be found that it is necessary for us to press for more; and if in the meanwhile we accept this much, we shall be prejudicing our chances of getting what is really needed. And I submit that since we have allowed this system to go on since 1847 up till this date, we may well have patience and wait for another year or two when this inquiry by the Ceylon Government will be finished. The Emigration Committee have stipulated that the report of that committee of inquiry should be put before them in order that they may have their say before the Government take it into consideration, and in order that they may do so in the light of the criticisms they may make, before further representations are made to the Government in Ceylon. In the ordinary course of things it may be impossible for us to consult this House before it meets again in January; and in any case the *ad interim* negotiations could most probably not be carried out in less than 12 or 18 months. I am not asking the House for a moment to rest content. But the Government has said that they will press the matter firmly on the Ceylon Government, and I think having regard to what has been done in the past by the Ceylon Government and the ready and speedy manner in which the recommendations of the Government of India have been accepted by them, this House may I think leave it to us to do a little more in the way of securing a better wage for the labourer.

I do not think, Sir, that I need refer at any length to one or two observations made by my friend Mr. Rangachariar as to the constitution of the Deputation. He complained that the Government entrusted its work to non-officials. The President of the deputation is an eminent lawyer of Ceylon. My friend said that they had not done the right thing in not having a Government official as a member. Well, it shows the confidence which the Government has in its non-officials. That shows the confidence which the Government has in its non-official public in advocating the cause and not being so bureaucratic as to send one of their own men to be in charge; and, apart from that, I would say that the letters from the Ceylon Government show distinctly how anxious they have been not to mix themselves up with the Labour Commission. One of the reasons as to why they would not agree to our first condition is that they said that they would like to adopt a benevolent neutral attitude or an attitude of aloofness where they can press the Labour Commission to adopt any views which they may have to enforce to keep the balance even between the labourer and the planter. They do not want to identify themselves in any way with the Commission or with recruitment for the planters. That is an index to the frame of mind of the Ceylon Government, nor can we blame them for that. I, therefore, think, Sir, that we cannot cavil at the constitution. The constitution is, I think, one of the best that could be constituted and the advocacy has been entrusted to one of the most eminent lawyers of the island and everybody has had an opportunity of having his say and all

[Mr. B. N. Sarma.]

the figures have been placed before the committee fully. My friend, Dr. Nand Lal, had some doubts as to whether the Government of India have the interests of the labourers at heart or the planters at heart and as to why they do not interfere for the sake of the educated few who may be going there. I need hardly assure him that the Government of India cannot at any moment under any circumstances sacrifice the interest of the labourers for the sake of any planters, whether here or elsewhere. I wonder why such a doubt should have arisen in his mind. Nor are the Government prepared to draw a limitation, an adverse limitation, as between the interests of the planters and the labourers. I do not see why there should be any necessary conflict, and if the labourer gets his due and the planter also benefits, I do not see that it is our business or the business of any Government to grudge any indirect benefit which the planter may derive thereby. Therefore, the answer to him would be that it would be primarily the labourer we have in mind and they would not grudge if the planter in Ceylon also gets the benefit of any labour that may go from here. My friend Mr. Joshi was anxious as to whether the Government of India would appoint an agent to watch the interests of these labourers in Ceylon. I thought I already mentioned in my preliminary remarks that the Government of India hope to and believe they will be able to appoint an agent, but if I have not said more, it is because we have to consider as to what it would cost. But there seems to be absolutely no reason as to why out of the money that we would be able to secure in the shape of fees we should not be able to appoint an agent, without burdening the general taxpayer. We hope to be able, Sir, to appoint an agent shortly after emigration is re-opened. I should like to have accepted Sir Montagu Webb's amendment. I appreciate the reason as to why he has substituted 18 months for 12 months. He sees that twelve months would be too short a period and the Legislative Council and the Emigration Committee cannot be consulted within that time. But I would suggest to the House that there is no need for such an amendment. We distinctly put to the Ceylon Government certain conditions which we were going to notify under section 10. The committee did not insist upon the settlement of wage as a condition precedent. The Government of India have not done so, and it is not fair to the Ceylon Government that we should now fix as a condition precedent to any emigration being allowed to that colony, the settlement within a particular period of this very difficult, complicate and intricate question of a basic minimum wage. I think the House may rest content that the two Governments will put their heads together and secure the welfare of the labourer and see that the basic minimum wage is obtained if it is practicable and possible.

Mr. President: I will put Mr. Subrahmanayam's amendment against Mr. Bagde's.

Rao Bahadur C. S. Subrahmanayam: Only the first clause of my amendment, clause 10 of my amendment, and not the others. They do not tack on to Mr. Bagde's amendment. My amendment may be put separately, one by one.

Mr. President: The Honourable Member does not withdraw.

Rao Bahadur C. S. Subrahmanayam: I cannot withdraw them.

Mr. President: Amendment moved:

"That after the word 'approves' the words 'with the modification set out below' be inserted; after the words 'the notification' the words 'as approved' be inserted; and at the end of the Resolution the following be added:

'After clause (3) of the draft notification the following clause shall be inserted:

'(4) Before the 1st of April, 1924, the Legislature of Ceylon shall have enacted a law fixing the minimum basic wage for assisted emigrants, to the satisfaction of the Governor General in Council and of both Chambers of the Indian Legislature'."

To which an amendment has been moved:

"Omit all words after the figure 4 in order to insert—'within six months from the issue of this notification, or within such further period as the Governor General in Council may by notification appoint before the 5th March 1924 the Government of Ceylon shall take and complete the necessary steps to legally fix a minimum wage to be paid to emigrants by the Ceylon planters, such wage being one previously approved by the Governor General in Council.'"

The Honourable Mr. B. N. Sarma: May I suggest, Sir, that Sir Montagu Webb's amendment is really a limitation and his amendment to the amendment I think is a condition. It is not a mere recommendation. He says the Council's recommendation shall be enforced from October, etc., provided certain things are done. That is really a condition, and it is in the nature of an amendment. Not that I am accepting. I am only putting it that it is really in the nature of an amendment to the amendment.

Mr. President: In form both of them are recommendations to the Governor General in Council. But I think I must proceed to put this amendment against the other, though no doubt the Assembly in voting will bear in mind that Sir Montagu Webb's amendment is still on the paper. The question I have to put is that Mr. Subrahmanayam's amendment to Mr. Bagde's amendment be made.

The motion was negatived.

Mr. President: The Honourable Member has originally moved three amendments together—10, 11 and 12. Does he wish to insist on 11 and 12?

Rao Bahadur C. S. Subrahmanayam: Yes, I do.

Mr. President: Further amendment moved:

"That after the words 'both Chambers of the Indian Legislature' in Mr. Bagde's amendment, the following be inserted:

'(4A) The number of new emigrants after the date of this Notification to Ceylon shall not exceed 10,000 for the period ending 5th March, 1924'."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President: Further amendment moved:

"That after the words 'both Chambers of the Indian Legislature' in Mr. Bagde's amendment the following be inserted:

'(4A) The Government of Ceylon shall require the Ceylon Planters Association to increase the existing rate of wages by at least 30 per cent. within three months from the date of this Notification'."

The question is that that amendment be made.

The Assembly then divided as follows:

AYES—23.

Abdul Majid, Sheikh.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Asjad-ul-lah, Maulvi Miyan.
Ayyar, Mr. T. V. Seshagiri.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Dass, Pandit R. K.
Ginwala, Mr. P. P.
Kamat, Mr. B. S.
Lakshmi Narayan Lal, Mr.
Latthe, Mr. A. B.

Mahadeo Prasad, Munshi.
Man Singh, Bhai.
Nag, Mr. G. C.
Nand Lal, Dr.
Nayar, Mr. K. M.
Neogy, Mr. K. C.
Rangachariar, Mr. T.
Reddi, Mr. M. K.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Venkatapatiraju, Mr. B.

NOES—45.

Abdulla, Mr. S. M.
Abul Kasem, Maulvi.
Allen, Mr. B. C.
Barua, Mr. D. C.
Bradley-Birt, Mr. F. B.
Bray, Mr. Denys.
Bardon, Mr. E.
Cabell, Mr. W. H. L.
Chatterjee, Mr. A. C.
Clow, Mr. A. G.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Davies, Mr. R. W.
Faridoonji, Mr. R.
Gulab Singh, Sardar.
Haigh, Mr. P. B.
Hindley, Mr. C. D. M.
Holme, Mr. H. E.
Hullah, Mr. J.
Hussanally, Mr. W. M.
Ikramullah Khan, Raja Mohd.
Innes, the Honourable Mr. C. A.
Jamnadas Dwarkadas, Mr.

Joshi, Mr. N. M.
Ley, Mr. A. H.
Misra, Mr. B. N.
Moncrieff Smith, Sir Henry.
Muhammad Hussain, Mr. T.
Muhammad Ismail, Mr. S.
Mukherjee, Mr. J. N.
Percival, Mr. P. E.
Pyari Lal, Mr.
Ramayya Pantulu, Mr. J.
Ramji, Mr. Manmohandas.
Rhodes, Sir Campbell.
Samarth, Mr. N. M.
Sarfaraz Hussain Khan, Mr.
Sassoon, Capt. E. V.
Spence, Mr. R. A.
Tonkinson, Mr. H.
Townsend, Mr. C. A. H.
Tulshan, Mr. Sheopershad.
Webb, Sir Montagu.
Willson, Mr. W. S. J.
Zahiruddin Ahmed, Mr.

The motion was negatived.

Mr. President: The question is:

“That after the word ‘approves’ the words ‘with the modification set out below’ be inserted; after the words ‘the notification’ the words ‘as approved’ be inserted; and at the end of the Resolution the following be added:

‘After clause (3) of the draft notification the following clause shall be inserted:

‘(4) Before the 1st of April, 1924, the Legislature of Ceylon shall have enacted a law fixing the minimum basic wage for assisted emigrants to the satisfaction of the Governor General in Council and of both Chambers of the Indian Legislature,’ and the subsequent clauses shall be re-numbered accordingly.’”

The motion was negatived.

Sir Montagu Webb: I beg to move, Sir, the Resolution standing in my name. ‘I do not think it is necessary for me to repeat the arguments which have already been used. I therefore simply commend my motion to the House.

Mr. President: Further amendment moved:

“That at the end of the Resolution the following be added:

‘This Assembly further recommends to the Governor General in Council that the notification shall be in force up to the 1st October, 1924, and shall continue thereafter provided that in the meanwhile the Government of Ceylon shall have fixed by law a minimum wage for labour on estates, such wage having been previously approved by the Governor General in Council.’”

The Assembly then divided as follows:

AYES—32.

Abdul Majid, Sheikh.
Abul Kasem, Maulvi.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Asjad-ul-lah, Maulvi Miyan.
Ayyar, Mr. T. V. Seshagiri.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Cotelingam, Mr. J. P.
Dass, Pandit R. K.
Ginwala, Mr. P. P.
Gulab Singh, Sardar.
Jamnadas Dwarkadas, Mr.
Joshi, Mr. N. M.
Kamat, Mr. B. S.
Lakshmi Narayan Lal, Mr.

Lathe, Mr. A. B.
Mahadeo Prasad, Munshi.
Man Singh, Bhai.
Misra, Mr. B. N.
Nag, Mr. G. C.
Nand Lal, Dr.
Nayar, Mr. K. M.
Neogy, Mr. K. C.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Reddi, Mr. M. K.
Samarth, Mr. N. M.
Srinivasa Rao, Mr. P. V.
Subrahmanayan, Mr. C. S.
Venkatapatiraju, Mr. B.
Webb, Sir Montagu.

NOES—36.

Abdulla, Mr. S. M.
Allen, Mr. B. C.
Barua, Mr. D. C.
Bradley-Birt, Mr. F. B.
Bray, Mr. Denys.
Burdon, Mr. E.
Cabell, Mr. W. H. L.
Chatterjee, Mr. A. C.
Clow, Mr. A. G.
Crookshank, Sir Sydney.
Davies, Mr. R. W.
Faridoonji, Mr. R.
Haigh, Mr. P. B.
Hailey, the Honourable Sir Malcolm.
Hindley, Mr. C. D. M.
Holme, Mr. H. E.
Hullah, Mr. J.
Hussanally, Mr. W. M.

Ikramullah Khan, Raja Mohd.
Innes, the Honourable Mr. C. A.
Ley, Mr. A. H.
Moncrieff Smith, Sir Henry.
Muhammad Hussain, Mr. T.
Muhammad Ismail, Mr. S.
Mukherjee, Mr. J. N.
Percival, Mr. P. E.
Pyari Lal, Mr.
Rhodes, Sir Campbell.
Sarfaraz Hussain Khan, Mr.
Sassoon, Capt. E. V.
Spence, Mr. R. A.
Tonkinson, Mr. H.
Townsend, Mr. C. A. H.
Tulshan, Mr. Sheopershad.
Willson, Mr. W. S. J.
Zahiruddin Ahmed, Mr.

The motion was negated.

Mr. President: The question is:

“That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Ceylon, and recommends to the Governor General in Council that the notification be published in the Gazette of India.”

The motion was adopted.

RESOLUTION RE EMIGRATION OF UNSKILLED LABOURERS TO STRAITS SETTLEMENTS AND MALAY STATES.

Mr. J. Hullah (Revenue and Agriculture Secretary): I move:

“This Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to the Straits Settlements, the Federated Malay States of Perak, Selangor, Negri, Sembilan and Pahang and to the Unfederated Malay States of Kedah, Perlis, Johore, Kalantan, Trengganu and Brunei, and recommends to the Governor General in Council that the notification be published in the Gazette of India.”

Mr. President: Honourable Members will observe that the amendments sent in to this Resolution raise almost precisely the same questions as the amendments to the Resolution which we have just passed, and except in

[Mr. President.]

so far as conditions may vary, and they do vary, between Ceylon and the places named in the second Resolution, it will be a sheer waste of time to continue the debate on the lines on which the previous one has followed. Members will be within the "letter of the law" if we allow the debate to proceed along such lines, but I should think we should be violating the spirit of it.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): I have great pleasure in supporting the motion made by Mr. Hullah. We must make a distinction between Government and Government. I have entirely satisfied myself from the Deputation, from the way in which they behaved, from the very frank and ready way in which they placed facts and figures before us, from the earnestness and anxiety which they displayed for the welfare of labourers, our labourers run any risk in going to the Straits Settlements. The Government there are taking every care so far as I am able to see,—at any rate Mr. Gillman who appeared before us as the representative of that Government gave such a full and frank statement that I was simply delighted with the way in which that Deputation behaved. The wages the labourers earn there are not very high. They earn about 10 or 12 annas a day there, much better than, nearly double of what the people earn in Ceylon, and although we have pressed them to accept an inquiry for fixing the basic minimum wage, they have agreed to it and I think we may trust the Government of the Straits Settlements to see to what is necessary being done. I therefore support the motion.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): In order just to remind the Government of India, I must draw the attention of the Assembly to the fact, why is it that the Chinese cooly works at a higher rate of pay than the Indian cooly there in the Malay States and other places stated in this Resolution. I know, Sir, there are instances before

5 P.M. me where Indian people are treated badly while the Chinese people are much better off and apart from that, Sir, there are other nationalities whose condition is much better than the Indians. Indians are looked down upon by the people because the Malayan State Government and others do not appreciate the position of Indians and if the Government of India will try to bring things together and take proper steps, we shall be very thankful. Sir, we have many other things to say but since we have already seen the result of the first Resolution of this morning it is not worth while to discuss the second one when the sun is setting and darkness will now begin. Sir, an eminent authority like Mr. Polak who has worked for 18 years to ameliorate the condition of the labourers says:

"I am strongly of opinion that save upon conditions India ought not to consent to the emigration of Indians. These two conditions are, first the satisfactory settlement of the Kenya question, and secondly, that any scheme that may be considered genuinely partakes of the nature of colonisation and is not merely a camouflaged system of labour emigration. The case of Kenya must be taken as a test by which the question of status is to be judged. If Kenya does not grant that real equality of citizenship to which His Majesty's Government are pledged then there cannot be any kind of certainty that such equal status can be secured at the present time in any other colony or protectorate."

Mr. Jamnadas Dwarkadas (Bombay City: Non-Muhammadan Urban): May I rise to a point of order? The Honourable Member is talking of Kenya which does not form one of the places about which we are discussing.

Mr. K. Ahmed: I think the Honourable Member will shortly appreciate my point.

Mr. President: What is the Honourable Member talking about?

Mr. K. Ahmed: About Malaya: Mr. Polak says:

“I think that as news of conditions in Ceylon or Malaya is gathered sifted and published, Indian opinion will realise more and more that so long as Indian emigration is practically confined to the ill-paid and worse-organised labouring classes, no real equality of citizenship is possible or even to be expected. Even a clean statute book cannot bring this about. Status is not merely a matter of law; it is still more one of facts.”

Then, Sir, in 1857, Lord Salisbury told us:

“Above all things we must confidently expect as an indispensable condition of the proposed arrangement that the Colonial laws and their administration will be such that Indian settlers who have completed the terms of service to which they agree, as the return for the expense of bringing them to the Colony will be free men in all respects, with privileges in no way inferior to those of any other class of His Majesty's subjects resident in the Colony.”

I need not point out how this pledge has been fulfilled more in the breach than in the observance, and in so far as the condition of Lord Salisbury is concerned, it has remained up till now a dead letter. Now, Sir, probably what Lord Hardinge has said will be appreciated by my Honourable friend opposite in charge of the Department. Lord Hardinge said this: “That is not the duty of the Government of India to supply coolies to the Colonies”; and the kind of duty that we find that the Government of India, as the great benefactor of these poor, miserable people living in this part of the country, do, is that they have always accepted invitations from the Colonies to supply coolies instead of leaving them in this country. Every State has got that, Sir, and every constitutional Parliament—the House of Commons, I say—the Prime Minister's house, there you find glasses of windows broken—and I hope my Honourable friend who comes from that part of the country realises that he should uplift the condition of these poor people, of these poor, miserable people, and try his utmost to see that their status, their condition is improved. Look at the treatment that they receive at the hands—I do not like to attack any of these colonials—but we did attack and the result, Sir, was not very much satisfactory to our mind, because we got defeated already twice or three times. We are not strong enough but humbly ask Government that they must realise the situation as far as they can, to uplift the condition of these poor people, and see their way to ameliorate their condition.

With these few words—probably, Sir, my position is just the same as my Honourable friend, Mr. Rangachariar—and I do in a way support the motion of Mr. Hullah.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I wanted to make one or two remarks, and I also wanted some explanation from the Government of India on one or two points. In the first place I insist that the Government of India should appoint an agent—I was somewhat apprehensive from the remarks of the Honourable Mr. Sarma that if the Government of India gets sufficient money from the fees, then only would the Government of India appoint an agent. Sir, I deprecate this thing altogether. There was some sympathy shown . . .

The Honourable Mr. B. N. Sarma (Revenue and Agriculture Member): I did not say that it is only if we get fees that we are going

[Mr. B. N. Sarma.]

to appoint an agent, but that I am looking forward to the fees also as a possible way of our immediately appointing an agent. I did not say that we would not otherwise appoint an agent.

Mr. N. M. Joshi: I do not mean that the Government are looking forward to getting large fees from the planters, but I do not want the Government of India to depend upon those fees. There was so much sympathy shown for the working classes here to-day that I am quite sure that if a proposal were brought forward for sanctioning the salary of the agent, the House would pass it unanimously.

The Honourable Mr. B. N. Sarma: I am glad to hear that.

Mr. N. M. Joshi: And pay a good salary too. I want the Government of India to explain to me whether strikes in Malaya or in these Colonies are legal or not. From my study, I have, Sir, doubts on this point. Sir, the House knows very well that in the case of poor people the strike is the only weapon by which they can get their demands satisfied; they have no political influence at all. Therefore I insist that the Government of India should make an inquiry as to whether strikes in these Colonies are legal or not. If they are illegal, I think the Government of India should at once make a strong recommendation to that Government and say that they must not expect any more labourers unless that law is abrogated. Then, Sir, I find from the papers circulated to us that the Government of Malaya make education compulsory for the Malayans but in the case of Indians they leave it voluntary. I want the Government of India also to impress upon the Government of Malaya the necessity of giving compulsory education to Indians. It is absolutely wrong for a British Government, whether the Government of India or a Colonial Government, to make any distinction between subjects in their territories. They are after all British subjects; and if education is to be compulsory for the Malayans, it ought to be compulsory for the Indians. I therefore hope that the Government of India will write to the Government of Malaya on these points and receive satisfaction on all of them.

The Honourable Mr. B. N. Sarma: We will make the necessary inquiries and try to redress the matters complained of.

Mr. President: The question is that that Resolution be adopted.

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Malcolm Hailey (Home Member): Sir, it has just been brought to my notice that by a notification issued on the 9th of February the Local Government has gazetted next Tuesday instead of Wednesday as the date of *Shivraatri* and as a public holiday. We arranged our business on the basis of the former notification issued by the Local Government, and took Wednesday to be the public holiday. In the circumstances, I would ask you to decide whether we should take the business which was put down for Tuesday on Wednesday, taking Tuesday as our public holiday.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): I do not think, Sir, that the existing arrangement need be disturbed, because the holiday is for *Mahashivaratri* and we do the puja on the night of that day, and if the next day is a holiday it will be all the better for us.

Mr. President: I do not think I am qualified to pronounce upon the point raised by the Honourable Member from Madras; but will meet the convenience of everybody concerned if, when a public holiday is declared by the local authority within whose province we happen to meet, we also observe that as a public holiday; as the Government would be placed in some difficulty if it attempted to carry on its operations without the backing of the Secretariat. Therefore I propose that we should observe the holiday which has been decreed by the Chief Commissioner. When adjourning the House on Monday I shall adjourn it till Wednesday and I presume that Government will carry their business over from Tuesday to Wednesday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 12th February, 1923.