

13th February 1928

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I

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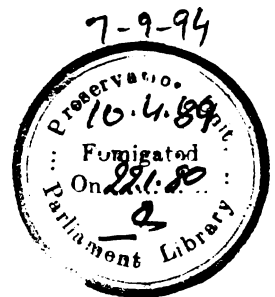
SECOND SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1928



DELHI  
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1928



# Legislative Assembly.

## *President :*

THE HONOURABLE MR V. J. PATEL.

## *Deputy President :*

MAULVI MUHAMMAD YAKUB, M.L.A.

## *Panel of Chairmen :*

MR. M. A. JINNAH, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

MR. K. C. NEOGY, M.L.A.

MR. M. R. JAYAKAR, M.L.A.

## *Secretary :*

MR. L. GRAHAM, C.I.E., I.C.S.

## *Assistants of the Secretary :*

MR. D. G. MITCHELL, C.I.E., I.C.S.

MR. S. C. GUPTA, BAR.-AT-LAW.

MR. G. H. SPENCE, I.C.S.

## *Marshal :*

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

## *Committee on Public Petitions :*

MAULVI MUHAMMAD YAKUB, M.L.A., *Chairman.*

SIR HARI SINGH GOUR, KT., M.L.A.

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

MR. JAMNADAS M. MEHTA, M.L.A.

DR. A. SUHRAWARDY, M.L.A.

# CONTENTS.

---

	PAGES.
<b>Wednesday, 1st February, 1928—</b>	
Members Sworn ... ..	1-2
Questions and Answers ... ..	2-50
Unstarred Questions and Answers ... ..	50-57
Motion for Adjournment—South African Liquor Bill—Leave granted ... ..	57-59
Death of Sir George Paddison ... ..	59-61
Governor General's Assent to Bills ... ..	61
Statement laid on the Table ... ..	62
The Gold Standard and Reserve Bank of India Bill—Introduction disallowed ... ..	62-77
The Indian Merchant Shipping (Amendment) Bill—Introduced ... ..	77
Statement of Business ... ..	77-78
Motion for Adjournment—South African Liquor Bill—Withdrawn ... ..	78-85
<b>Thursday, 2nd February, 1928—</b>	
Address by H. E. the Viceroy to the Members of the Council of State and the Legislative Assembly ... ..	87-92
<b>Monday, 6th February, 1928—</b>	
Member Sworn ... ..	93
Questions and Answers ... ..	93-110
Unstarred Questions and Answers ... ..	110-125
Message from H. E. the Governor General ... ..	125
Statement by the Leader of the House ... ..	125-127
The Gold Standard and Reserve Bank of India Bill—Discussion on the consideration of clauses— <i>contd.</i> ... ..	127-166
<b>Wednesday, 8th February, 1928—</b>	
Member Sworn ... ..	167
Question and Answers ... ..	167-170
Unstarred Questions and Answers ... ..	170-171
Bill passed by the Council of State laid on the Table ... ..	172
The Gold Standard and Reserve Bank of India Bill—Discussion on the consideration of clauses adjourned ... ..	172-213
<b>Thursday, 9th February, 1928—</b>	
The Indian Succession (Amendment) Bill—Referred to Select Committee ... ..	215-16
The Indian Merchandise Marks (Amendment) Bill—Motion to circulate adopted ... ..	216-18

CONTENTS—*contd.*

	PAGES.
<b>Thursday, 9th February, 1928—<i>contd.</i></b>	
The Indian Law Reports Bill—Motion to circulate adopted ...	219-32
The Inland Steam Vessels (Amendment) Bill—Motion to circulate adopted ... ..	232-43
The Interest Bill—Motion to circulate adopted ... ..	243-50
The Indian Penal Code (Amendment) Bill—Amendment of Section 141—Motion to refer to Select Committee withdrawn ... ..	250-54
The Children's Protection Bill—Motion to circulate adopted...	254-60
The Special Marriage (Amendment) Bill—Introduced ...	261
The Indian Limitation (Amendment) Bill—Introduced ...	261-62
The Reservation of the Coastal Traffic of India Bill—Introduced ... ..	262
The Indian Merchant Shipping (Amendment) Bill—Introduced ... ..	262
The Indian Divorce (Amendment) Bill—Introduced ...	262-63
The Interest Restrictions Bill—Introduced ... ..	263
The Hindu Inheritance (Removal of Disabilities) Bill—Introduced ... ..	263
The Caste Disabilities Removal Repealing Bill—Introduced...	263
The Abolition of Deferred Rebates Bill—Introduced ...	263
The Indian Penal Code (Amendment) Bill—Immunity of Members of Trade Unions from the Consequences of the Conspiracy Law—Introduced ... ..	264
<b>Friday, 10th February, 1928—</b>	
Member Sworn ... ..	265
Questions and Answers ... ..	265-71
Bills passed by the Council of State laid on the Table ...	271
Petitions relating to the Indian Law Reports Bill...	272
The Gold Standard and Reserve Bank of India Bill—Further consideration postponed <i>sine die</i> ... ..	272-87
Statement of Business ... ..	287
The Indian Merchant Shipping (Amendment) Bill—Referred to Select Committee ... ..	287-90
The Negotiable Instruments (Amendment) Bill—Motion to appoint Sir Walter Willson, M.L.A., to the Select Committee adopted ... ..	290
<b>Monday, 13th February, 1928—</b>	
Questions and Answers ... ..	291-97
Statement <i>re</i> the South African Liquor Bill ... ..	297-99
The Indian Income-tax (Amendment) Bill—Presentation of the Report of the Select Committee ... ..	298
The Indian Tariff (Amendment) Bill—Introduced ...	298-299
The Indian Mines (Amendment) Bill—Referred to Select Committee ... ..	299-307

CONTENTS—*contd.*

PAGES.

**Tuesday, 14th February, 1928—**

Questions and Answers	...	...	...	...	309-10
The Hindu Family Transactions Bill—Discussion on the Motion to consider as passed by the Council of State adjourned	...	...	...	...	311-43

**Wednesday, 15th February, 1928—**

Questions and Answers	...	...	...	...	345-46
Unstarred Questions and Answers	...	...	...	...	346-64
Messages from His Excellency the Viceroy	...	...	...	...	364
The Indian Territorial Force (Amendment) Bill—Referred to Select Committee	...	...	...	...	365-73
The Auxiliary Force (Amendment) Bill—Referred to Select Committee	...	...	...	...	373-74

**Thursday, 16th February, 1928—**

Questions and Answers	...	...	...	...	375-76
Unstarred Questions and Answers	...	...	...	...	376-80
Resolution <i>re</i> Establishment of a Supreme Court in India—Further consideration adjourned	...	...	...	...	381-82
Resolution <i>re</i> the Statutory Commission—Discussion adjourned	...	...	...	...	382-432

**Saturday, 18th February, 1928—**

Death of Mr. Harchandrai Vishindas, M.L.A.	...	...	...	...	433
Bill passed by the Council of State laid on the Table	...	...	...	...	433
Resolution <i>re</i> the Statutory Commission—Adopted...	...	...	...	...	433-506

**Monday, 20th February, 1928—**

Questions and Answers	...	...	...	...	507-29
Panel of Chairmen	...	...	...	...	529
Committee on Public Petitions	...	...	...	...	530
Presentation of the Railway Budget for 1928-29	...	...	...	...	530-43
The Indian Income-tax (Amendment) Bill—Passed as amended by Select Committee	...	...	...	...	543-63
The Indian Income-tax (Second Amendment) Bill—(Amendment of Sections 2, 23, 28, etc.)—Referred to Select Committee	...	...	...	...	564-65

**Tuesday, 21st February, 1928—**

Motion for Adjournment—Arrest and Deportation of the ex-Maharaja of Nabha—Disallowed	...	...	...	...	569-76
The Indian Navy (Discipline) Bill—Introduced—Motion to refer to Select Committee negatived	...	...	...	...	577-621
The Code of Civil Procedure (Amendment) Bill—Execution of Decrees and Orders—Referred to Select Committee	...	...	...	...	622-24

[ v ]

**CONTENTS—contd.**

	<b>PAGES.</b>
<b>Tuesday, 21st February, 1928—contd.</b>	
The Indian Tariff (Amendment) Bill—Referred to Select Committee	624-25
The Inland Bonded Warehouses (Amendment) Bill—Passed as amended	625-26
The Indian Territorial Force (Amendment) Bill—Constitution of the Select Committee	626
The Auxiliary Force (Amendment) Bill—Constitution of the Select Committee	627
Election of the Panel for the Standing Committee on Emigration	627-28
 <b>Wednesday, 22nd February, 1928—</b>	
Bill passed by the Council of State laid on the Table	629
The Railway Budget—General Discussion	629-59
 <b>Thursday, 23rd February, 1928—</b>	
Questions and Answers	661-71
Unstarred Questions and Answers	671-72
Statement of Business	673
Resolution <i>re</i> (1) Repair of old Buildings in the neighbourhood of Delhi, (2) Excavation work on the site of Hastinapur—Negatived	673-85
Resolution <i>re</i> the Depressed Classes—Adopted as amended	686-726
 <b>Friday, 24th February, 1928—</b>	
Questions and Answers	727-32
The Railway Budget— <i>contd.</i>	
List of Demands—	
Demand No. 1—Railway Board	732-84
Entire Railway Policy	732-77
Representative Control over the Railway Administration	777-79
Racial Distinctions in Subordinate Establishments	779-82
 <b>Saturday, 25th February, 1928—</b>	
Questions and Answers	785-86
The Railway Budget— <i>contd.</i>	
List of Demands— <i>contd.</i>	
Demand No. 1—Railway Board— <i>contd.</i>	
Racial Distinctions in Subordinate Establishments— <i>concl'd.</i>	786-808
Education of the Children of Railway Employees	808-20
Local Traffic Service	820-26
Stores Purchase Policy	826-27
Railway Concessions to Scouts belonging to the Seva Samiti Boy Scouts' Association	837-39

CONTENTS—*contd.*

	Page
<b>Saturday, 25th February, 1928—<i>contd.</i></b>	
Through Booking on Government Railways and Railway Fares ... ..	839-40
Indianisation of Superior Services ... ..	841-42
Form of the Demands for Grants ... ..	842-45
Need for a Separate Establishment for looking after the Welfare of the Employees ... ..	845-47
• Refusal of the Agent of the East Indian Railway to grant facilities to the East Indian Railway Union, Moradabad ... ..	848-49
<b>Monday, 27th February, 1928—</b>	
Questions and Answers ... ..	851-64
Unstarred Questions and Answers ... ..	864-72
Election of the Panel for the Standing Committee on Emigration ... ..	872-73
Statement <i>re</i> the Steel Industry (Protection) Bill ... ..	875
<b>The Railway Budget—<i>contd.</i></b>	
<b>List of Demands—<i>contd.</i></b>	
Demand No. 1—Railway Board— <i>contd.</i> ... ..	873-903
Opening of a Branch of the Railway Clearing House at Lucknow ... ..	873-75
Complaints Department or Committee of Enquiry into Railway Grievances ... ..	876-93
Leave Rules ... ..	893-94
Adverse Effect on Indian Industries on account of the Freight Charges levied on the different Railways ... ..	895-903
<b>Tuesday, 28th February, 1928—</b>	
Elections to the Standing Finance Committee for Railways and the Central Advisory Council for Railways... ..	905
<b>The Railway Budget—<i>concl.</i></b>	
<b>List of Demands—<i>concl.</i></b>	
Demand No. 1—Railway Board— <i>concl.</i> ... ..	905-10
Making the Reports of the Department and Committees available to the Members of the Assembly and to the General Public ... ..	905-08
Control, Management and Use of the Fine Fund ... ..	908-10
Demand No. 2—Inspection— ... ..	910-12
Control over the Hours of work of the Employees to secure safety of the Passengers ... ..	910-12
Travelling Ticket Inspectors and their Increments ... ..	912
Demand No. 3—Audit— ... ..	912-18
Separation of Audit from Accounts ... ..	912-18
Demand No. 4—Working Expenses: Administration— ... ..	918-70
Top-heavy Administration ... ..	918-21
Facilities afforded to Third Class Passengers ... ..	921-41
Arrangements for Indian Refreshment Rooms and Restaurant Cars for Third Class Passengers ... ..	941-44

CONTENTS—*contd.*

	PAGE
<b>Tuesday, 28th February, 1928—<i>contd.</i></b>	
Reduction of Railway Fares ... ..	944-53
Advisory Councils ... ..	953-54
Third and Intermediate Class Carriages for the Great Indian Peninsula Railway Punjab Mail ... ..	954-55
Subordinates officiating as Officials ... ..	955-56
Covenanted Labour in State and Company-managed Railways ... ..	956-59
Transfer of District Medical Officers from Company- managed Railways to State Railways ... ..	959-61
Attitude towards the Coal Trade ... ..	961-66
Great detention at Itarsi of Passengers from Nagpur going to Delhi and up-country ... ..	966-67
Improvements to the Itarsi Waiting Room by the Addi- tion of a lavatory, and the pavement of the platform	966-67
Project to construct a Railway Subordinates' School at Betul ... ..	966-67
Treatment of the Cotton Trade ... ..	967-69
Porters at Railway Stations ... ..	969-70
Demand No. 5—Working Expenses: Repairs and Main- tenance and Operation ... ..	970
Demand No. 6—Companies' and Indian States' share of surplus profits and net earnings ... ..	971
Demand No. 9—Appropriation to Depreciation Fund ... ..	971
Demand No. 10—Appropriation from Depreciation Fund ... ..	971
Demand No. 11—Miscellaneous ... ..	971
Demand No. 12—Appropriation to the Reserve Fund ... ..	971
Demand No. 14—Strategic Lines ... ..	972
Demand No. 7—New Construction ... ..	972
Demand No. 8—Open Line Works ... ..	972
Demand No. 15—Strategic Lines ... ..	972
<b>Wednesday, 29th February, 1928—</b>	
The Budget for 1928-29 ... ..	973-86
The Indian Finance Bill—Introduced ... ..	986
<b>Thursday, 1st March, 1928—</b>	
Questions and Answers ... ..	987
Unstarred Questions and Answers ... ..	987-1008
Statements of Business ... ..	1008
The Indian Merchant Shipping (Amendment) Bill—Presenta- tion of the Report of the Select Committee ... ..	1008
The Indian Law Reports Bill—Presentation of the Report of the Committee on Petitions ... ..	1008
The Burma Salt (Amendment) Bill—Considered and passed... ..	1009-13
The Indian Securities (Amendment) Bill—Considered and passed ... ..	1013-14
The Ply-wood Industry (Protection) Bill—Introduced ... ..	1014
The Steel Industry (Protection) Bill—Introduced and referred to Select Committee ... ..	1015-31
The Hindu Child Marriage Bill—Name of the Revd. J. C. Chatterjee added to Select Committee ... ..	1032



CONTENTS—*contd.*

	PAGES.
<b>Wednesday, 7th March, 1928—</b>	
Questions and Answers ... ..	1033-56
Unstarred Questions and Answers ... ..	1057-1111
Death of Lord Sinha ... ..	1112-14
Bill passed by the Council of State laid on the Table	... 1114
The Indian Tariff (Amendment) Bill—Presentation of the	Report of the Select Committee ... ..
Report of the Select Committee ... ..	... 1114
General Budget—General Discussion— <i>contd.</i> ... ..	... 1114-58

# LEGISLATIVE ASSEMBLY.

Monday, 13th February, 1928.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

**Mr. President:** Haji Chaudhury Mohammad Ismail Khan.

**Maulvi Muhammad Yakub:** Sir, there were certain questions of mine which were tabled for the 11th. I suppose they will be taken to-day and will have priority over the questions tabled for this morning?

**Mr. President:** There is only one question?

**Maulvi Muhammad Yakub:** Yes, mine is No. 178.

**Mr. President:** Maulvi Muhammad Yakub.

### ACCOMMODATION OF THE MEMBERS OF THE STATUTORY COMMISSION IN THE WESTERN HOSTEL.

178. **\*Maulvi Muhammad Yakub:** (a) Will the Government be pleased to state the reasons why the members of the Simon Commission are to be lodged in the Western Hostel?

(b) Is it not a fact that the Western Hostel is intended mainly for the residence of the Members of the Indian Legislature?

(c) Who has got the general control over this building?

(d) When was the decision of accommodating the members of the Commission in the Hostel arrived at?

(e) Was the President of the Legislative Assembly consulted in the matter?

(f) Were the Members of the Assembly, who generally stay in the Hostel, consulted in the matter?

(g) Was the matter referred to the Committee of the Assembly which was elected last year to take up the question of the accommodation of the Members of the Legislature?

(h) Will the members of the Commission be made to pay the rent of the rooms; if so, at what rate?

(i) How many rooms have been allotted for the Commission in the Hostel?

(j) Why was the committee room of the Members in the Western Hostel turned into a Drawing Room; and what other arrangements have been made for the Parties to hold their meetings?

**Mr. L. Graham:** (a) In order that they may be easily accessible to Members of the Indian Legislature, who indicate a desire to see the Chairman or the members of the Commission.

(b) There are 55 quarters in the Hostel of which 34 have been placed at the disposal of the Legislative Department for the period of the Session for offering to Members of the Indian Legislature.

(c) The New Capital Committee.

(d) 17th December, 1927.

(e) and (f). No.

(g) No; there has been no meeting of the Committee as yet.

(h) Yes, at the daily rate.

(i) Nine.

(j) If the Honourable Member is referring to the large room on the second floor, he is incorrect in describing it as the "committee room of the Members". The room has always been available for the use of all the residents of the Hostel. From time to time the room has been made available, but has never been reserved, for meetings not only of Parties in the Legislature but also of other formations. The idea of furnishing the room as a sitting room proceeded from the decision to accommodate the members of the Statutory Commission in the Hostel, but the room is not reserved for the use of members of the Commission. It is, as always, open to all residents in the Hostel. Party meetings may be held in various rooms in this Council House, including the Committee Rooms, subject always to the requirements of Committees of the Legislature.

**Maulvi Muhammad Yakub:** Is it not a fact that Party meetings were generally held in the big hall on the second floor of the Western Hostel?

**Mr. L. Graham:** I have said already in my answer, Sir, which perhaps I might be allowed to repeat:

"From time to time the room has been made available, but has never been reserved, for meetings not only of Parties in the Legislature but also of other formations."

**Maulvi Muhammad Yakub:** Will it now be available if any Party of the Assembly desires to hold its meetings in that room?

**Mr. L. Graham:** It will now not be available. The reason is that this room used to be lent frequently in the days when we met in Old Delhi and Members mostly lived out here. Now that Members mostly live out here, and we meet out here, the proper place for Party meetings is within the precincts of this House.

**Maulvi Muhammad Yakub:** Is it not a fact that the clerk of the Western Hostel has been prohibited from giving any information to Members about the accommodation in the Hostel?

**Mr. L. Graham:** I have no idea, Sir. I have issued no such prohibition.

**Maulvi Muhammad Yakub:** I do not mean any particular gentleman. Is it a fact that the authorities who are in charge of the Hostel building have issued orders to the clerk not to give information to Members if they ask whether any accommodation is available in the Hostel for them or not?

**Mr. L. Graham:** I do not know, Sir, what instructions have been issued by other Departments. The Honourable Member knows perfectly well that at present the allotment of quarters to the Members of the two Houses

is done by the Legislative Department. Before the Session a circular is issued to all Members of the two Houses inviting them to apply for accommodation. The distribution is done from the Legislative Department, and the proper person to address is the Secretary of the Legislative Department.

POSTING OF INDIAN SUPERINTENDENTS OF POST OFFICES TO THE MYSORE AND BANGALORE DIVISIONS.

179. \***Haji Chaudhury Mohammad Ismail Khan**: With reference to the question put in the year 1922 or 1923 by Mr. R. K. Shanmukham Chetty, M.L.A., as to whether the Postal Divisions of Mysore and Bangalore and the Nilgiris are reserved only for European Superintendents and the reply given that it was not so and that no Indian had till then applied for it, is it a fact that subsequently the then Postmaster General, Madras Circle, sent a circular to Indian Superintendents asking them to intimate if they desired to have a transfer to any of those places and that though many Indian Superintendents expressed a wish to be posted thereto, none of them were so posted? Will the Government be pleased to state why no Indian Superintendent has till now been posted thereto?

**Mr. H. A. Sams**: The statement of fact with which the question begins is obviously incorrect as the Honourable Mr. Shanmukham Chetty did not become a Member of this House till 1924. If the Honourable Member will kindly supply me with correct references, I shall try to answer his question if it arises out of those references.

VETERINARY ASSISTANT SURGEONS IN THE ARMY REMOUNT DEPARTMENT.

180. \***Khan Bahadur Makhdum Syed Rajan Baksh Shah**: (a) Is it a fact that the posts of Veterinary Assistant Surgeons in the Army Remount Department were filled by non-graduates of the Indian Veterinary College, although fully qualified veterinary graduates were available in the Department, and that the appointment of such unqualified men is directly opposed to the principle laid down in the Army Instruction No. 624, dated the 30th June, 1925, paragraph 5?

(b) If so, will the Government be pleased to state whether it proposes to remedy this irregularity by promoting graduates of Indian Veterinary Colleges who are serving on the unqualified staff of the Army Remount Department in place of those unqualified men?

(c) If not, what steps do Government propose to take to safeguard the interests of properly qualified veterinary graduates now on the unqualified staff of that Department?

**Mr. G. M. Young**: (a), (b) and (c). No persons except graduates of Indian Veterinary Colleges have been appointed as Veterinary Assistant Surgeons in the Army Remount Department since the issue of Army Instruction (India) No. 624 of 1925. There are only six non-graduates. These were already serving as Veterinary Assistant Surgeons in the Department before the issue of the Instruction referred to, and they have been retained because they were considered suitable in all respects.

Those graduates of Indian Veterinary Colleges who are serving on the unqualified staff and who are considered suitable will be absorbed in vacancies in the cadre of Veterinary Assistant Surgeons as they occur.

REPORT OF THE TARIFF BOARD ON THE BOLT AND NUT INDUSTRY.

181. \***Mr. Mukhtar Singh**: (a) Will the Government be pleased to state whether any inquiry into the bolt and nut industry has been made by the Tariff Board?

(b) Has the inquiry been concluded and, if so, when?

(c) Has the Report of the Tariff Board been published, or if not, has the Report been received by the Government and, if so, when?

(d) When is it likely to publish the Report?

(e) If the Government have received the Report, what action has been taken on the Report?

(f) How has the bolt and nut industry been affected by the Steel Protection Act?

**The Honourable Sir George Rainy**: (a) to (e). The Board's Report regarding the grant of protection to the manufacture of wagons and underframes, component parts thereof (including bolts and nuts) and wire and wire nails was received by the Government of India on the 27th June last. It is still under consideration, but it is hoped to publish it shortly.

(f) The information is given in the Report, a copy of which will be supplied to the Honourable Member as soon as it is published.

**Mr. K. C. Neogy**: Will the Report be published in time for this Session of the Assembly to take into consideration any legislative proposal that may arise in that connection?

**The Honourable Sir George Rainy**: Yes, Sir, that is the intention of Government.

AVERAGE PRICE OF BOLTS AND NUTS AT THE INDIAN PORTS.

182. \***Mr. Mukhtar Singh**: What is the average rate per ton of the imported bolts and nuts at the Indian ports?

**The Honourable Sir George Rainy**: The average value of imported bolts and nuts during last December was Rs. 280 per ton, exclusive of duty.

AVERAGE PRICE OF IRON BARS AT THE INDIAN PORTS.

183. \***Mr. Mukhtar Singh**: What were the average prices during the month of December 1927, of:

(a) Iron bars of Continental steel without paying the custom duty at the Indian ports?

(b) Iron bars of British manufacture at the Indian ports?

**The Honourable Sir George Rainy**: The information is being collected and will be sent to the Honourable Member in due course.

NUMBER OF PERSONS WHO SPEAK URDU AND HINDI IN THE DIFFERENT PROVINCES OF INDIA.

184. \***Mr. Mukhtar Singh**: Will the Government be pleased to state the number of persons (a) who speak Urdu (b) who speak Hindi in the different Provinces of the country?

**The Honourable Mr. J. Crerar:** The Honourable Member is referred to paragraph 160 of Chapter IX of the Census of India, 1921, Volume I, Part I and to pages 98-106 of Part II—Tables. A copy of the Report is in the Library of the Assembly.

**ENLISTMENT OF INDIAN CHRISTIANS IN THE INDIAN ARMY.**

185. **\*Rev. J. C. Chatterjee:** (a) Has the attention of Government been drawn to a resolution passed unanimously at the All-India Conference of Indian Christians held at Allahabad in December 1927, in the following terms:

"That this Conference condemns the injustice done to the Community in debarring it from its rightful share in the defence of the country and respectfully urges the Government to find a place for the recruitment of Indian Christians in the regular Indian Army"?

(b) Is it a fact that Indian Christian subjects of His Majesty are debarred from enlisting in the combatant ranks of the Indian Army?

(c) If the answer to (b) be in the negative, will Government be pleased to state what units of the Indian Army are open to Indian Christians for enlistment in the combatant and non-combatant ranks?

(d) If the answer to (b) be in the affirmative, will Government be pleased to state if they propose to take any step to remove this disability under which a section of His Majesty's loyal subjects are labouring?

**Mr. G. M. Young:** (a) Government have received a copy of the resolution.

(b) The answer is in the negative.

(c) Indian Christians are enlisted in the Indian Signal Corps, the Madras Sappers and Miners, and the three battalions of the 1st Madras Pioneers.

(d) Does not arise.

**ELIGIBILITY OF PERSONS HOLDING ACCOUNTANTS' CERTIFICATES FOR HEAD POSTMASTERSHIPS.**

186. **\*Lala Rang Behari Lal:** (a) Will Government please state whether the Director General of Posts and Telegraphs in his circular No. 50, dated 16th October, 1924, introducing the Postal Accounts Examination notified that officials holding Accountants' certificates will be eligible for Head Postmasterships?

(b) If the answer to (a) be in the affirmative, will Government please state why these officials are required to undergo the lower selection grade examination for the appointment of Head Postmasterships?

**Mr. H. A. Sams:** (a) The case is not as stated. The Honourable Member is referred to Part IV of the Director-General's Special Circular and to the reply given to starred question No. 29 asked by the Honourable Mr. B. P. Naidu in the Legislative Assembly on the 18th August, 1927.

(b) Does not arise.

**REVISION OF THE PAY OF ACCOUNTANTS IN POST OFFICES.**

187. **\*Lala Rang Behari Lal:** (a) Will Government please state if it is a fact that before the introduction of the time-scale, Accountants

in first class head post offices were in a much higher grade than Inspectors of Post Offices, Head Clerks and Town Inspectors?

(b) Will Government please state if the scale of the salaries of Inspectors, Head Clerks, Superintendents, and Town Inspectors has been raised to the Rs. 160—10—250 grade?

(c) Will Government please state if any and what steps have been taken to revise the scale of the salaries of Accountants in Post Offices?

**Mr. H. A. Sams:** (a) The fact is not as stated by the Honourable Member.

(b) Yes, except in the case of Town Inspectors attached to second class head offices.

(c) The pay of Accountants in certain first class head offices has been raised to Rs. 160—10—250. Similar revisions in other offices will be carried out wherever this is found to be justified.

#### PRINCIPLE DETERMINING THE ALLOCATION OF THE NUMBER OF CLERKS IN THE ACCOUNTS BRANCH IN A FIRST CLASS HEAD POST OFFICE.

188. **\*Lala Rang Behari Lal:** Will Government be pleased to state the principle determining allocation of the number of clerks in the Accounts branch of a first class head post office?

**Mr. H. A. Sams:** The number of clerks in the Accounts branch of a first class head post office is determined by the amount of work in that branch. The question of fixing a formula to determine the number is under consideration.

#### REPRESENTATION OF MUSLIMS ON THE CANTONMENT BOARD, AMBALA.

189. **\*Mr. Abdul Haye:** (a) Is it a fact that out of 14 elected and nominated members of the newly constituted Cantonment Board at Ambala there is not a single Muslim member?

(b) Are Government aware that all the seven elected seats on that Board were captured by Hindus?

(c) Is it a fact that Muslims form one-third of the total population of Ambala Cantonment?

(d) Is it a fact that the number of Muslim voters in Ambala Cantonment is one-third of the total number of voters? If not, will the Government please state the number of Hindu and Muslim voters separately?

(e) Is it a fact that the election wards in Ambala Cantonment at present are so constituted that Muslim voters are in a minority in all the seven wards?

(f) Are Government aware that there is considerable feeling and agitation among the Muslims because of the injustice done to them in the matter of election to the Cantonment Board and is it a fact that they have made representations to the Government to grant them separate representation through separate electorates?

(g) Is it a fact that in the case of Cantonment Boards the principle of separate representation has been recognised in the Presidencies of Bombay, Madras, Bengal and in the United Provinces? Will the Government please state why the Muslims of the Punjab have not been granted this right?

(h) What action have Government taken or propose to take on the representations made in this connection by the Ambala Muslims?

**Mr. G. M. Young:** (a), (b) and (c). The facts are as stated by the Honourable Member.

(d) and (e). The Government of India have no information. Elections in Cantonments are the concern of Local Governments.

(f) and (h). The Government of India have received for their information copies of certain representations which they understand have been made to the Local Government on the subject. They have not taken, nor do they propose to take, any action themselves on these representations.

(g) The matter will be brought to the notice of the Local Government, to whom I will send a copy of the Honourable Member's question and of this reply.

**Mr. Abdul Haye:** Are nominations to the Cantonment Boards under section 14 of the Act made by the Government of India or by the Provincial Governments?

**Mr. G. M. Young:** I have not the section by me.

**Mr. N. M. Joshi:** May I ask whether the Government of India will bring to the notice of the voters that they themselves must vote for particular candidates?

#### APPOINTMENT OF MUSLIMS IN THE SPECIAL BRANCH OF THE HOME DEPARTMENT.

190. **\*Mr. Abdul Haye:** (a) Will the Government please state how many clerks have been appointed in the newly created Reforms Branch of the Home Department and how many of them are Muslims?

(b) If there is only one Muslim clerk in the Reforms Branch, will Government please state why the Home Department has acted in contravention of its own instructions issued to all Departments in July, 1925, and February, 1926, regarding the representation of Muslims in Government services?

**The Honourable Mr. J. Crerar:** (a) Out of 13 clerical posts in the Special Branch 6 are held by members of minority communities of whom 3 are Muslims.

(b) Accordingly does not arise.

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#### STATEMENT RE THE SOUTH AFRICAN LIQUOR BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): With your permission, Sir, I should like to make a brief statement about the Liquor Bill in South Africa. It will be within the recollection of the House, Sir, that less than a fortnight ago I appealed to the House to trust the Government of India and their Agent in South Africa to bring to a successful conclusion the negotiations which were then in progress regarding the withdrawal of clause 104 of the Liquor Bill. My appeal—and I acknowledge the fact with gratitude to-day—met with a very generous response and I am to-day in the happy position of being able to announce to the House that the Government of the



[Mr. G. S. Bajpai.]

Union of South Africa have decided to withdraw clause 104 of the Liquor Bill. (Applause.) I am sure, Sir, that this decision of the Union Government will be received with great satisfaction, not merely because of the relief which it affords to the Indian community in South Africa, but because of the fresh proof which it provides of the great friendliness which now animates that Government in its treatment of all problems relating to Indians in the Union of South Africa. (Applause.) May I also avail myself, Sir, of this opportunity to express the appreciation of Government for the very prompt and practical proof which the Government of the Union have given of their sympathy towards the Indian cause, and my tribute to the Agent of the Government of India for the rare skill and tact with which he has handled a very delicate question? (Applause.) One more word, and I shall resume my seat. The remark which I make now is made in no spirit of complacent self-justification. I appealed to the House that day, Sir, for a modicum of wise restraint, and I can assure the House that that wise restraint has proved of the utmost value in the conduct of these negotiations. (Applause.)

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### THE INDIAN INCOME-TAX (AMENDMENT) BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I lay on the table the Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

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### THE INDIAN TARIFF (AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways): Sir, I rise to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894, for certain purposes.

It is not possible in the case of this Bill for me to attempt to summarise its provisions. It is what, if I were permitted by the Chair to speak in my own vernacular, I should call a "hotch-potch", that is to say, there are a number of amendments proposed—none of them of great importance—and as there is no one governing principle throughout the Bill, it is impossible to state them briefly. The more important amendments, however, are explained in the Statement of Objects and Reasons, and I hope that the absence of any further explanation now will cause no inconvenience to the House. The only one of the amendments to which I wish to refer is the proposal regarding machinery belting, that is to say, cotton, hair and canvas ply belting. The proposals in the Bill are based on a report of the Indian Tariff Board in which they recommended that a duty of 5 per cent. should be imposed on these kinds of belting. The Government of India have accepted that proposal and have also accepted with a slight modification a reduction from 15 to 5 per cent. in the duty on camel hair yarn from which camel's hair belting is made. That, I think, is the only proposal to which I ought to specifically draw attention on this occasion.

**Sir Walter Willson** (Associated Chambers of Commerce: Nominated Non-Official): May I ask the Honourable Member if he will be so good

as to give us some indication as to the amount of time that we are likely to have at our disposal to deal with this Bill? I do not oppose it in any way. All I want is to have sufficient time to consult the various interests concerned.

**The Honourable Sir George Rainy:** I am afraid I can not make an absolutely specific and definite statement at once, Sir, but I can certainly promise the Honourable Member that Government appreciates his desire to consult the commercial community whom he represents regarding the proposals in the Bill—and that we shall not attempt to put it through in a hurry so as to prevent him having a suitable opportunity.

**Sir Walter Willson:** Sir, I thank the Honourable Member.

**Mr. President:** The question is:

“That leave be given to introduce a Bill further to amend the Indian Tariff Act, 1894, for certain purposes.”

The motion was adopted.

**The Honourable Sir George Rainy:** Sir, I introduce the Bill.

#### THE INDIAN MINES (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I rise to move that the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. K. C. Neogy, Dr. B. S. Moonje, Mr. B. Das, Sir Walter Willson, Mr. N. M. Joshi, Mr. Abdul Matin Chaudhury, Mr. Anwar-ul-Aziz, Mr. G. Sarvotham Rao, Sir Darcy Lindsay, Mr. S. Lall, and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.

Sir, when I introduced this Bill in this House on the 25th March last, I explained that its main object was to secure greater regularity in the hours of work in mines. One of the fundamental provisions which the Bill proposes to incorporate in the Indian Mines Act is as follows:

“Work shall not be carried on in any mine for a period exceeding twelve hours in any consecutive period of twenty-four hours except by a system of shifts so arranged that not more than one shift of persons employed in work of the same kind shall be at work in the mine at the same time.”

Another fundamental provision which is intended to secure the same object lays down that no person shall be employed in a mine “for more than twelve hours in any consecutive period of twenty-four hours”. The opinions which have been received on the Bill reveal a considerable measure of support to these fundamental provisions of the Bill, though there is a demand from certain quarters that the period of twelve hours prescribed in the second of these provisions should be reduced to ten or even to eight, while on the other hand it has been pointed out by certain persons that the proposed provision is likely to inconvenience miners attending the mines daily from their native villages situated at comparatively long distances from the mines. These suggestions, as well as other proposals for modifications in the subsidiary provisions of the Bill, will have to be carefully considered in Select Committee with due regard

[Sir Bhupendra Nath Mitra.]

to the interests of the industry and of the workmen engaged in it; and it is hardly necessary for me to take up the time of the House at this stage by a detailed discussion of these various suggestions.

Sir, I move.

**Lala Lajpat Rai** (Jullundur Division: Non-Muhammadan): May I propose that the names of Rai Sahib Harbilas Sarda and Pandit Hirday Nath Kunzru be added to the Select Committee?

**Mr. President:** The question is:

"That the names of Rai Sahib Harbilas Sarda and Pandit Hirday Nath Kunzru be added to the Select Committee."

The motion was adopted.

**Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, the history of the legislation in India for the protection of the workers in mines in this country is not a very encouraging one. The first mine in India was opened in the year 1820, but till the year 1901 there was hardly any legislation in this country to protect the interests of the miners working in the mines. In the year 1901 a legislative measure was passed, but unfortunately, although that measure came very late, there was no provision for the fixation of hours of work of miners. In the year 1920, the Government of India appointed an expert to go into the question of the working of the coal fields in this country. That expert recommended the introduction of a shift system. The Government of India then appointed a Committee to consider the report of that expert. That Committee also recommended that the shift system would do good to the mining industry in this country. In the year 1923, the Government of India again introduced a measure to amend the Indian Mines Act. By that measure, the Government was pleased to regulate the weekly hours of work, which were fixed at 54 for people working underground and at 60 for people working on the surface. When the Bill was being discussed in the year 1923 in this Assembly, I moved an amendment that there should be a limit to the daily hours of work, because I felt, and those who had heard the speech of Sir Charles Innes know that he also felt, that a limit placed only upon the weekly hours of work would not be quite sufficient to protect the interests of the miners. Unfortunately, the Government of India at that time did not accept my suggestion, but Sir Charles Innes kindly agreed to consult the Local Governments as to the desirability and necessity of putting some limit on the daily hours of work. The Government of India consulted the Local Governments in the year 1923. The Local Governments, as far as I know, sent their replies to the Government of India in the same year and one or two Local Governments sent their replies in the following year. Although the Local Governments had sent their replies and, as far as my knowledge goes, they had expressed themselves in favour of placing a limit upon the hours of work of miners working in mines, the Government of India took nearly four years to introduce a measure giving effect to the suggestions of the Local Governments to place some limit upon the hours of work in mines. It will thus be seen that the measure which the Government of India has introduced to-day has come after a very long time and when it had been overdue. But in this country under the

capitalist Government as well as capitalist influence, we must be thankful to the Government even for an action taken rather late in the day. The mere fact that they are ready to take a step further is in itself a matter for which they must be thanked. It is in that spirit, Sir, that I thank the Honourable Member for having introduced this measure in this House.

As I said at the outset, the history of this Bill is not a very encouraging one. Still, the very fact that the Government of India is moving in the matter gives us some if not much hope. Fortunately, as regards this measure, the Local Governments have expressed themselves in favour of it. As a matter of fact, if you were to read the opinions which have been expressed on this Bill, you will find that there is hardly any organisation which is opposed to this measure except the Indian Mining Federation. But, as the House perhaps knows, the Indian Mining Federation is a body which will never accept any proposal for protecting the interests of the Indian miners. I do not know whether in the history of that body it has ever supported any such measure. We need not, therefore, give much weight to the half-hearted opposition which that body has expressed to this measure. As far as the Local Governments are concerned, they have all expressed their approval of the measure introduced by the Government of India. I think I am right in saying that there are several Local Governments which would have liked the Government of India to take a much bolder step than what they have done.

Sir, in the year 1928, the Government of India is proposing labour legislation suggesting that the hours of daily work should be 12.

**Sir Walter Willson** (Associated Chambers of Commerce: Nominated Non-Official): That is not so.

**Mr. N. M. Joshi:** My Honourable friend who represents the European capitalists of India says that this is not what the Bill proposes. Sir, as far as I could read the Bill, it lays down that the hours of daily work in Indian mines shall not exceed 12. Sir, that is a Bill for which the Government of India ought to have felt some shame or at least some hesitation in introducing it in the year 1928. There are very few countries left on the surface of this earth which will introduce a Bill of this kind at this time.

**Maulvi Muhammad Yakub** (Rohilkhand and Kumaon Divisions: Muhammadani Rural): Mines are not on the surface of the earth!

**Mr. N. M. Joshi:** Sir, in most of the countries in Europe and America the miners do not work for more than 8 hours, and I had thought that the Government of India, which likes itself to be considered as "progressive", . . . . .

**Lala Lajpat Rai:** It is not progressive.

**Mr. N. M. Joshi:** . . . . would have suggested a much shorter limit than that of 12 hours. And if the Government of India had suggested a shorter period, I am quite sure there would not have been much opposition from several of the Local Governments. As a matter of fact, the Government of Bombay, when they expressed their opinion in the year 1923, said very clearly that even if the Government of India would limit the hours of work to a period of less than 12, they would be very glad to accept that figure. The Assam Government also said the same thing, namely, that

[Mr. N. M. Joshi.]

they would accept a slightly shorter period than 12 hours. The Governments of the Punjab, the Central Provinces and Ajmer-Merwara would have also, I am quite sure, welcomed a shorter period. Then there are also some capitalist organisations which want to have a shorter period. The Marwari Chamber of Bombay suggested a period of ten hours daily work. The General Manager of the Assam Railway and Trading Company suggested nine. My friend, Mr. K. C. Roy Chaudhury whom, I am quite sure the Honourable Member in charge of the Department of Industries and Labour will not consider as an extremist, and who is many times quoted by him in this House with approval, has suggested a much shorter period than twelve hours for the work in mines. He has suggested ten hours. You will thus find that even if the Government of India had suggested a much shorter period there would have been good support for them for that proposal. But, Sir, the Government of India did not think that they should go as far as even some of the Local Governments would have liked them to do. As far as I am concerned I feel that the twelve hours period is too long a period for anyone to work either on the surface or in the bowels of the earth. Sir, take into consideration the lives of the workers who work in the factories or in mines, from six in the morning till six in the evening. Some of them have to start for the factory half an hour or one hour before the factory opens, and when they go home they also take an equally long time. In the case of such people I am sure there are a very few days in their lives when they can see the sun. In the case of the miners working from six in the morning till six in the evening, at least half the days of the month, when they work on the day shift, they certainly cannot see the rays of the sun. Is it right that any body of people should be deprived of their natural right to see the light of the sun for fifteen days in a month? But, Sir, the proposal of the Government of India really compels people to be without seeing the light of day. I, therefore, hope that the Government of India will not insist upon the daily limit being placed at twelve. I also hope that the Government of India will give favourable consideration to the views pressed by people who are concerned in this matter. The Indian Colliery Employees' Association, which is a body which represents the employees of the coal mines at Jherriah, has suggested definitely in their opinion that the hours of work should not exceed eight in a day. They have, while expressing the opinion, given very cogent reasons for expressing that opinion. They state, and rightly state, that those objections which are taken to the hours of work being limited to eight, will apply equally to the limit being placed at twelve. The greatest objection, or the most serious objection, that has been expressed is that there are about one-third of the miners working in the coal mines who come from villages daily and go to the mines to work and return home. Now, Sir, in the case of these people, whether you place the limit at twelve or at eight, the objection is not met by placing the limit at twelve. Then there are other objections taken. There are many people, employers of course, who say that the habits of the people in India are such that they must work longer. Sir, I have heard of these habits of the workers in India for a very long time from all classes of employers in Bombay. The millowners say that the workers in the textile mills do not like to work intensively. They like to go out after each hour and have a smoke.

**An Honourable Member:** Don't they?

**Mr. N. M. Joshi:** Some of them may. You and I go into the lobby every half an hour.

**An Honourable Member:** Speak for yourself!

**Mr. N. M. Joshi:** But we do not consider the question of loitering, if you call it so, from the point of view of the miners, or from the point of view of other factory workers. If men are asked to work for twelve hours, certainly they cannot work intensively for twelve hours. It is beyond human endurance, and if they loiter I think they do the most natural thing. If you do not want the working classes to loiter but to do their work attentively for the time fixed for them, then it is absolutely necessary that you must give them very reasonable hours of work. And that is what is suggested by the Colliery Employees' Association. They suggest that the hours of work should be eight, and they maintain with the knowledge which they possess that if you fix the hours of work at eight, there would be no reduction in their output. They state that the work which the miners are doing to-day, the coal which they are getting, could be obtained by only six hours work.

**The Honourable Sir Bhupendra Nath Mitra:** I do not want to interrupt the Honourable Member, but it might interest the House if he were to kindly give us information about the number of members of this Colliery Association.

**Lala Lajpat Rai:** Does the acceptance of this motion commit us to twelve hours?

**Several Honourable Members:** No.

**Mr. N. M. Joshi:** I know, Sir, that it is quite possible to discuss this question in the Select Committee, and I am, therefore, not going very much into the details of this question. (Laughter.)

Sir, the Colliery Employees' Association state very plainly that the amount of work which the miners are doing, or their daily output, can be obtained by only six hours work, and they state that the miners are asked to work longer, not because they want to loiter or smoke—because they cannot smoke in a mine as they know it is dangerous to their lives—but because the employers do not give them facilities to work intensively. They complain that the workers do not get tubs in sufficient quantities, and that other facilities are wanting. If, therefore, we place the hours of work at eight, the only thing that will be required to be done is to ask the employers to provide sufficient tubs and to give other facilities required. If the Government of India and our Select Committee suggest eight hours as the daily limit, there will be good support for them in their action. There are many people who expressed themselves besides the Indian Colliery Employees' Association in favour of eight hours, and as a matter of fact, whenever Indian mines work by shifts, the largest number of mines work only eight-hour shifts. By the courtesy of the Chief Inspector of Mines I have secured some figures of mines working with shifts, and from these figures I find that out of 140 mines that work with shifts 100 mines work with a shift of eight hours. If, Sir, the largest number of mines that are working with shifts work with eight hour shifts it is but natural that the Government of India, not only for the protection of workers in these mines but for the protection of the good employers should fix the limit at eight hours. There are some employers who

[Mr. N. M. Joshi.]

fix the limit at eight; I call them good employers; but there are some others who make their workers work for 10, 11 or even 12 hours. It is necessary *that the good employers should be protected in their trade against the exploitation of labour by bad employers.*

Then, Sir, there are some Local Governments like the Central Provinces Government which have recommended to the Government of India that if a mine is to be worked by shifts, the shifts should consist of only eight hours. Then there are some other officers of the Government of India, such as the Mining Engineer in Ajmer-Merwara, who have recommended that the hours should not exceed 8 per day. Then, Sir, there are some managers of mines who have expressed themselves in favour of 8 hours. So that if the Select Committee and the Government of India place the limit at eight there will not be much opposition to it in the country. I admit there are some Governments like the Government of Bengal and the Government of Bihar and Orissa which are absolutely under the influence of the capitalists in these provinces which will be opposed to the limit being fixed at eight; but Sir, if you are going to wait till you get the approval of the Governments and the capitalists of Bengal and of Bihar and Orissa you will have to wait very long indeed. I, therefore, hope that when there is such a good volume of public opinion in favour of placing the limit at eight the Government of India and the Select Committee should take a bold step and place the limit at eight instead of putting it at twelve.

Sir, I do not wish to speak on this subject any longer. The subject is going to be discussed in Select Committee. But there are one or two other small points of principle upon which I shall only say a few words. Sir, the Government of India propose that although the Bill may be passed in 1928 it shall come into operation in the year 1930, in April. I think, Sir, the Government of India has not given sufficient justification for delaying the operation of this Bill. The Government of India in the year 1923 consulted Local Governments and most of the Local Governments at that time asked for a time limit of five years. Some accepted a time limit of three years. Now, if you passed the Bill in the year 1923, that time limit would have expired, and employers would have had sufficient time and sufficient notice to prepare themselves for this change if they wanted any notice at all. I therefore think the Select Committee and the Government of India should remove that clause and allow the Act to come into operation as soon as it is passed.

Then, Sir, there is another small point upon which I would like to say only one word, and that is that the provision made by the Government of India for a change of shifts by introducing a new clause, namely, 23B, is an unnecessary one. If the mines give one day of rest in a period of seven days this clause is absolutely unnecessary. If the mines are not to be given one day of rest in a period of seven days then this may become necessary, but our Mines Act provides that the mines shall work only six days in the week out of seven. I therefore think that if the Government of India consider this question a little carefully and the Select Committee also consider it carefully they will find that that clause is necessary.

Sir, I have nothing to say on the other parts of the Bill, but before I sit down I will only express a hope that the Government of India and the Select Committee will consider this question generously from the point

of view of the mining community in this country. Upon the hours of work depends their health, upon the hours of work depends their safety, and upon the hours of work depends their ability to receive education and to become good citizens. Sir, the occupation of a miner, if you except the occupation of a seaman, is more full of danger than any other occupation in the world. They have to work in the bowels of the earth for very long hours without seeing the light of day. Every hour they are exposed to accidents and danger to life, and if there is any community which deserves to be treated generously it is the mining community. I therefore hope, Sir, that when the Bill comes out of the Select Committee, full justice will have been done to that community.

**Sir Walter Willson:** Sir, if I did not know my Honourable friend, Mr. Joshi, as well as I do, I should think he really did not understand the Bill; but, as it is a labour motion, he naturally thought he ought to make a speech on it, so he spoke for 25 minutes; although it is going to Select Committee. I merely wish to say that in agreeing to reference to Select Committee I would like to get from the Government Member an assurance, which I do not think the Bill really requires, but it has been felt in many places that they would like an assurance from the Government that the different classes of surface labour whose duty it is to load trucks, etc., which are only supplied at the pleasure of the railway company, will not necessarily have to be worked in shifts.

For the rest, Sir, the Bill is a very simple one. It is a purely repressive Act. It says to the colliery owner "Thou shalt not work thy mine for more than twelve hours at a stretch".

**Mr. N. M. Joshi:** Does it say so?

**Sir Walter Willson:** That is the effect of it. And it says to the labourer "Thou shalt not stay below ground for any longer stretch than twelve hours". There is nothing to compel the miner to work twelve hours, and he will not do so. The miner makes up his mind how much coal he will cut and he stops. This Act says "When you have done you shall come out with that shift".

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I consider it unfortunate that my friend Mr. Joshi should have thought it proper to make a long speech at this stage.

**Mr. N. M. Joshi:** May I ask whether there are any Government Members, Sir, who have not made long speeches not only on the motion for reference to a Select Committee but on the motion that the Bill be circulated.

**The Honourable Sir Bhupendra Nath Mitra:** Well, Sir, I was simply expressing my opinion, and I think I am perfectly entitled to express an opinion.

**Mr. N. M. Joshi:** But the Honourable Member's opinion may apply to other Members also.

**Mr. President:** Order, order. Sir Bhupendra Nath Mitra.

**The Honourable Sir Bhupendra Nath Mitra:** In making my motion for referring the Bill to a Select Committee, I brought out the various facts to which Mr. Joshi referred, namely, that certain opinions did favour the reduction of the period of twelve hours which we had provided in the Bill



[Sir Bhupendra Nath Mitra.]

to eleven or ten or eight hours, and I said that that was one of the various matters which would have to be carefully considered in Select Committee. Sir Walter Willson has already brought out the fact that the Bill does not compel a miner to work in the mine for twelve hours or for any period; it simply stops the mine-manager or mine-owner from working him for more than 12 hours. My friend, Mr. Joshi, referred to the opinion of the Indian Colliery Employees' Association, Jherria, as deserving of particular consideration. He was unkind enough not to answer my question as to whether this was an association truly representative of the employees whom it was supposed to represent.

**Mr. N. M. Joshi:** Yes.

**The Honourable Sir Bhupendra Nath Mitra:** I remember having gone to this Association once in the company of my Honourable friend.

**Mr. N. M. Joshi:** When was it?

**The Honourable Sir Bhupendra Nath Mitra:** It was in the year 1925. . . . .

**Mr. N. M. Joshi:** Things have changed since then.

**The Honourable Sir Bhupendra Nath Mitra:** That may be; but it is not so long thereafter, and to the best of my recollection there were not as many as 20 actual miners on the rolls of that body when I visited it.

**Mr. N. M. Joshi:** There are 1,500 members now.

**The Honourable Sir Bhupendra Nath Mitra:** Are they all miners or are they clerks, etc., employed in the mines?

**Mr. N. M. Joshi:** They are employees in the mines.

**The Honourable Sir Bhupendra Nath Mitra:** However, in the Select Committee we shall assess this opinion expressed by the Indian Colliery Employees' Association at its proper value. Here again the point is that though a miner may remain underground for, say, 12 hours, he does not actually work either continuously or intensively for that period of twelve hours. . . . .

**Mr. N. M. Joshi:** He works slowly because he is paid less.

**The Honourable Sir Bhupendra Nath Mitra:** It is not a question of his being paid less. The miner can certainly fill the three tubs, if that is all that he wants to fill, in a much shorter period and can come up to the surface. On the other hand, as undoubtedly happens in some mines where the miners are people of the locality, who want to work intensively for three or four days in the week and then go back to their homesteads and do a little of agriculture during the rest of the week, if we were to stop their working in the mine for say more than eight hours, it is likely to affect them injuriously. There is also the effect on the industry itself. I think I am correct in saying that those mines which can get a sufficient amount of capital generally restrict the working to eight-hour shifts. It is on some of the mines alone which are run largely by Indian capitalists who cannot get a proper amount of capital that they are compelled to keep the miners underground for as long a period as twelve hours or even more. As a

first step, we want to make it a punishable offence for any mine-owner or mine-manager to keep a miner underground for more than 12 hours, and I am still inclined to think, though of course my view would be subject to correction as the result of discussions in Select Committee, that we ought to proceed with this measure in as cautious a manner as possible. It is not only a question of not benefiting the miner who after all works on the piece-work system and need not remain underground for even as much as eight hours, but also of causing the least disturbance possible to the industry at a time when it is undoubtedly passing through a critical period.

**Mr. President:** The question is :

“That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. K. C. Neogy, Dr. B. S. Moonje, Mr. B. Das, Sir Walter Willson, Mr. N. M. Joshi, Mr. Abdul Matin Chaudhury, Mr. Anwar-ul-Azim, Mr. G. Sarvotham Rao, Sir Darcy Lindsay, Mr. S. Lall, Rai Sahib Harbilas Sarda, Pandit Hirday Nath Kunzru and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 14th February, 1928.