

Friday, October 17, 1879

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

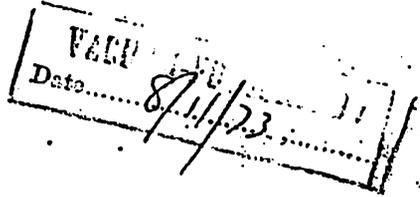
ASSEMBLED FOR THE PURPOSE OF MAKING

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1880.

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.

The Council met at Government House on Friday, the 17th October, 1879.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, G.M.S.I.,
presiding.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, G.C.B., G.C.S.I., C.I.E.

The Hon'ble Sir A. J. Arbuthnot, K.C.S.I., C.I.E.

Colonel the Hon'ble Sir Andrew Clarke, R.E., K.C.M.G., C.B., C.I.E.

The Hon'ble Sir John Strachey, G.C.S.I., C.I.E.

General the Hon'ble Sir E. B. Johnson, R.A., K.C.B., C.I.E.

The Hon'ble Whitley Stokes, C.S.I., C.I.E.

The Hon'ble Rivers Thompson, C.S.I.

The Hon'ble Mumtáz-ud-Daulah Nawáb Sir Muhammad Faiz Ali Khán Bahádur, K.C.S.I.

The Hon'ble T. H. Thornton, D.C.L., C.S.I.

The Hon'ble T. C. Hope, C.S.I.

The Hon'ble B. W. Colvin.

DEKKHAN AGRICULTURISTS RELIEF BILL.

The Hon'ble MR. HOPE presented the Report of the Select Committee on the Bill for the relief of Indebted Agriculturists in certain parts of the Dekkhan.

FACTORIES BILL.

The Hon'ble MR. COLVIN moved for leave to introduce a Bill to regulate labour in factories. He said that he thought it would not be necessary, at the present stage of the Bill, to detain the Council long. He merely wished to-day to state very briefly the circumstances which had shown that legislation on the subject was desirable, and to explain the scope of the measure which was in contemplation.

Attention had first been drawn to the question of factory labour in India by certain remarks which were made a few years ago in a report on the administration of the Cotton Department in Bombay. It was said in that report that the poorer classes derived great benefit from the mills, but that the advan-

tage carried with it a corresponding and serious disadvantage. The hours of labour, it was observed, were not limited by any Government regulation; the working day was undoubtedly long; the nature of the work was fatiguing; whilst women and children were largely employed, and generally, without any periodically recurring day for rest like Sunday. It was pointed out that the physical wear and tear of the employed must therefore be considerable, and that it was useless to expect that greater consideration would be shown to the female and juvenile hands by the mill-owner, husband or parent in this country than had been exhibited by and towards the same classes at home. Those remarks had attracted attention, and had led to a correspondence the result of which had been the appointment of a Commission by the Bombay Government with instructions to investigate and report upon the subject. It appeared from the report made to the Government of Bombay by that Committee that the witnesses whom it examined were divided as to the necessity of legislation; but, on the whole, they might be considered to have given their evidence in favour of a simple and plain enactment dealing fairly with the subject and not entering into too much detail. The members of the Commission themselves were not unanimous in their recommendations; but the official members and medical officers advised the enactment of a simple law regulating the hours of employment of children and requiring that machinery should be properly fenced. They were further of opinion that the Act should be passed by the Government of India, and should be applied to the whole of British India.

Upon receipt of the report of this Commission further inquiry had been made from all Local Governments in order to ascertain whether the precautions which had been recommended for Bombay were necessary elsewhere. The result of the inquiry so made was generally creditable to the humanity and public spirit of the mill-owners and managers. The evidence went to show that the factory people were, as a body, in many respects quite as well, if not better, off than most persons of the same position in life who were not employed in factories. It was clear, however, that as regarded the employment of children and the protection of machinery there was room for abuses; that these in some places already existed, and that there was good reason to apprehend their increase with increased competition. It was shown also that Bombay was not the only province in which legislation was required, and that the evils described were making their appearance under other Governments. A good case, therefore, was shown to exist for the enactment of a regulating measure. The most convenient form for such a measure seemed to be that of a single uniform law, not extending to the whole of India, but applicable to any part of it, when needed. No good object would be gained by extending it at once to the whole of the country. Many provinces had no factories at all within the meaning of the Act, and nothing but trouble would be caused

by encumbering their Statute-books with an unnecessary Act. The ends in view could be sufficiently attained if the Bill were framed as a permissive measure, which could be put in force by Local Governments when occasion arose; and this, accordingly, was the form that would be given to the Bill which he desired to introduce.

As regarded the scope of the Bill, its provisions would be limited strictly to those points for which legislation had been shown to be necessary. It was most important that nothing should be done which could check the development of manufacturing industries in India. From every point of view it was desirable that this field for capital and labour should be developed and extended to the utmost, and especially because it helped to relieve the pressure of the agricultural population upon the land. The great body of the people in India had now no employment but that of agriculture; and the result was that in many parts it was becoming daily more difficult for all of them to obtain a livelihood from the soil. The obvious dangers of this overcrowding had been brought into special notice during the famines that had lately afflicted such large parts of India. The Bill, therefore, which he wished to introduce would be carefully framed, so as to offer no obstacle to the free growth of manufacturing industries. It contemplated no interference with the due freedom of employers and employed. They would be left at liberty to make any arrangements which they might think most conducive to their own interests. It would provide only for the two objects of affording security to life and limb from accident, and of protecting children and young persons who had not attained to an age at which they would be considered free agents from being overtasked. It was not proposed to introduce into the Bill any of the other points for which legislation had been found necessary at home. The differences between England and India of climate, character and habits of life of the people were so great that much which was needed there would not only be inapplicable but perhaps actually injurious here. The two points, however, which he had specified plainly formed part of the duty of protection which was imposed upon every Government, and he did not think that any reasonable objection could be offered to legislation for such a purpose.

The Bill would contain nothing further except certain provisions enabling Local Governments to arrange for the inspection of factories and to compel the owners or managers of factories to report accidents when they occurred. Without these powers, the two principal objects of the Bill which he was advocating could not be attained.

He had now explained the necessity of legislation and the scope of the proposed Bill. He would not detain the Council longer by referring to

matters of detail. These could be better dealt with at a later stage, if permission to introduce the Bill should be given on the present occasion.

The Hon'ble MR. HOPE said that the subject on which it was proposed to legislate was an extremely important one. It was one in which he took a great interest, and which, owing to the presence of factories not merely in Bombay but in districts of which he had had charge for a considerable number of years, he had had no small opportunities of studying. The policy of interfering with the manufacturing industries in India was one which appeared open to considerable question. At the same time he could not but reserve any actual formation of opinion upon the contemplated measure until he had had an opportunity of seeing it. He would only now say that he trusted that full information would be placed at the disposal of Members of Council as to the grounds upon which it had been considered desirable to legislate.

The Motion was put and agreed to.

LEGAL PRACTITIONERS BILL.

The Hon'ble MR. STOKES presented the final Report of the Select Committee on the Bill to amend the Pleaders, Mukhtárs and Revenue Agents Act, 1865.

The Council adjourned to Friday, the 24th October, 1879.

SIMLA;	}	D. FITZPATRICK,
<i>The 17th October, 1879.</i>		<i>Secretary to the Government of India, Legislative Department.</i>

NOTE.—The meeting which was originally fixed for Tuesday, the 14th October, 1879, was postponed to Friday, the 17th October, 1879.