

INTERNATIONAL LABOUR OFFICEINDIAN BRANCH

Report for September 1933.

110

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N.B. Every section of this Report may be taken out separately.Contents.

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References to the I.L.O.

The speeches delivered by Sir Atul Chatterjee on the opening day of the 17th Session of the I.L. Conference were broadcasted from Bombay on the 1st September.

...

The Labour Times, Madras, dated 4-9-1933 publishes a contributed article under the caption "Result of the 17th International Labour Conference" exhaustively reviewing the work of the last session.

...

The Hindustan Times of 2-9-1933, the Statesman of 3-9-1933, the Leader of 6-9-1933, the Federated India, Madras, of 27-9-1933, and other journals publish the communique issued by this Office on 31-8-1933 under the caption "Unemployment Insurance Scheme: I.L.O. Questionnaire to Governments".

(Copies of the communique were forwarded to Geneva with this Office's minute No. H.2/1684/33, dated 2 31-8-1933).

...

The Statesman and the Leader of 3-9-1933, the Advocate, Bombay, of 10-9-1933, the Indian Labour Journal, Nagpur, of 10-9-1933, the Federated India, Madras, of 20-9-1933, and other papers and journals publish a communiqué issued by this Office on 31-8-1933 on the questionnaire on Reduction of Hours of Work.

(Copies of the communiqué were forwarded to Geneva with this Office's minute H.2/1684/33, dated 31-8-1933).

...

The August 1933 issue of "Equity", Mymensingh, (Organ of the Assam Bengal Railway Indian Employees' Association), and the June 1933 issue of the E.B. Railway Labour Review, (Organ of the Eastern Bengal Railway Indian Employees' Association), publish in full the speech delivered by Mr. Aftab Ali, Indian Workers' Delegate at the 17th I.L. Conference, in the course of the debate on the Report presented by the Director ~~at~~^{to} the Conference.

(For a list of other papers which published the speech, vide pages 3-4 of our July 1933 report).

... ..

In a statement issued to the press on his return from Europe, Mr. Aftab Ali, Indian Workers' Delegate to the 17th I.L. Conference, declared that an Asiatic Labour Conference was imperative in the interests of the workers in the East and that, if Geneva will not convene it, Asiatic workers should do it independently. He also referred to an agreement on this subject arrived at between the workers' delegates of China, Japan and himself.

A summary of the statement is published ~~in full~~ in the National Call and the Hindustan Times of 25-9-1933, and the Labour Times, Madras, of 2-10-1933.

... ..

The Statesman, the Hindustan Times, and the National Call of 27-9-1933, the Times of India and the Hindu of 28-9-1933, the Leader of 29-9-1933 and the Labour Times, Madras, of 2-10-1933 publish the Government of India communique announcing the agenda of the 18th I.L. Conference and inviting suggestions regarding the nomination of non-government delegates.

... ..

The Hindu of 26-9-1933 and ^{the} Federated India, Madras, of 13-9-1933 publish favourable reviews of the I.L.O. Year-Book, 1932.

... ..

The Servant of India of 28-9-1933 publishes a long review of the I.L.O. publication "Conciliation and Arbitration in Industrial Disputes" contributed by Mr. V. V. Giri.

... ..

The Servant of India of 7-9-1933 publishes a long review of the I.L.O. publication "Industrial Labour in Japan". The book was reviewed by Mr. V. V. Giri.

... ..

The Insurance and Finance Review, Calcutta, publishes a fairly long and appreciative review of the pamphlet "Social Insurance in 1932" (reprinted from I.L.O. Year-Book, 1932). The "Statesman" of 1-9-1933 and the Indian Labour Journal of 17-9-1933 also publish similar reviews.

... ..

The Indian Finance" of 2-9-1933, publishes a note on the industrial conditions in Japan in connection with the Indo-Japanese trade negotiations, in the course of which reference is made to the recent I.L.O. publication "Industrial Labour in Japan".

... ..

The Indian Labour Journal, Nagpur, dated 24-9-1933 publishes a contributed article on "The Hours Convention and Indian Railways". The article surveys the extent of ^{the} application of the Convention and the results obtained so far and enters a plea for applying it to other railways at an early date.

The Statesman of 24-9-1933 reproduces from "Engineering" a long review of the publication "Unemployment" brought out by the Engineering and Allied Employers' Federation, in the course of which references are made to the Washington Hours Convention and the recent efforts of the I.L.O. to establish a forty-hour week.

... ..

The Hindustan Times of 14-9-1933, the Advocate, of Bombay, of 24-9-1933, and Labour Times of ~~24~~¹⁸-9-1933, ~~and~~ and 25-9-1933, publish a contributed article "How America is Meeting the Crisis: Follows I.L.O.'s Lead in Reducing Hours of Work". The article deals with the effort that is being made in the U.S.A. to eradicate unemployment by means of the Industrial Recovery Act, and shows how the provisions of the Act are in consonance with the suggestions of the I.L.O. to combat the unemployment menace.

... ..

In the course of the discussion over the Indian States (Protection) Bill, Mr. B. Das made certain observations regarding the prevalence of forced labour in Indian States and in that connection referred to the Forced Labour Convention of the I.L. Conference. Extracts from Mr. B. Das's speech ^{are} is given in this report under the section dealing with Conditions of Labour.

... ..

On 20-9-1933, the Legislative Assembly took up for discussion the resolution brought forward by Sir Frank Noyce recommending non-ratification of the I.L.O. Convention and non-acceptance of the recommendation re. age for admission of children to employment in non-industrial occupations. The discussions which took place in the

Legislative Assembly over this resolution have been reproduced in this report under the section dealing with Ratifications.

A fairly long summary of the debate on the question was published in all the leading papers.

... ..

The Labour Times, Madras, of 4-9-1933 publishes an article on "The Whitley Report and Workmen's Compensation" contributed by Mr. T. A. Anantha Aiyar, which contains appreciative references to the work of the I.L.O. ^{The article also} and quotes extensive passages from Dr. Pillai's book "India and the International Labour Organisation" in support of ^{his} view.

... ..

The Indian Social Reformer of 9-9-1933, publishes a short account of the 3rd Conference of the Open Door International held at Prague last summer, and refers to the way in which "the International Labour Organisation was increasingly making proposals which place the women worker at a disadvantage because of her sex". A summary of the resolutions adopted by the Conference is also given.

... ..

The September 1933 issue of ~~the~~ ["]India and the World", Calcutta, publishes a long biographical article on Mr. H.B. Butler, under the caption "The New Director of the International Labour Office". The article also includes a brief description of the functions of the I.L.O. and in this connection extensive passages from Mr. Butler's article in the Souvenir Album have been quoted.

... ..

According to press reports, the Executive Committee of the All-India Organisation of Industrial Employers met on 12-9-1933 at Calcutta, Mr. Walchand Hirachand presiding. The Committee admitted 17 industrial organisations as new members. In addition, it considered the India Government's Bill to regulate payment of wages to certain classes of persons employed in industries, and the questionnaires issued by the International Labour Office regarding reduction of hours of work, unemployment insurance and various forms of relief for the unemployed, and methods of providing rest and alternation of shifts in automatic sheet glass works. The Committee is understood to have decided that a reduction in hours of work would not be suitable under the present Indian conditions.

... ..

7

Ratifications.

India and Draft Convention and Recommendation concerning the
Age for Admission of Children to Non-Industrial Employment; Motion
for non-ratification adopted by Assembly.

The following is the full text of the debate which took place in the Legislative Assembly on 20-9-1933 when the Honourable Sir Frank Noyce (Member for Industries and Labour of the Government of India) moved a resolution recommending non-ratification of the Draft Convention re. the age for admission of children to non-industrial employment adopted by the 16th I.L. Conference:

The Honourable Sir Frank Noyce (Member for Industries and Labour) Sir, I beg to move :

"That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation".

Sir, in the course of the discussion on the Pledging of Child Labour Bill, I put forward the proposition that, where children were concerned, all the Members of this House were Members for Labour. That proposition received such general support from all sections of the House that the House will, I am sure, sympathise with me in the position in which I find myself today in asking it to recommend to the Governor General in Council that it should not ratify a Convention, the underlying motive of which is the amelioration of the lot of children. I trust I shall be able to convince the House that there are compelling reasons why I have to bring forward this motion.

I am not sure whether the House remembers that, in September last, my Department circulated to all its Members the report prepared by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee, who represented the Government of India at the 16th Session of the International Conference, on the proceedings of that Conference. Probably very few Honourable Members have brought copies of the reports with them, and I have here a few copies which I am prepared to pass on to any one interested in this subject. I have also had circulated, — I think Honourable Members will find them in their places — copies of Article 1 and Article 9 of the Convention with which we are primarily concerned.

Sir, I think it will facilitate the discussion of this motion if I indicate very briefly how this Convention came to take its present form. When the proposals first came before the Government of India, they very naturally consulted the Local Governments about

them and the replies they got went to confirm their own provisional view that it would probably not be possible for India to go very far in the direction suggested. However, they were very anxious, if possible, to meet the Conference half way and they therefore instructed their delegates to press for certain special conditions for India. There are only two of these with which I need trouble the House now. The first was that the age limit contemplated for the Convention should be reduced to 10. The Conference was contemplating an age limit of 14 years below which the employment of children in non-industrial occupations should be prohibited. We suggested that, in the special circumstances of India, it should be reduced to 10. I wish to remind the House at this stage that this Convention applies solely to the employment of children in non-industrial occupations. Our second suggestion, which was a much more important one, was that, as far as India was concerned the Convention should not apply to certain specified occupations. Sir Bhupendra Nath Mitra put our case very forcibly before the Committee preliminary to the Conference which was considering these proposals and, as this House will remember, he can argue a case very forcibly. It received support from a very valuable, — I will not say unexpected, — quarter, that of Mons. Albert Thomas, the Director of the International Labour Office. I am sure the House will share the regret expressed in the report by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee that, shortly after this Conference was over, Mons. Thomas died. In him, the International Labour Office lost, as Sir Bhupendra Nath Mitra and Sir Atul Chatterjee said, a valuable public servant, one who combined idealism with a very practical turn of mind. India also lost a good friend for, throughout his connection with the International Labour Office, he had shown sympathetic co-operation and a very keen understanding of our special problems. He brought that practical turn of mind of his to bear on the proposals submitted by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee and warned the Committee that their only hope of securing India's ratification of the Convention was to accept those proposals. The Committee did so, but unfortunately, when their recommendations came before the full Conference, they were met with a certain amount of criticism and different proposals were put forward in regard to India by a lady from Spain. How much she knew about India I am not able to say, but it should seem that the Conference was carried away by her eloquence, and in spite of Sir Bhupendra Nath Mitra's protests, her proposals were carried by a small majority. In the result, the Indian Government delegates and the Indian Employers' delegate — you, Sir, whose support I should have been glad to have on the floor of the House now, — naturally found themselves unable to support the Convention with their votes. I should add that, in this attitude, they were supported by a number of other Government delegates including the Government delegates from Great Britain and from Japan.

Now, Sir, I turn to the text of the Convention itself. As I have already pointed out to the House, the Articles with which we are really concerned are Articles 1 and 9. Article 1 merely defines the scope of the Convention and indicates that it applies to non-industrial employment. Article 9 is the important one. If the House will turn to Article 9, they will find that it is proposed that in India three things should be done. In the first place and the most important, it lays down that all children below 10 should be excluded from

all non-industrial employment. It lays down, in the second place, that older children should be excluded from certain street occupations and also from itinerant trading; and it lays down, in the third place, that children should be excluded from occupations involving certain dangers to life, health and morals. It is on the first of these stipulations that I would ask the House to concentrate its attention. If we adopt this Convention, all children under 10 will be excluded from all non-industrial occupations. Now, Sir, I would ask the House to consider in what non-industrial occupations children below 10 can be employed. Possibly some Members of the House may be able to throw light on the subject but, as far as I know, there are very few of them and I can only think of tennis chokras and golf caddies. The only really important occupation in which any child below the age of ten is likely to be employed is domestic service. My Honourable friend, Mr. Clow, reminds me that agriculture is excluded, — it is regarded for this purpose as an industrial occupation. As I was saying, the only really important occupation in which children below 10 are likely to be employed is domestic service, and I would ask the House how, if we adopt this Convention, we are going to enforce it. What ~~xxx~~ sort of staff should we want? How are we going to find out whether children below 10 are employed or not, without a host of inspectors and inquisitorial inspection? I submit, Sir, that it is absolutely out of the question to enforce the Convention and that is the position I place before the House. Even if it were possible to do anything in this direction, I would remind the House that there are other and much more important questions which demand our first consideration. The House will remember that the Royal Commission on Labour specially investigated the case of children working in non-regulated factories. They drew an extremely lurid picture of the evils to which children are subjected in factories in which carpet weaving, the manufacture of bidis and mica splitting is carried on, and they suggested that the first step to be taken should be to exclude children under 10 from that kind of workshop and to limit the hours of older children. The House knows that I and my department have a big task before us in the coming months in piloting the Factories Bill safely through the House. As soon as we have finished that, I hope successfully, we propose to turn our attention to the non-regulated factories. They are going to be an extremely difficult proposition and it will take us some time to work out a satisfactory measure for dealing with them. I submit to the House therefore that they should occupy the first place in our attention and that they should also occupy the first place in the Local Governments' attention. We are not justified in asking the Local Governments to employ a staff to deal with abuses in regard to children in non-industrial employment before we deal with the far more urgent case of children in industrial employment in non-regulated factories. I trust, Sir, that I have convinced the House that I had no option but to bring forward this motion today.

Mr. President (The Honourable Sir Shammukham Chetty): Motion moved;

"That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor-General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

Mr. S.G. Jog (Berar Representative): Sir, I can see the mood of the House at just the fag end of the Session, but this is a sort of trust which I have accepted. As you will probably see from the amendment that stands in the joint name of Mr. Joshi and myself, this is the child or joint creation of the two of us, and, in the absence of Mr. Joshi, I for one am not prepared to withdraw it. However, the House cannot expect me to treat this child with the same affection with which probably my friend, Mr. Joshi, would have done — but I must do some justice to the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Will the Honourable Member move his amendment?

Mr. S.G. Jog: Sir, I move;

"That at the end of the Resolution, the following be added:

'but, at the same time, recommends that the Governor General in Council should take steps to give effect to the proposals contained in the amendment proposed by Sir B.N. Mitra, Government of India's Chief Delegate at the Sixteenth Session of the International Labour Conference'."

Generally, the Government come before this House for ratification of Conventions; and, at times, they come before the House with a proposal that such and such a thing should not be ratified. Government are both consistent and inconsistent many times. In this particular case Government say that this Convention should not be ratified by India. Before this matter came before the International Labour Conference, questionnaires were issued to the Government of India — I will not tire the House by reading all the questions and answers by the Government of India — but on the whole the attitude of the Government of India, so far as age was concerned, was really very sympathetic; and, as a matter of fact, when the matter came up before the Conference, the Leader of the Delegation, in consultation and in agreement with you, Sir, moved an amendment which for the information of the House I will read, so that they can understand what the amendment was and to what extent the Government of India were prepared to go; and now they want to go back behind the position which their own delegates took in the Conference there. As partial ratification of a Convention is not permitted by the Treaty of Versailles, Sir B.N. Mitra, on behalf of the Government, in agreement, with Mr. R.K. Shanmukham Chetty, the Indian Employers' delegate, moved the following amendment at Geneva:

"The provisions of Articles 2, 3, 4, 5, 6, 7 and 8 of this Convention shall not apply to India but in India —

(1) Children under ten years of age shall not be employed —

- (a) in shops, offices, hotels, restaurants and places for the sale of drink,
- (b) in places of public entertainment,
- (c) in street trading,
- (d) in any other non-industrial employment to which the provisions of paragraph one of this article may be extended by the competent authority;

Provided that in the interests of art, science or education, national laws or regulations may, by permits in individual cases, allow exceptions to the above provisions in order to enable children to appear on the stage, in cinematographic films and in other public entertainments.

The minimum age prescribed under this article shall not be less than that laid down in National Laws or Regulations as the minimum age for the admission of children into factories not using power, and which are not subject to the provisions of the Indian Factories Act.

(2) Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority after consultation with the principal organisations of employers and workers may declare to involve danger to health ~~and~~ or morals.

(3) National laws or regulations shall provide for the due enforcement of the provisions of this article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this article.

(4) The competent authority shall, after a period of 5 years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increase the minimum ages prescribed in this Convention".

This amendment was lost in the plenary session of the Conference, but at any rate it gives an idea of the attitude of the delegates of India so far as the minimum age in non-industrial occupations is concerned. When this matter came up before the Council of State for discussion, the Honourable Mr. Clow said:

"The reason, which prevents the Government of India from ratifying the Convention, is the administrative difficulty in the way of enforcing a Convention which, in its scope so defined in Article 1, includes all employment not dealt with in the three age of employment Conventions adopted by the 1919, 1920 and 1921 sessions of the International Labour Conference".

By way of illustration of Government's practical difficulties, Mr. Clow pointed out that the Convention included children in domestic service, and if India were to ratify the Convention in its present form, the inspection services of the Government would have to be increased to an extent, and expenditure entailed, beyond the resources of the Government. At the same time, he admitted — on the admission of the representatives of the Government of India at the Sixteenth International Labour Conference, that there are however, no such insurmountable administrative difficulties in the way of the enforcement of the Convention, if provision is made in it, so far as India is concerned, to specify the occupations in which the minimum age principle should be applied, instead of laying down that the Convention is to cover all children not covered by the minimum age Conventions of 1919-21, but, as partial ratification was not considered practicable, this amendment was not moved.

Further, Sir, the Government have not brought forth any excuses on financial grounds. Whenever they do not want to do a thing or shirk their responsibility, they always bring up a number of difficulties, but whenever they are inclined to do a thing, financial difficulties never come in the way. This is the attitude of the Government generally take. As regards the partial ratification or giving effect to such Conventions, if the Government have any difficulty, I for one think that such difficulties can be solved. I am told that on previous occasions when any labour Convention used to be discussed in the Assembly, the Government rejected that Convention,

but announced that they were prepared to give practical effect to the declarations made at Geneva by their delegates. Therefore, I suggest that although it might not be possible to give full effect to the Convention, still, taking into consideration the special circumstances of India, it might just be possible to give effect to the suggestions to which the delegates of the Government of India were prepared to go, and include some such suggestions in their proposals regarding the restrictions on age. At least it is time that we made a beginning; if we cannot include all ~~m~~ occupations, we ought to include such occupations where this ~~X~~ Convention might advantageously be used. Sir, I make these suggestions, and I hope that the Government will give effect to their own suggestions and will not shirk their responsibility which they have themselves accepted in the International Labour Conference. Sir, I commend my amendment for acceptance by this House.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That at the end of the Resolution, the following be added;

' but, at the same time, recommends that the Governor General in Council should take steps to give effect to the proposals contained in the amendment proposed by Sir B.N. Mitra, Government of India's Chief Delegate at the Sixteenth Session of the International Labour Conference '".

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I rise to support this amendment. While this Convention lays down 14 years as the age limit for admission in respect of children of other countries, they make an exception in favour of India and fix the age limit at 10 years. When the question was being discussed in the International Labour Conference, the Workers' delegates were opposed to this exception being made in favour of India. It was only to accommodate the Government of India with a view to facilitating ratification of the Convention by India that the Conference went out of its way and incorporated Article 9 and fixed the age limit for India at 10 years. As the Honourable Sir Frank Noyce has pointed out, Mr. Albert Thomas took the unusual course of attending the Committee meeting and persuaded the Committee to accept this ~~amendment~~ amendment, because he said that that was the only chance of getting India to make the ratification. You, Sir, were the Employers' delegate when this question was discussed, and, with your permission, I should like to read out from your own speech which you made on that occasion. This is what you said, Sir;

"I made it plain in the Committee, and let me reiterate with all the emphasis that I command in this conference, that in the consideration of this question of ameliorating the condition of the children of my country, the Indian employers yield to no working class representative in this Conference. Purely from the humanitarian point of view, I should like to see the children of my country enjoying the same measure of protection as the children of every other civilized country in the world. Happily for us, this is one of those subjects in which the conflict between the employer and the worker can be reduced to an absolute minimum. When we consider the social legislation embodied in the various Conventions that come before this Conference, there naturally arises a great conflict between the points

of view of the employer and the worker. But I maintain, Mr. President, that (at least in India) in the consideration of this problem, the Indian employer will not yield to the worker of any country in his desire to protect and ameliorate the conditions in his country".

My only regret is, Sir, that you are not on the floor of the House to espouse the cause of the children & of this country. But, as you very rightly pointed out, this is one of the rare occasions on which the employers and the workers are in agreement, and yet the Government of India refuse to ratify this Convention. I think this Convention has been welcomed as the Children's Charter, and this humanitarian measure, I am surprised to find, the Government of India are not willing to ratify. They are trying to resile from the position they had actually taken up when the questionnaire was sent out by the International Labour Office. On that occasion, the Government of India showed a very conciliatory and a very reasonable attitude.

Now, I will examine the provisions of this Article in the light of the reply that was sent by the Government of India, and show to this House that this X Convention, in all essentials, is based on the reply of the Government of India. The only Article that deals with India is Article 9, and that Article says:

"Clause 1. The employment of children under 10 shall be prohibited". This is what the Government of India say in their reply to the questionnaire:- "If a general age limit is prescribed in a Draft Convention, it should not exceed 10 years for India".

It is entirely in accordance with the reply sent out by the Government of India that this clause has been drafted.

Then, Sir, there is the provis~~o~~ with regard to arts, science and education making an exception, and that proviso was moved by Sir Bhupendra Nath Mitra himself in the Committee and in the Conference.

Then, Sir, there is another proviso which says:

"Should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding 10, the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph".

This was the amendment that you yourself moved, Sir, in the Committee and that amendment was accepted by the Committee.

Then, there is clause 2, which is also in entire agreement with the views expressed by the Government of India, and it was moved by Sir Bhupendra Nath Mitra himself. This, now the clause stands:

"Persons under 14 years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organizations of employers and workers concerned, may declare to involve danger to life, health & or morals".

This is exactly what the Government of India recommended, and their reply to the questionnaire is given at page 118, and this is what they say:

"The employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals should be entirely prohibited. But it should be left to the competent authority in each country to determine what occupations are

dangerous in character or likely to be injurious to the health or morals of children. A specific list of such occupations should not be incorporated in a Draft Convention.

A special minimum age would appear to be desirable. If the general minimum for India is fixed at 10, the special minimum age should be 14, which may be raised at the discretion of the competent authority."

These replies, Sir, and the Government of India's reply are in agreement.

Then, Sir, there is another clause, clause 3, which gives power to the Government of India to raise the age from 10 to 14 if they consider it necessary.

Clause 4 deals with the question of enforcement, and it has been left to the competent authority in each country to deal with the matter as they think best, and this clause was also moved by Sir Bhupendra Nath Mitra and was accepted by the Conference.

Then, Sir, there is the fifth clause which you yourself moved, and that clause says:

"The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article".

I do not find any difference in the replies given here and that given by the Government of India, and, therefore, I do not understand why they should resile from the position they had taken up. The only objection ~~xxx~~ raised against it is in regard to the enforcement of this Convention. Sir, I do not minimise the difficulties of enforcing this Convention, but if any one recognises that there is a difficulty, that should not stand in the way of giving effect to these Conventions, because I quite admit that this Convention cannot be enforced in the sense that every violation of this Convention shall be followed by prosecution. But, Sir, that is a characteristic which is common to all social legislation. We have got our Factories Act, and I think my friend, Mr. Clow, will agree with me that every infringement of the Factories Act is not followed by a prosecution. We have got the Workmen's Compensation Act, and I do not think that every victim of an accident gets the compensation to which he is legally entitled. In many cases the claims are not preferred at all. We have got the Sarda Act also, and there are many instances, in which the provisions of that Act are violated and such cases are not followed by a prosecution. I maintain, Sir, that the main object of this social legislation lies in its educative value, in the restraining influence that it exercises, — because it operates as a check; but it is a step forward in social progress, notwithstanding all that, the Government of India do not seem to move in this matter.

With regard to the amendment of Sir Bhupendra Nath Mitra, just as my friend, Mr. Jog, read out in the House, he enumerated certain categories of workers who were to be specified in the Convention, and that was agreed to in the Committee. When it came before the Conference, just as the Honourable Sir Frank Noyce has pointed out, Mrs. Palencia, a Spanish Workers' Delegate, moved an amendment that, instead of specifying the category of worker, there should be a

general prohibition and that amendment was accepted by the Conference. Because the Conference accepted her amendment, there is no reason why the Government of India should go back upon their own recommendation. If they are not going to ratify this Convention, they should at least give us an assurance that they are prepared to go as far as they went in their reply or as far as the amendment moved by Sir Bhupendra Nath Mitra.

Mr. G. Morgan (Bengal; European): Sir, after the very clear statement made by the Member in charge, there is very little for me to say with regard to the Resolution before the House. As regards the amendment, I have every sympathy with it, and I would be prepared to support it if the wording were slightly different.

The Mover of the amendment says: "take steps to give effect to the proposals contained in the amendment proposed" That might not be feasible after the question was thoroughly examined. Had the wording been, "proposals on the lines contained", I should have supported the amendment. The idea of the Mover is perfectly right, but I should not like to be a party of tying the hands, even though this is only a recommendation, of the Government to the proposals actually contained in the amendment of Sir Bhupendra Nath Mitra. If I remember rightly, this was discussed in a Committee of which I was a member, and, in discussing the details of Sir Bhupendra Nath Mitra's amendment, we came to the conclusion that the administrative and financial difficulties would be enormous and we could not possibly light-heartedly agree to the ratification of the Convention. The department has got its hands full at the moment with the Factories Act, and the Honourable Member in Charge has given an assurance that after that Bill is, I hope, successfully passed by this Assembly, the question of this child labour in non-industrial employment will be taken up and I feel perfectly certain

Mr. A.G. Clow (Government of India; Nominated Official): May I correct the Honourable Member? That was not the assurance at all. The assurance related to children in industrial employment in non-regulated factories, not to children in non-industrial employment.

Mr. G. Morgan: Still I have every sympathy with the idea underlying this amendment. Nobody wants to see child labour exploited in any country, nor do we want to see young children working long hours and in industries which are unsuitable for persons of tender age. That is the last thing anybody wants. In America, they have taken steps already to do away with child labour on certain lines. The amelioration of the lot of children in regulated factories is receiving our attention, and that of children in non-regulated factories must receive attention as soon as the Department has time to consider the subject. With regard to the amendment which has been moved, I regret that I cannot support it in the actual wording in which it is couched, but if the Honourable the Mover would accept the words "on the lines contained", I should be very glad to support the amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions; Muhammadan Rural): I thought, after the lucid speech and the clear and convincing arguments of my Honourable friend, Sir Frank Noyce, Mr. Jog would not come forward with his amendment. I think the greatest argument in support of this Resolution is that even our Labour Department which is so liberal in labour legislation opposes this particular

recommendation. As regards the argument brought forward by my friend, Mr. Abdul Matin Chaudhury, I say, that I would have supported his suggestion wholeheartedly if there had been compulsory education in this country. But, unfortunately, our children have no schools to attend. They have no occupation at all, and if you legislate that they should not have any occupation, I think we will be unfair to our children and we shall be really forcing them to spend their time in unhealthy surroundings and idleness and become bad citizens of our country. With these words, I support the original motion moved by the Honourable Sir Frank Noyce.

Mr. F.E. James (Madras; European): Mr. President, I would only like to mention two things about this matter. The first is to rebut the statement made by my Honourable friend, Mr. Abdul Matin Chaudhury that the present Government, in their labour legislation, are very slow. As a matter of fact, I may say that the Government of India, on their labour side, are regarded by some people in this country as perhaps the most revolutionary Government in the world.

Mr. Abdul Matin Chaudhury: I said in this particular instance. I never said, as a general proposition.

Mr. F.E. James: I do not think that it will be accepted even in this particular instance. I may inform the House that, in certain circles of this Assembly, there is a well-known rhyme which describes the situation graphically; I am sorry that Mr. Joshi is not here to hear it. The rhyme is:

"Joshi had a little lamb
Whose name was Mr. Clow;
And everywhere that Joshi went
The lamb was sure to go".

I suggest, Sir, that it does not give the indication that the Government are behind most other civilized Governments in connection with labour legislation. But there is one point to which I should like to draw the attention of the Honourable Mr. Jog and that is in connection with the nature of the conventions which are passed at these International Labour Conferences. As my Honourable friend no doubt knows, these Conventions are International agreements under the peace treaties which must be applied to all Governments that have ratified them. Yet a Convention does not necessarily remain inoperative unless it is ratified. Certain countries, for example, have not yet ratified some of the most important Conventions that have been passed. I may mention as an illustration the 8-hour Convention which was passed at Washington and which many countries have not yet ratified; and yet those very countries have been greatly influenced in their legislation by the existence of that Convention.

Mr. S.G. Jog: That is exactly my point.

Mr. F.E. James: I am again in agreement with my Honourable friend. I suggest to him that the non-ratification by this Legislature of this Convention does necessarily mean that the underlying principles of this Convention will remain for all time inoperative in this country. I would have been glad, like my Honourable friend, Mr. Morgan, to have supported his amendment, if it had been worded in a somewhat different form. I suggest to him that if Government give him an assurance that they will examine very carefully the proposals contained in the ~~main~~ amendment of the High Commissioner at

Geneva, he should withdraw this particular amendment. If, however, he presses his amendment, it will have the unfortunate effect of driving some of us to vote against him. We do not feel that we can tie the Government down to a promise of this legislation. Government will be in the position of every other Government if they are not able to ratify this Convention; they will have a free hand. So long as the present Member of the Industries and Labour Department holds his office, I am quite sure that this point will be given the most careful attention. Therefore, I would suggest that my Honourable friend should withdraw his amendment and allow the House to vote on the main proposition.

Mr. S.G. Jog: Sir, I have no special fascination for any particular form of my amendment. I am quite prepared to alter it as suggested by my friend, Mr. James, and, if the Government come forward with some hopeful assurance, I will be inclined to withdraw my amendment.

The Honourable Sir Frank Noyce: Sir, I must profess to a feeling of considerable surprise that this amendment should have been brought forward by my Honourable friend, Mr. Jog. He has charged the Government with inconsistency in this matter and in labour matters generally. His memory seems to be shorter even than that of Government. I should like to refer the House to what he said during the discussion on the Pledging of Child Labour Bill,. He said:

"At the time when this Bill was introduced I had an occasion to talk on this measure and even at that time I gave a warning that they were rather going too fast so far as the welfare of children is concerned".

Mr. S.G. Jog: The Government are stationary; they must move.

The Honourable Sir Frank Noyce: We have accepted Mr. Jog's advice; we are not going too fast in this matter and he is the first to cast a stone at us for doing so. I much regret that it is not possible for me to accept the amendment even in the modified form in which my friend Mr. Morgan, would like it recast. It seems to me that there may be some misapprehension in the minds of some Members of this House as to what it is exactly that we are dealing with. I thought I may make it quite clear that we are dealing with non-industrial employment not with employment in factories. The position of the Government of India is that this question is neither urgent nor important. They were prepared to co-operate in securing an international agreement, and if their amendments had been accepted, they would have been willing to discuss the question with Local Governments with a view to the adoption of the Convention, if possible. Their efforts at compromise were rejected. I submit that when we go half-way and the other side does not meet us half-way, we are discharged from any obligation. I think the House knows me well enough to know that I am behind no one in my desire to ameliorate the lot of children and it is just for that reason that I object to this amendment. I would submit that our first duty lies to the children in non-regulated factories, children who are engaged in splitting rice, carpet weaving and making bidis. Until we have dealt with them, I submit that it is merely window dressing to legislate for the children in non-industrial employment. We have quite enough to do. We have to utilise all the energy and resources that we find

and the Local Governments have to solve the question of factory labour and of labour in non-regulated factories. The only assurance I can give to the House and I give that assurance gladly is that when we have got these two major problems out of the way, then we will examine this question further and see what can be done. Further than that, I regret, I am unable to go, and I hope that will be sufficient to satisfy my Honourable friend, Mr. Jog.

Mr. S.G. Jog: I am satisfied with the assurance given by the Honourable Member in charge which, I think, is quite enough for the time being. Therefore, I feel inclined to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is that the following Resolution be adopted;

"That this Assembly having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its Sixteenth Session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation".

The motion was adopted.

(Extracted from pages 1885-1896 of the Legislative Assembly Debates of 20-9-1933, Vol. VII, No.4).

(The full text of the debate which took place in the Council of State on 8-12-1932, on the resolution recommending non-ratification of the Draft Convention and recommendation re. the age of admission of children to non-industrial employment is given at pages 9-13 of the report of this Office for December 1932).

Convention regarding the Protection Against Accidents (Dockers)

Bill introduced in the Legislative Assembly.

At page 14 of the June 1933 report of this Office, reference was made to the proposal of the Government of India to introduce in the Autumn Session of the Legislative Assembly a Bill to give effect to the Revised Convention of 1932 on this subject. The Bill was introduced in the Assembly on 18-9-1933, and is published at pages 193-195 of Part V of the Gazette of India, dated September 23, 1933.

(A copy of the Bill has been sent to the Head Office with our D.1/1779/33, dated 5-10-1933).

National Labour Legislation.

Workmen's Compensation(Amendment) Act, 1933.

The text of the Workmen's Compensation (Amendment) Bill, 1932, which was introduced in the Legislative Assembly on 17-2-1932 was given at pages 10-27 of our February 1932 report. The motion for circulating the Bill for the purpose of eliciting public opinion was adopted on 22 -2-1932 and that for referring it to a Select Committee on 23-9-1932. The Select Committee presented its Report to the Legislative Assembly on 14-2-1933. The Bill was passed by the Assembly on 28-8-1933 and received the assent of the Governor - General on 9-9-1933. The full text of the Act is given below:-

Act No.XV of 1933.

An Act further to amend the Workmen's Compensation Act, 1923.

III of 1923

Whereas it is expedient further to amend the Workmen's Compensation Act, 1923; It is hereby enacted as follows:-

1. (1) This Act may be called the Workmen's Compensation Short title & commencement. (Amendment) Act, 1933.

(2) It shall come into force on the 1st day of January, 1934; but sections 2, 3, 4, 5, 21, 22 and 23 shall not have effect until the 1st day of July, 1934, and shall have effect thereafter only in respect of compensation payable on account of an injury caused to a workman by an accident occurring on or after the 1st day of July, 1934.

II of 1923

2. In section 2 of the Workmen's Compensation Act, 1923 (herein - Amendment of section 2, Act VIII of 1923. after referred to as the said Act), -

(a) in sub-section (1), -

(1) for clause (d) the following shall be substituted, namely:-

"(d)'dependant' means any of the following relatives of the deceased workman, namely:-

- (i) a wife, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother; and
- (ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent,"
- (iii) Clause (j) shall be omitted,
- (iv) in clause (k), the word "registered" shall be omitted, and for the words "any such" the word "the" shall be substituted, and
- (v) in sub-clause (ii) of clause (n), the words "either by way of manual labour or" shall be omitted;
- (b) for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) The Governor General in Council, after giving, by notification in the Gazette of India, not less than three months' notice of his intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which he is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply to such classes of persons:
 Provided that in making such addition the Governor General in Council may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only".

3. In section 3 of the said Act, -

Amendment of section 3,
 Act VIII of 1923.

- (a) in sub-section (1), -

- (i) in proviso (a), for the word "ten" the word "seven" shall be substituted, and
- (ii) in proviso (b), for the words "injury to a workman resulting from" the words "injury, not resulting in death, caused by" shall be substituted; and
- (b) in sub-section (4), the words "solely and" shall be omitted.

4. For sub-section (1) of section 4 of the said Act, the

Amendment of section 4,
 Act VIII of 1923.

following sub-section shall be substituted, namely:-

"(1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:-

- A. Where death results from the injury -

(1) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV - the amount shown against such limits in the second column thereof, and

(ii) in the case of a minor - two hundred rupees;

B. Where permanent total disablement results from the injury -

(1) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV - the amount shown against such limits in the third column thereof, and

(ii) in the case of a minor - twelve hundred rupees;

C. Where permanent partial disablement results from the injury -

(1) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation. - Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter, -

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV - of the sum shown against such limits in the fourth column thereof, and

(ii) in the case of a minor - of one-half of his monthly wages, subject to a maximum of thirty rupees;

Provided that -

- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be; and
- (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half amount of such wages which he is earning after the accidentⁿ.

5. In section 5 of the said Act, -
Amendment of section
5, Act VIII of 1923.

(a) in sub-section (1), -

(i) for the word and figure "section 4" the words "this Act" shall be substituted,

(ii) after clause (a) the following clause shall be inserted, namely:-

"(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the ~~same~~ ^{same} work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;"

(iii) clause (b) shall be re-lettered as clause (c), and

(iv) the proviso shall be omitted; and

6. In section 8 of the said Act, -
Amendment of section
8, Act VIII of 1923.

(a) for the proviso to sub-section (1) the following shall be substituted, namely:-

"Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer"; and

(b) in sub-section (4), -

(i) for the words "may deduct" the words "shall deduct" shall be substituted, and

(ii) for the words "fifty rupees or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses" the words "twenty-five rupees" shall be substituted.

7. In section 10 of the said Act, -
Amendment of section
10, Act VIII of 1923.

(a) in sub-section (1), after the first proviso the following proviso shall be inserted, namely:-

"Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings -

- (a) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or
- (b) if the employer had knowledge of the accident from any other source at or about the time when it occurred; and
- (b) for sub-section (3) the following sub-sections shall be substituted, namely:-
 - "(3) The Local Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting bona fide on his behalf.
 - (4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book.

8. After section 10 of the said Act the following section shall

Insertion of new sections
 10A & 10B in Act VIII of 1923. be inserted, namely:-

- "10A(1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and regarding fatal accidents. in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.
- (2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.
- (3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.
- (4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

10B.(1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death;

Provided that where the Local Government has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(2) The Local Government may, by notification in the local official Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner."

9. In sub-section (2) of section 12 of the said Act, after the Amendment of section 12, Act VIII of 1923. words "the contractor" the words "or any other person from whom the workman could have recovered compensation and

where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation" shall be inserted.

10. In section 15 of the said Act, the word "registered" shall be Amendment of section 15, omitted. Act VIII of 1923.

11. In Chapter II and after section 18 of the said Act, the Insertion of new section following section shall be inserted, 18A in Act VIII of 1923. namely:-

"18A (1) ~~Whoever~~ Whoever -

Penalties.

- (a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or
 - (b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A, or
 - (c) fails to send a report which he is required to send under section 10B, or
 - (d) fails to make a return which he is required to make under section 16, shall be punishable with fine which may extend to one hundred rupees.
- (2) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner and no Court shall take cognizance of any offence under this section, unless complaint thereof, is made within six months of the date on which the offence is alleged to have been committed".

12. In sub-section (1) of section 19 of the said Act, for the ^{words} Amendment of section 19, "the Commissioner" the words "a Commissioner" shall be substituted. Act VIII of 1923.

13. In section 20 of the said Act, -
 Amendment of section 20, Act VIII of 1923.
 (a) after sub-section (1) the following sub-section shall be inserted, namely:-

- "(2) Where more than one Commissioner has been appointed for any local area, the Local Government may, by general or special order, regulate the distribution of business between them"; and
- (b) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4).

14. In section 21 of the said Act, -
 Amendment of section 21, Act VIII of 1923.
 (a) in sub-section (1), for the words "the Commissioner", in both places where they occur, the words "a Commissioner" shall be substituted, and in the proviso the word "registered" shall be omitted, and

- (b) after sub-section (4) the following sub-section shall be inserted, namely:-
- "(5) The Local Government may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it".

15. In section 22 of the said Act, -
 Amendment of section 22, Act VIII of 1923.
 (a) in sub-section (1), after the word "Commissioner, the words ", other than an application by a dependant or dependants for compensation" shall be inserted; and
 (b) in sub-section (2), -

- (i) for the words " Where any such question has risen, the application "the words "An application to a Commissioner " shall be substituted, and
- (ii) in clause (d), after the brackets and letter "(d)", the words "except in the case of an application by dependants for compensation," shall be inserted.

16. After section 22 of the said Act, the following section shall be inserted, namely:-
 Insertion of new section 22A in Act VIII of 1923.

"22A(1) Where any sum has been deposited by an employer as Power of Commissioner compensation payable in respect of a to require further deposit workman whose injury has resulted in in cases of fatal accident. death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

- (2) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining the total amount payable and requiring the employer to deposit the deficiency."

17. To sub-section (1) of section 30 of the said Act, after the Amendment of section ~~existing~~ Provisos, the following further proviso shall be added, namely:

"provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against."

18. After section 30 of the said Act the following section shall be inserted, namely:-
Insertion of new section
30A in Act VIII of 1923.

"30A. Where an employer makes an appeal under clause (a) of sub-section (1) of section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him."

19. In section 33 of the said Act, -
Amendment of section
33, Act VIII of 1923.

- (1) in clause (c), the word "and", in the second place where it occurs, shall be omitted;
- (ii) after clause (c) the following clauses shall be inserted, namely:-

"(d) for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of section 10, and the form of such notice-books;

(e) for prescribing the form of statement to be submitted by employers under section 10A;

(f) for prescribing the cases in which the report referred to in section 10B may be sent to an authority other than the Commissioner; and"; and

(iii) Clause (d) shall be re-lettered as clause (g).

20. After section 34 of the said Act, the following section shall be inserted, namely:-
Insertion of new section
35 in Act VIII of 1923.

"35. The Governor General in Council may, by notification in the Gazette of India, make rules for the transfer to any part of His Majesty's Dominions or to any other country of money paid as compensation. Commissioner under this Act for the

benefit of any person residing or about to reside in such part or country and for the receipt and administration in British India of any money awarded under the law relating to workmen's compensation in any part of His Majesty's Dominions or in any other country, and applicable for the benefit of any person residing or about to reside in British India".

21. In Schedule II to the said Act, for clauses (i) to (xiii), the following clauses and Explanation shall be substituted, namely:-
 Amendment of Schedule II, Act VIII of 1923.

- "(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles; or
- (ii) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in clause (4) of section 2 of the Indian Factories Act, 1911, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used; or
- (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed; or
- (iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed; or
- (v) employed, in any mine as defined in clause (f) of section 3 of the Indian Mines Act, 1923, in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground;

provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause; or

- (vi) employed as the master or as a seaman of -
 - (a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or

(III of 1911.

V of 1923.

(b) any ship not included in sub-clause (a) of fifty tons net tonnage or over; or

(vii) employed for the purpose of loading, unloading, fueling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel; or

(viii) employed in the construction, repair or demolition of -

(a) any building which is designed to be or is or has been more than one storey in height above the ground level to the apex of the roof, or

(b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or

(c) any road, bridge, or tunnel; or

(d) any wharf, quay, sea-wall or other marine work including any moorings of ships; or

(ix) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same; or

(x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer; or

(xi) employed in the service of any fire brigade; or

(xii) employed upon a railway as defined in clause (4) of section 3, and sub-section (1) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or

(xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or

(xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or

(xv) employed in any occupation involving blasting operations or

(xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

V of 1908.

of 1890.

- (xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or
- (xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or
- (xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927; or
- (xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or
- (xxii) employed in the training, keeping or working of elephants or wild animals; or
- (xxiii) employed as a diver. *& the preceding twelve months'*

Explanation. - In this Schedule, 'relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.'

22. In Schedule III to the said Act, after the entry relating to phosphorus poisoning, the following entries shall be added, namely:-

Amendment of Schedule III, Act VIII of 1923.

| | |
|---|---|
| Mercury poisoning or its sequelae. | Any process involving the use of mercury or its preparations or compounds. |
| Poisoning by benzene and its homologues, or the sequelae of such poisoning. | Handling benzene or any of its homologues; and any process in the manufacture or involving the use of benzene or any of its homologues. |
| Chrome ulceration or its sequelae. | Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations. |
| Compressed air illness or its sequelae. | Any process carried on in compressed air." |

23. For Schedule IV to the said Act, the following shall be substituted, namely:-

Substitution of new Schedule for Schedule IV, Act VIII of 1923.

"SCHEDULE IV.
(See section 4)
Compensation payable in certain cases.

| Monthly wages of the workman injured. | Amount of compensation for - | | | Half-monthly payment as compensation for TEMPORARY DIS- ABLEMENT OF ADULT. | |
|---------------------------------------|------------------------------|-------|-------|--|----|
| | 1 | 2 | 3 | Rs. | A. |
| More than - Rs. | But not more than - Rs. | Rs. | Rs. | Rs. | A. |
| 0 | 10 | 500 | 700 | Half his monthly wages. | |
| 10 | 15 | 550 | 770 | 5 | 0 |
| 15 | 18 | 600 | 840 | 6 | 0 |
| 18 | 21 | 650 | 882 | 7 | 0 |
| 21 | 24 | 720 | 1,008 | 8 | 0 |
| 24 | 27 | 810 | 1,134 | 8 | 8 |
| 27 | 30 | 900 | 1,260 | 9 | 0 |
| 30 | 35 | 1,050 | 1,470 | 9 | 8 |
| 35 | 40 | 1,200 | 1,680 | 10 | 0 |
| 40 | 45 | 1,350 | 1,890 | 11 | 4 |
| 45 | 50 | 1,500 | 2,100 | 12 | 8 |
| 50 | 60 | 1,800 | 2,520 | 15 | 0 |
| 60 | 70 | 2,100 | 2,940 | 17 | 8 |
| 70 | 80 | 2,400 | 3,360 | 20 | 0 |
| 80 | 100 | 3,000 | 4,200 | 25 | 0 |
| 100 | 200 | 3,500 | 4,900 | 30 | 0 |
| 200 | - | 4,000 | 5,600 | 30 | 0" |

(Extracted from pages 27-33, Part IV of Gazette of India dated 16-9-1933).

VDS

31

The Indian Factories Bill, 1933.

In June 1932 the Government of India forwarded to all Local Governments and Administrations with a view to elicit public opinion the draft of a Factories Bill along with their Circular Letter No. L/3012 of the Department of Industries and Labour, dated 10-6-1932. (A copy of the circular letter and the draft Bill was forwarded to Geneva with our minute D.1/2100/32 of 4-8-1932. A summary of the Draft Bill was given at pages 11-15 of our June 1932 report). On 8-9-1933, the Government of India introduced the new Factories Bill in the Legislative Assembly. The Bill is a self-contained enactment and is in the form of a measure replacing the original Act of 1911 and the amending Acts of 1922, 1923, 1926 and 1931. Sir Frank Neyce in introducing the Bill suggested that the Select Committee should not meet until January 1934, and said that two experts with knowledge of factories would assist the members of the Committee in their deliberations. He was not in favour of circulating the Bill. The following is the text of the statement of objects and reasons appended to the Bill. (The full text of the Bill ^{has} will be forwarded to Geneva ~~when a copy~~ ^{along with our letter D/1741/33.} ~~copies are received in the office~~).

Statement of Objects and Reasons.

The Royal Commission on Labour made a number of recommendations for amendment of the Factories Act. These were published with their report in July 1931. After examining these in detail the Government of India drafted a Bill to replace the present Factories Act which embodied a great majority of proposals and included some further alterations that experience had shown to be desirable. This Bill was circulated with a covering letter and a series of explanatory notes to Local Governments in June 1932, and the Provincial Governments were asked to forward the papers to associations of employers and employed and to other organisations or individuals who might be interested. In reply a series of opinions was received discussing the Bill and the original Act in great detail and, after considering the numerous suggestions offered, the Government of India have framed the present Bill.

The substantial changes made in the existing law are discussed in the notes on clauses. Nearly all the more important alterations are based on the Labour Commission's recommendations. At the same time opportunity has been taken to rearrange the law and to revise its expression, where necessary.

The present Act dates from 1911, but since that date large changes have been made by amending Acts, and the consolidation of the law in a clearer and more logical form is in itself a desirable reform.

Notes on Clauses.

The Factories Bill differs in no vital respect from the draft Bill published by the Government of India over a year ago and it follows generally the Whitley Commission's Recommendations. In respect of hours, the Government of India had followed the general lines suggested by majority of the Commission.

It is proposed to retain the sixty-hour week for seasonal factories and to reduce the limit for the bulk of non-seasonal factories to fifty-four. But continuous process factories are to be allowed a regular 58-hour week. The daily limit of hours of non-seasonal factories is fixed at ten instead of eleven in the present Act and it is proposed to make a similar reduction for women in seasonal factories, so that all women will be limited to ten hours' work a day.

The proposal of the Labour Commission to extend greatly the hours within which women may be employed has not been accepted. The limits for women's and children's work are fixed at 6 a.m. and 7 p.m. Children may work not more than 5 hours daily and it is proposed that they should, in no circumstances, be required to work on weekly holiday. It is also proposed that persons between the ages of 15 and 17 should only be employed on adult hours after being certified as fit for the purpose.

The provision relating to intervals has been greatly simplified and it is proposed to control the spreadover, i.e., hours over which working a day may be spread. Thus, hours for an adult must allow of eleven hours away from the factory in the 24 hours and hours of a child must be spread over a longer period than seven and a half-hours.

Other notable changes include the provision of further protection against danger to workers from unsafe buildings, from unhealthy processes and from excessive temperatures.

Welfare provisions are also enlarged but not to the extent proposed by the Whitley Commission.

Provisions relating to registers and fixing of hours have been greatly clarified and relaxations have been provided for factories, where, for any reason, the hours cannot reasonably be fixed beforehand. Exempting provisions follow the old lines but the period for which exemptions may be valid is limited in order to secure their periodical review.

Penalties are left at the present levels but provision is made for minimum penalties in the case of repeated offences.

(Times of India, 11-9-1935)

Land Acquisition (Amendment) Act, 1933.

At pages 8-9 of our September 1932 report was given the text of the Land Acquisition Act (Amendment) Bill, 1932, which was introduced in the Legislative Assembly on 5-8-32. The Bill was referred to a Select Committee on 6-2-1933 and was passed by the Assembly on 1-9-1933. The Act received the assent of the Governor General on 11-9-1933. The following is the text of the Act:-

Act No.XVI of 1933.

An Act further to amend the Land Acquisition Act, 1894, for certain purposes.

Whereas it is expedient further to amend the Land Acquisition Act, 1894, for the purposes hereinafter appearing; It is hereby enacted as follows:-

1. This Act may be called the Land Acquisition (Amendment) Act, 1933.

2. After section 38 of the Land Acquisition Act, 1894 (herein-
after referred to as the said Act), the following section shall be inserted, namely:-

"38A. An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith, shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this part, and the references to Company ~~in sections 5A, 6, 7, 17 and 50~~ in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern."

3. In sub-section (1) of section 40 of the said Act, for clauses (a) and (b) the following clauses shall be substituted, namely:-

- "(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or
- (b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public."

4. In section 41 of the said Act,-

Amendment of section
41, Act I of 1894.

- (a) after the word "that" where it first occurs, the following words shall be inserted, namely:-

"the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or that"; and

- (b) for clauses (4) and (5) the following clauses shall be substituted, namely:-

"(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided; and

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work".

(Extracted from page 34, Part IV of Gazette of India, dated 16-9-1933 No.37 of 1933).

Quarterly Strike Statistics (Period ending 30-6-1933).

In a communique dated 21-9-1933, the Department of Industries and Labour of the Government of India has published the statistics of industrial disputes in British India for the second quarter of 1933. During the period under review, there were 42 disputes involving 50,016 workers and entailing a loss of 489,012 working days. The largest number of disputes occurred in the Bombay Presidency where 24 disputes involving 22,208 workers were responsible for a loss of 172,915 working days; Bengal comes next with 6 disputes involving 15,374 workers and entailing a loss of ₹ 61,935 working days; Assam with 4 disputes involving 1,277 workers and entailing a loss of 3,021 working days; the Central Provinces and the United Provinces with 3 disputes each involving 2,615 and 5,410 workers and entailing losses of 53,215 and 145,741 working days respectively; and Ajmer-Merwara and Burma with 1 dispute each involving 3,100 and 32 workers and entailing losses of 52,089 and 96 working days respectively, while no disputes were recorded in the other provinces.

Classified according to industries, there were 30 disputes in cotton and woollen mills involving 32,803 workers and entailing a loss of 414,455 working days; 3 in jute mills involving 11,614 workers and entailing a loss of 56,342 working days. In all other industries together, there were 9 disputes involving 5,599 workers and entailing a loss of 18,215 working days.

Of the 42 disputes, 25 related to wages, 5 to questions of personnel, one to bonus, one to questions of leave and hours and 10 to other causes. In 9 cases the workers were successful, in 3 partially successful, and in 27 unsuccessful, while 3 were in progress at the end of the quarter.

(The quarterly strike statistics for the first quarter of 1933 were reviewed at pages 26-27 of our June 1933 report).

Working of the Workmen's Compensation Act in Madras, 1932*

Returns under section 16 of the Act were received from 1,537 establishments out of a total of 1,688. The non-submission of returns by the remaining 151 establishments was due to the fact that most of them stopped work during the year owing to trade depression. The usual permission was given to the Calcutta Claims Bureau to submit returns on behalf of the employers who have insured their liabilities with it. The number of employers on behalf of whom the Bureau submitted returns was 46 as against 40 in 1931.

Accidents were reported in 131 returns; the rest were 'nil' returns. 16 cases of death, 52 cases of permanent disablement and 790 cases of temporary disablement were reported in these 131 returns as against 23 cases of death, 61 cases of permanent disablement and 1,058 cases of temporary disablement reported in the returns for the previous year. No compensation was paid in respect of 5 cases of death, 5 cases of permanent disablement and 31 cases of temporary disablement. The compensation paid in the remaining cases of death, permanent disablement and temporary disablement was Rs.3,845, Rs. 14,713-13-0 and Rs.7,680-5-1 respectively as against Rs. 10,048-0-4, Rs. 12,955-14-11 and Rs. 15,290-6-1 respectively paid during the previous year. There were 7 cases of temporary disablement involving minors, in respect of which the amount of Rs.38-14-8 was paid.

* Government of Madras - Public Works and Labour Department
G.O. No.1622 L., 27th July 1933 - Workmens Compensation Act, 1923 - Working 1932 - Report. - pp.9

The total number of cases filed during the year was 153. The number was 148 in the previous year. Of these 172 cases, 154 were disposed of during the year and 18 were pending at the end of the year. Of these 153 cases, 17 related to proceedings instituted regarding award of compensation under section 10 of the Act, 56 to distribution of compensation under section 8, 73 to memoranda of agreement for registration under section 28, and 7 to deposits for non-fatal accidents under section 8(2).

(The Working of the Workmen's Compensation Act in the Madras Presidency for 1928 is reviewed at pages 31-32 of the August 1929 report, that for 1929 at page 18 of the August 1930 report, that for 1930 at pages 23-24 of the September 1931 report and that for 1931 at pages 23-24 of the July 1932 report).

Proposal to Amend Trade Disputes Act;

Views of A.I.Railwaymen's Federation.

At pages 15-17 of our June 1933 report was given a summary of the Circular Letter No.L.3005 dated 14-6-1933 issued by the Government of India to all Local Governments and Administrations on the desirability of continuing the operation of the Indian Trade Disputes Act, 1929, and of amending it in certain respects. It will be remembered that the letter requested the Local Governments to elicit opinions of interests concerned and to forward them with their own opinions so as to reach the Government of India before 31-10-33. The following is a summary of the views expressed by the All India Railwaymen's Federation on the proposals of the Government of India;

(1) Public Utility Services classified as such by the Governor General-in-Council should only be so classified after consulting the concerned workers' organisation.

(2) A trade dispute should include any dispute between a

registered Trade Union and an employer so that a Trade Union may be legally recognised as a party to a dispute.

(3) Section 3 of the present Act should be amended so that Standing Industrial Tribunals for each industry may be constituted on the demand of organisations concerned and also to provide for automatic reference for investigation and settlement in all disputes on the application of either party.

(4) The application for a Conciliation Board or Court of Inquiry should not be required by Rules to be authorised in writing by a majority of the persons affected or involved as at present.

(5) Provision regarding public utility services in Section 15 should be amended so that there may be no confusion as regards requirements of a notice by an individual employee and Standing Tribunals to compensate for the restriction of the right to strike, as recommended by the Whitley Commission. It may be pointed out that this provision affects adversely only employees in railway services and not the employer for the simple reason that a railway employer, according to service agreement, does not commit breach of contract when discharging an employee without 15 days' notice, whereas an employee is required to give one month's notice on pain of dismissal and prosecution if he fails to obey conditions laid down in section 15 of the Act.

(6) On the model of the Canadian legislation, an employer should not be empowered to alter conditions of service without the agreement of workmen, without one month's notice and without reference to a conciliation machinery if so required by the workers or their organisation.

(7) Section 17 should be omitted and also relevant portions in other sections so that strikes for securing political rights may not be penalised.

(8) Any conciliation machinery constituted by voluntary agreement between employers and workers' organisations should be recognised in the Statute as having equal powers as regularly constituted Boards.

(9) Reference to Courts or Boards should not be dependent on the fact that a person involved in the dispute is a workman on the date of application.

(10) Refusal to employ any person for being a member of a registered Trade Union or its office-bearer should be made illegal.

In short, the Trade Disputes Act should provide for (i) an Investigation Machinery, (ii) Conciliation Machinery and (iii) Arbitration Machinery, of which the first one should be compulsory in all cases, the second in Public Utility Services and the third on the demand of the public or either party. Cases of frivolous applications should be dealt with by giving discretionary power to recover costs in part or in entirety as done in some countries.

(The Indian Labour Journal, 3-8-1933).

Ahmedabad Labour Dispute.

Under an arbitral award given in November 1928 by Messrs. Gandhi and the late Seth Mangaldas, the mill managements in Ahmedabad have been collecting subscriptions from the workers who are members of the Ahmedabad Labour Union, and remitting the amounts monthly to the Union. Those monthly ~~xxx~~ amounts come to about Rs. 15,000. This ~~xxx~~ award was, it was stipulated, to be revised after six months if any of the parties so desired it; and ever since March 1930, the millowners have been seeking to cancel this arrangement, which they find inconvenient. Owing to the other preoccupations of Mr. Gandhi, the arbitration proceedings to this end have been unduly delayed, and by the beginning of September 1933, the millowners announced to the Labour Union their decision to stop the collections after a month's notice.

By the 14th September, the Ahmedabad Millowners' Association had raised another point of dispute; in a letter sent to the Labour Union, the Association pointed out that the wages paid in the Ahmedabad Textile Industry were the highest paid throughout India, the management having been saddled with an 8 per cent. increase in the Spinning Department and a 5 per cent. increase in the Weaving Department at a time when wages in almost all other countries were being reduced. They therefore asked for a cut of 25 per cent. in the present scale of wages as from 16th October 1933, and in support pointed out that all up-country centres in India have made wage reductions of 25 per cent. and more, while efficiency schemes, reducing the cost of production by increasing the number of looms and spindles attended to by a single worker, had been introduced in several mills competing with Ahmedabad. Similar cuts had been made in mills at

Nagpur, Akola, Indore, Chalisgaon, Badnera, Beawar and other centres of the Textile Industry. "If Ahmedabad lags behind in taking advantage of efficiency schemes, the industry will be permanently crippled in spite of the existing protection. There has been a substantial fall in almost all commodity prices, and hence the cost of living has been reduced considerably". The Labour Union was therefore requested to arrange for arbitration in this matter not later than Sept. 25.

On the 19th September, Mr. Gandhi was acquainted with the facts of the case by Messrs. Chimanlal Parekh and Kasturbhai Lalbhai on behalf of the millowners, and by Messrs. Shankerlal Banker and Gulzarilal Nanda on behalf of the Labour Union. Mr. Gandhi then referred the points at issue to a Conciliation Board consisting of Messrs. Chimanlal Parekh, Chairman of the Ahmedabad Millowners' Association, and Shankerlal Banker, of the Ahmedabad Labour Union. ~~Being~~ ^{Falling} a satisfactory settlement, Mr. Gandhi will himself deal with the dispute. The Conciliation Board began its work on the 27th September, but by the 5th October, a deadlock had been reached, as the Labour Union had asked for certain information from the Millowners' Association, including "the average daily production per spindle and per ~~a~~ loom since 1927; the age of machinery in the different departments, with their cost price; the rate of interest on public deposits and on the moneys invested by the agents themselves; the rate of interest realised on investments in other concerns under the control of the agents; the rate and amount of the Agents' commission since 1914; the percentage of share capital held by the agents, the net profits of the industry since 1910; and information relating to stocks and yarn". The Millowners' Association refused to supply the information, and Mr. Chimanlal has resigned his seat on the Board of Conciliation.

Labour in Tata Iron and Steel Company:

Wage Cut Restored and Bonus for Workers Paid.

The Tata Iron and Steel Company, the silver jubilee of which came off in 1932, had the intention of celebrating it by the payment of some gratuity or bonus to its labour, but this intention could not be carried out owing to the death of the Chairman, Sir D.J. Tata, and the acute financial depression through which the Company was then passing. It is understood that the Company is going to make the proposed payment in October 1933 in the following ~~order~~ order:-

(a) Half a month's wages to all monthly paid labour employed by the Company inside the works at Jamshedpur on wages of less than Rs.250 per month who were on the rolls of the Company on January 1, 1932, and who are still in their employment.

(b) All employees drawing Rs.250 to Rs. 499 per month inside the Jamshedpur plant, whose salaries have been cut by 5 per cent will have the cut restored.

(c) All employees inside the works at Jamshedpur on Rs.500 per month and over and those outside the works whether at Jamshedpur, Bombay, Calcutta, or elsewhere, drawing Rs. 250 per month and over whose salaries have been cut by 10 per cent will have 5 per cent of the cut restored.

(The Statesman, 1-10-1933)

Minimum Wages in Ceylon: Planters Agree to Restoration of
Cuts.

Reference was made at pages 29-31 of our March 1933 report, pages 29-30 of our January 1933 report and ^{also} in several earlier reports

~~also references were made~~ to the attempts made by the Ceylon planters to bring about reductions in the minimum wage rates of Indian labourers in Ceylon. (A review of the history of the move was given at pages 29-31 of our March 1933 report). The Hon. Mr. Peri Sundaram, Minister in Charge of the Department of Commerce, Industries and Labour, Government of Ceylon, announced on 3-9-1933 at a meeting of the Head Kanganees' Association that the planting interests of the Island have voluntarily agreed to the restoration with effect from 1-11-1933 of the minimum wages as they prevailed before 9-5-1933, i.e., before the date of the last reductions in the rates (vide pages 29-31 of our March 1933 report for details) came into effect. The following table gives the rates as they prevail at present and will prevail since 1-9-1933

| Period | Wages in Cent of | | |
|--------------------------------|------------------|-------|----------|
| | Men | Women | Children |
| From 9-5-1933 to 31-10-1933 | | | |
| Up-Country Estates | 41 | 33 | 25 |
| Mid-Country Estates | 37 | 30 | 25 |
| Low-Country Estates | 35 | 28 | 20 |
| From 1-11-1933 | | | |
| Up-Country Estates | 49 | 39 | 29 |
| Mid-Country Estates | 43 | 35 | 25 |
| Low-Country Estates | 41 | 33 | 24 |

(The Hindu, 7-9-1933).

Forced Labour in Jaipur State:

Stringent Order for Abolition.

Forced labour in various forms was prevalent in Jaipur till very recent times. One of the first achievements of the Minority Administration (1922-31) was the abolition of forced labour in the State, by orders issued by the Jaipur State Council. Despite this prohibition order, it has been reported that forced labour in various forms still continued to exist in several thikanas (districts) of the State. The matter having been brought to the notice of the Administration, the Maharaja of Jaipur has recently issued an order to the effect that all forced labour existing in any form in the thikanas should be immediately stopped.

(The Statesman, 5-10-1933).

Forced Labour in Indian States:

References in Legislative Assembly by Mr. B. Das.

In the course of the discussion on the Indian States (Protection) Bill, a measure intended "to protect the administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert or to excite disaffection towards, or to interfere with such administrations", Mr. B. Das, M.L.A., opposed on 8-9-1933 the Bill on the plea that what little justice obtains in most of the States is in large part due to pressure of public opinion and criticism in British India, and that if the Bill be passed, the salutary restraint on the mal-administration by princes will be removed. Referring to instances of mal-administration in several

Indian States, Mr. Das pointed out that forced labour was still prevalent in very many states. In this connection, Mr. Das pointed out that while Indian States claim representation equally with British India at the League Assembly and the International Labour Conference, the States are not bound by the decisions of these bodies. In view of the interest that attaches to this portion of Mr. Das' speech, it is reproduced below fairly fully:

"These Indian States, along with British India, are entitled to be represented in International gatherings like the League of Nations, the International Labour Conferences. And what do we find there? Any humanising legislation, any convention that is introduced by the International Labour Conference or any mandate that the League of Nations may issue, is not binding on these Indian States although it is binding on the Government of India and binding on us. I will give an instance. Sir, in the year 1929, when I accompanied you to the League of Nations International Labour Conference, we took part in the forced labour Convention. That forced labour Convention had been ratified by this House with some modification, because some of the subsequent Indian delegates made certain mistakes and it had to be accepted in the way the House accepted it. It was moved by my Honourable friend's predecessor, Sir James Crerar, on the floor of this House. But what do we find? Forced labour is the usual thing in most of the Indian States. How can they be allies to His Majesty the King Emperor, not to speak of their being British subjects, when they are not amenable to the laws and Conventions which the British Government and the Government of India accept. Sir, forced labour is prevalent in almost every State. Among the Orissan States more than half the States have this forced labour. While I was on the Forced Labour Committee at Geneva, the representative of the South African Colonies stated that as the natives of those territories could not pay taxes, the Government took from every adult 40 days of forced labour. 40 days labour is the maximum forced labour that is taken from the adult population in Africa, but what do we find in Indian States? The subjects of these Indian States pay an equal tax, almost the same tax, sometimes even more, as we, the British Indians, pay to the Government or to the landholders, who obliged us yesterday with their views on the floor of the House. The subjects of the Indian States pay equal tax, yet I know that in certain States the people at times work 40 to 50 days a year of begar (forced labour) for the Princes of those States.

There was a time when these Indian Rulers were amenable to the public opinion prevailing in those States. As I mentioned already, they are today protected by the mighty British arm and they have learnt the so-called civilized ways of the British Rulers. They must have their shikars (hunting parties); they must have their elephant Kheddas (elephant capturing operations); and the British officers or Indian officers from British India, including the mighty Political Agents and their Assistants, must visit these States, and

Kheddas and shikars must be organised for their entertainment. Did these Political Agents, when they did go and took part in these shooting parties, ever enquire of these poor beaters, thousands of them, who had been there for days and days, as to how they were fed? I know in certain States the elephant Kheddas usually take place in the month of November and December when the harvest season is on and when every adult man is forced to be made a beater.

I am referring to the maladministration of these States as this Bill aims at stoppage of all criticism against the maladministration of these States. We, British Indians, live ~~almost~~ as close neighbours to the subjects of these Indian States, ~~and~~ we cannot but criticise their maladministration. I was also saying how these States could not become our equals in the Federation, if they perpetuated their present barbaric rule. They claim equality with us in the League of Nations and in International Conferences. The representatives of the Government of India and the British Government always denounce them privately, though not publicly. That is one illustration of how the States are mismanaged. Sir, the Government of India in spite of their ~~z~~ being today sovereign of these States, cannot enforce humanizing administration in those States."

~~(Extracted)~~ (Extracted from the Legislative Assembly Debates of 8-9-1933, Vol. VI, No.4, pages 1183-1184).

Industrial Organisation.

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Workers' Organisations.1st North Arcot District Labour Conference: Plea for
Organisation of Labour Parties.

Reference was made at pages 44-46 of our August 1933 report to two conferences held at Madras and Cawnpore respectively during August last with the idea of organising labourers into political parties. Strenuous efforts are being made by some political and labour leaders to popularise Labour Parties and a campaign to make labourers politically minded is being conducted in the country. A conference was held on 10-9-1933 at Vellore, called the North Arcot District Labour Conference, under the presidentship of Mr. T. V. Kalyana-Sundara Mudaliar and was attended by some 200 delegates and visitors, including Messrs. S. Satyamurti, K. Bhashyam Iyengar and V. V. Giri. The president and other speakers appealed to the industrial and agricultural workers to organise themselves into labour parties to make amelioration of their lot ^{possible} through political action. Outlining the scheme of organising the party Mr. Giri stressed the importance of the central workers' organisation having or establishing centres in every part of the country — the net work running through not only districts, but also through talukas, villages and colonies of workers. These branches should be entrusted with the task of not only defining common action for existing Trade Unions, but also with the task of organising the vast number of unorganised workers. The local branches without militating against the policy of the central organisation would provide points of contact for workers engaged in various undertakings at every centre. The following are a few extracts from Mr. Giri's speech:

Who Compose the Working Classes.- "There seems to be a popular misconception about the term "labour", and it is held to comprise ~~not~~ only factory workers and certain sections of industrial undertakings. Recently, the Madras Government have indicated that clerical employees will be excluded from the definition in so far as railways are concerned, for the purpose of preparing an electoral roll. This is wrong and unjust. The working class comprises all those who are not dependent for their livelihood on property incomes, but are obliged to ~~sell~~ sell their services, their mental and physical energies their labour power, in order to live, the alternative being charity, robbery or dependence on the State. Not only a manual worker but also a salaried employee like a clerk or a doctor is a labourer. Not only employees in factories and industrial undertakings are workers, but also those employed in agriculture, commercial and other undertakings."

Extent and Defects of Trade Union Movement in India.- "The trade union movement has as yet touched only a fringe of the working class in our country. Agricultural labour has been neglected although there are about five million agricultural labourers in the Madras Presidency. Only railways and textile industries are comparatively better organised. The undertakings run by small employers have not been organised. There is no proper cohesion amongst the few existing organisations. The present trade depression resulting in wage-cuts and retrenchments has had the effect of placing another obstacle in the growth of our movement. The attitude of employers both private and State has been in effect one of discouragement bordering upon active hostility to trade unions. Organisations of Government servants like the postal workers, are not allowed to affiliate themselves with other trade unions and not allowed to get themselves registered under the Trade Union Act. Most of the trade unions though registered under the Trade Union Act, are not recognised by employers. This is true of even State undertakings like the railways".

Programme for Future.- "The defective system in England whereby the Labour Party, the Trade Union movement and the co-operative movement are independent of one another with consequent disastrous results should be borne in mind when thinking of organising similar activities in this country. These three movements must form a trinity as in Belgium. A common policy directed by the National Trade Union centre should be followed by these three organisations. The Trade Union Act admits of co-operative activities on the part of the trade unions and it is essential that our movement should give special attention to social insurance so that workers may be provided for against every form of risk by a comprehensive insurance scheme run on co-operative lines."

"Every method of propaganda through meetings, mass-demonstrations the film and the radio (as mentioned by the Lothian Committee) should be utilised in conducting organising activity throughout the country. Labour must have its own daily newspaper to give expression to its grievances, aims and aspirations. Among our own rank and file, workers must be educated on the need of co-ordinated action when especially industrial conflicts are in progress or whenever they feel exposed to common attacks".

The following is the text of the more important resolutions passed by the Conference:-

"This Conference is of opinion that the future constitution ~~is~~ as outlined in the White Paper, is totally unsatisfactory and transfers no real power to the working classes.

"This Conference requests Government's protection for the Indian handloom industry and requests the local as well as the Central Government to impose a cent per cent duty on foreign cloth imported into India.

"This Conference appoints a committee consisting of Messrs. Annamalai Pillai, Janakiram, Gudiyattam Swaminatha Mudaliar, Chinna-swami Naidu, P.R. Ramanjulu Reddiar, Obaidulla Sahib, Vellore Kuppuswami Mudaliar, Dr. Harihara Aiyar, V.M. Ramaswami Mudaliar and H.R. Srinivasachar to organise trade unions of industrial and agricultural labour in the North Arcot district".

(The Hindu, 11-9-1933)

The observations of the Indian Labour Journal of Nagpur (in its issue of the 17th September 1933) on this conference are significant.

"The main object of the Conference, however, appears to be more to organise a political party rather than the workers. In European countries labour or socialist parties are the creation of trade unions, which continue to support them morally and materially. Labour or socialist parties in Europe cannot afford to do anything that will jeopardise the interests of workers. But labour parties independently ushered into existence may not have similar obligations. If trade unions were to be organised or created by these political parties, they would have a tendency to ~~it~~ look upon the workers with an air of patronage and philanthropy and expect the unions to support whatever the labour members may do in the legislatures. Cases in which ~~of~~ nominated labour members supporting shooting of workers are not unknown. Members entering Councils with labour tickets may not be very much different, in the absence of strong trade unions that control the political parties. Otherwise it will be a case of ~~part~~ parties and unions existing for those seeking Council-entry. The workers should therefore guard themselves against this danger".

(The Indian Labour Journal, 17-9-1933).

Madras Port Trust Workers' Union, 1931-33.

According to the report on the working of the Madras Port Trust Workers' Union during the years 1931-33, submitted to their annual meeting held on 25-9-1933, under the presidentship of Dr. V. Varadarajulu Naidu, the Union had to pass through critical times during the period under review. Reviewing conditions of work of port trust employees, the report stated that several workers in the various departments of the Port Trust had to lose their appointments on account of retrenchment. The Union placed before the authorities various means to avoid retrenchment such as the turn system, voluntary retirement, payment of gratuity, etc. The authorities did not agree to the turn system, but were agreeable to encourage voluntary retirement after paying a special gratuity of 8 days' wages per year of service to those retrenched between June 10, 1931 and December 31, 1932, and who had put in over three years' service. It had been urged on the authorities to abolish contract labour; but they did not favour its abolition. There were still in the Port Trust several departments which had not yet been granted leave privileges, the provident fund scheme and other such reasonable privileges. The report recorded with satisfaction the cordial relationship that on the whole existed between the Union and the Chairman of the Port Trust.

The meeting elected Mr. B. Shiva Rao Patron, and Mr. M.S. Kotiwaran, President.

(The Hindu, 26-9-1933).

Economic Conditions.The Indo-Japanese Trade Convention and the Cotton
Talks between the Industrialists of India, Lancashire and Japan.

At pages 47 to 50 of this Office's report for August 1933, references were made to the impending negotiations between the governments of India and Japan for the renewal of the Indo-Japanese Trade Convention, and between the representatives of the textile industries of India, Lancashire and Japan, to consider how unfair competition in the textile trade in the Indian market could be avoided. In his address to the two Houses of Legislature delivered on the 30th August last, the Viceroy referred to these forthcoming conferences in the following terms:-

"It will be remembered that towards the end of the last Session of the Legislature the Government of India was compelled to ask His Majesty's Government that formal notice should be given to their desire to terminate the Indo-Japanese Trade Convention. This serious step was taken with the utmost reluctance and only under the threat of grave injury to many of the indigenous industries of India. Our action was conceived in no spirit of hostility or aggression; it was purely a measure of self-defence and it is regrettable that in certain quarters it has been otherwise construed. The problem with which we were confronted was a difficult one. The depreciation of the currency of Japan relatively to the rupee had given to that country an advantage in Indian markets which rendered competition impossible. Our choice lay between inaction — which spelt ruin to many of our industries — and the denunciation of the Convention which had governed the friendly trade relations of India and Japan for so many years. No other practical solution offered itself and notice of denunciation of the Convention was therefore given, and the Convention will expire on 10th October next.

"Though by the denunciation of the Convention and by the passing of the Safeguarding of Industries Act we have taken power to protect our own interests, we have nevertheless been ready at all times to consider any alternative solution that might be put forward. We ourselves were fully conscious of the disadvantages of a discontinuity in our treaty relations with Japan, and I am happy to say that, as a result of preliminary conversations, a Delegation from Japan will shortly arrive in India with a view to the negotiation of a fresh trade agreement. I take this opportunity of welcoming the representatives of Japan now on their way and of expressing the earnest hope that a solution may be found satisfactory to all the parties whose interests are involved. The fact that these negotiations will take place in Simla between the Government of India and the Government of Japan is one of great significance for India.

"Of significance too is the fact that India is to be the scene of a tripartite conference between the textile industrialists of India, Lancashire and Japan. In this conference the Government ~~will~~ of India will not take part, but they would welcome any agreement consonant with the welfare and interests of India as a whole".

(Legislative Assembly Debates, 30-8-1933, page 421, Vol.V, No.6).

The Lancashire Delegation for the non-official conference headed by Sir William Clare Lees, reached Bombay on the 14th September, and began conversations with the representatives of the Indian textile industry. Though two Japanese industrialists also came to Bombay during this period, they did not go into the conference, preferring to defer action till they got into touch with the Japanese official Delegation, headed by Mr. Sawada, which was coming over to India in connection with the Indo-Japanese Trade Convention. Mr. Sawada and his party reached Simla on the 18th September, and the opening meetings of the conference between the two governments was held on the 23rd September. On the 28th September, the representatives of the Indian and Lancashire textile manufacturers also reached Simla, and ~~were carrying on~~ ^{resumed} their non-official talks side by side with the proceedings of the Indo-Japanese Conference. The proceedings of both these Conferences are being kept confidential, and the bare communiqués issued give no clue to what is actually happening. It is likely that the Japanese non-official Delegation may not agree to participate in the un-official tripartite conference, in the hope that their interests would be better served through their official spokesman, Mr. Sawada, dealing directly with the Government of India.

These conferences are likely to be renewed in Delhi after the 20th October, when the Government of India move down to their winter capital.

Labour and Industrial Conditions in Delhi, 1932-33.

The following details regarding labour and industrial conditions in Delhi Province are taken from the Report on the Working of the Department of Industries in Delhi Province for 1932-33, issued by ~~the Registrar to the Chief Commissioner, Delhi.~~

General and Economic Conditions.- The persistent trade depression and low commodity prices caused a gloomy outlook for industrial and commercial interests during the year under review. The money market continued to be tight, and there was hesitation to invest in new enterprises on any large scale. The low level of prices of agricultural produce and the diminished purchasing power of the people adversely affected local industries. Cotton spinning and weaving mills were hit hard by foreign competition, particularly by cheap Japanese exports. One cotton spinning and weaving mill remained closed throughout the year, and one working shift was abolished in another mill. Several iron foundries remained practically idle throughout the year and a fall was registered in the production of the industry.

Industrial Conditions.- Cotton Mills. Cotton spinning and weaving mills were hit hard by foreign competition, particularly by Japanese competition. The manufacturing operations in one of the local cotton mills were suspended, and one of the working shifts was abolished in another mill. The average number of looms and spindles at work was 2,587 and 93,030 as compared to 2,581 and 85,022 respectively in the preceding year. The textile industry of Delhi provided employment to 14,341 operatives as against 9,804 during the previous year, with a gross production of woven goods and yarns at 21,118,978 lbs. and 26,604,360 lbs. respectively, the production the preceding year being 21,657,456 lbs. and 24,215,755 lbs.

Iron Foundries.- The iron foundry industry had another rather disappointing year and prices ruled abnormally low. So quiet were the conditions in Delhi that several factories remained virtually idle throughout the year. The production of cheap domestic wares, such as, iron buckets, tawas, steel trunks, cauldrons, parats, nails, etc., which constitutes one of the principal hand industries of Delhi, however, continued to be carried out, in spite of low margins of profit, on a fairly extensive scale. The iron industry provided employment to 1,983 hands as compared to 2,062 in the previous year. The total imports into Delhi of iron and hardware articles during the year were 645,643 maunds as compared to 503,643 maunds last year. The estimated value of local products was Rs. 581,600 as against Rs. 620,500 during 1931-32.

Thread and Lametta Industries.- In contrast with the sad plight of many other industries, the gold and silver thread and lametta industry which has consistently occupied the pride of place among the cottage industries of Delhi, has had a cheerful time with ready off-takes. The figures of import stood at 4,831 maunds and as

against 5,301 maunds during the preceding year. The approximate ~~work~~ numbers of workmen engaged in the industry was 3,500 as compared to 3,095 in 1931-32.

Commercial and Statistical Information.- Owing to widespread unemployment a large number of requests for the supply of information on technical and industrial problems were received, besides inquiries relating to trade, commercial conditions and techno-chemical problems. Periodical returns of prices continued to be supplied to many Government and semi-Government departments.

Industrial Laboratory.- Numerous industrial experiments and analyses were carried out at the Industrial Laboratory which, ~~with~~ ~~its~~ although a small-scale institution, was fully utilized, yielding valuable results. During the year this popular and useful institution was frequently called upon to advise industrialists in regard to manufacturing difficulties and to undertake analytical examination of different industrial materials. In addition to general work, a number of candidates were given short-period practical training in different branches of productive industry through instructive demonstrations. The number of inquiries on technical subjects and requests for assistance and advice has continued to increase. The total number of inquiries on technical subjects disposed of and of the analyses of minerals and materials undertaken at the Laboratory were 241 and 267 respectively as compared with 234 and 255 in the preceding year.

Cottage Industries.- Unfortunately, cottage industries did not escape their share in the fate of industries generally under the economic depression, their activities in many cases tending to stagnate. Crafts plied in the province are many and varied, of which the most important, namely, leather works, continued to receive the largest measure of attention. The report remarks that at the present stage of these cottage industries, their development should follow the lines of introduction of improved implements, direction as to the source of supply of raw materials, provision of marketing facilities and industrial finance, propaganda and organisation.

In view of the economic importance of the leather-tanning and leather-working industries, which constitute the hereditary occupation of Harijans ^(untouchables), numbering about 50,000 in the province, the Department undertook the development of these industries and, as a first step in this direction, organized an industrial co-operative society amongst the workers with the Industrial Surveyor as the ex-officio president. The other industries which received attention during the year were calico-printing and umbrella-making.

In the light of actual requirements of the cottage workers, the ~~Empire~~ Department organised demonstrations showing the practicability and advisability of the employment of improved appliances and methods of manufacture involved in hosiery-knitting, toy-making, niwar-making, rope-making, manufacture of boot and shoe laces, gur (unrefined sugar) making, weaving and spinning. The Department also demonstrated the methods employed in the manufacture of toilets, requisites and perfumes, chemicals and disinfectants, etc. The cottage workers have been evincing considerable interest in these demonstrations.

Employment Bureau. - The utility of the unemployment register which is maintained in the Industrial Surveyor's office is indicated by several hundreds of applications for employment being successfully disposed of during the year under review.

(A review of the working of the Industrial Surveyor's Office during last year was given at pages 55-56 of our August 1933 report).

(The Statesman, 12 & 13-9-1933).

Crisis in Assam Tea Industry.

According to the report on tea culture in Assam during 1932 issued by the Director of Agriculture, Assam, the condition of the tea industry is ~~reported to be~~ extremely grave. Thirty gardens were not worked during 1932, and many more, especially the smaller concerns, are expected to be compelled to close down in 1933 unless conditions improve. There are still large accumulations of tea in stock due to over-production in the past and to the diminished purchasing power of the people in the tea-drinking countries, owing to the general trade depression, and until these stocks are disposed of there is little hope of improvement in prices. Without an early and substantial improvement in the market value of the produce, the outlook for small Indian capitalists is not good and the hopes of the industry from a protective tariff, are, it would seem, not likely to come to much. There has, however, been a slight improvement during recent sales.

Number of Gardens.- The number of gardens at the close of the year was 998 as compared with 999 in the previous year. Of these, 254 gardens were owned by Indians. Thirty gardens were not worked during the year under report.

Area under Cultivation.- The total area under tea during the year decreased from 430,879 acres of the previous year to 428,012 ~~ac~~

acres, new extensions being 5,390 acres and abandonments 8,257 acres. The area plucked decreased from 402,312 acres to 399,307 and represents 93.3 per cent. of the total area under tea which is the same as in the previous year. The area owned by Indians was 46,065 acres. The total area of land comprised within the tea estates in Assam was 1,683,531 acres against 1,648,236 in the preceding year, of which 25.4 per cent was actually under tea. The area in the occupation of Indian planters was 215,066 acres.

Labour Statistics.- The daily average number of labourers employed in tea gardens during the year was 522,073 against 530,892 in the previous year, permanent garden labour being 462,774, permanent outside labour 26,870 and temporary outside labour 32,429, against 469,114, 28,087 and 33,697 persons, respectively, in the previous year. The decline in the number of labourers employed is attributed to the practice of economy owing to the depressed condition of the industry. The incidence of area under tea to labour comes to .82 acre per man against .81 acre in the previous year.

Outturn and Marketing Conditions.- The total outturn of tea in the province during the year was 257,043,694 lbs. of black tea, and 739,038 lbs. of green tea against 242,567,663 lbs. and 674,455 lbs. respectively, in the previous year, or an increase of 14,540,614 lbs. in all. The depression in the tea market continued during the year and prices declined still further from those of last year.

(The Statesman, 20-9-1933).

The Indian Tea Control Act, 1933, passed.

References were made at pages 43-44 of our January 1933 report, and pages 44-46 of our April 1933 report to the scheme proposed by the principal tea producing countries of the world to restrict the output of tea in view of the slump in the tea trade. As the legislative programme of the last Budget session of the Assembly was heavy, the scheme was given effect to, as far as India is concerned, by means of an executive measure in the shape of a Resolution of the Government of India, published in the Gazette of India of 20-5-1933 (vide pages 38-39 of our *May* 1933 report for the text of the Resolution). The Government, however, introduced a Bill in the current session of the Legislative Assembly on 8-9-1933 incorporating the provisions of the scheme agreed upon between the tea producing nations of the world. The following is the text of the Statement of Objects and Reasons appended to the Bill.-

"In October, 1932, the representatives of the Indian tea industry approached the Government of India with a view to securing their support to an international scheme for the restriction of exports of tea. The condition of the industry was precarious and the collapse of many concerns imminent. Government, therefore, expressed their willingness to consider, on its merits, any practical scheme that might be put forward. The Indian Tea Association, acting for the industry, produced a scheme which had the support of tea interests both in Ceylon and the Netherlands East Indies. The main features of the scheme were:-

- (i) that the exports of tea would be restricted to a percentage of the maximum exports from each producing country in any of the three years, 1929, 1930 and 1931;
- (ii) that the restriction scheme would remain in force for 5 years commencing from 1st April 1933; and
- (iii) that during this period existing areas under tea would not be extended beyond half per cent. of the present planted area.

The scheme ^{also} provided that the heads of agreement would be enforced in each of the contracting countries by the Government concerned.

The results of a referendum issued to all known estates have been examined and it appears that over 92 per cent of the industry, reckoned in terms of production, have expressed themselves in favour of the scheme. The Governments of Madras, Assam and Bengal, within

whose jurisdiction bulk of the tea in British India is cultivated, are prepared to restrict the issue of fresh leases for tea cultivation for the period of the agreement and have also agreed to the restriction of planting of areas already leased. Indian Associations have expressed themselves as strongly in favour of the scheme as British interests. Government have, therefore, decided to give official recognition to the scheme and to give legislative sanction to its operation. The Governments of the Netherlands East Indies and Ceylon have already passed laws to give effect to the agreement".

(Extracted from page 185 of Gazette of India, dated 16-9-1933, Part V).

In the course of the discussions over the Bill, the case of small-scale growers was urged for special consideration so as to ensure adequate protection of their interests. The Government assured the House that adequate measures will be taken in this direction. An amendment was brought forward to the effect that labour should be represented in the Tea Control Committee contemplated in the Bill. The Government explained the difficulty in giving legislative effect to the suggestion as regards areas outside British India, ~~as~~ e.g. in the Indian States, but undertook to place the suggestion before the Local Governments concerned so that the latter might make their nominations in consultation with representative organisations. The Bill was passed on 15-9-1933.

Crisis in the Currimbhoy Group of Textile Mills, Bombay.

In spite of the Cotton Textile Industry Protection (Second Amendment) Act, passed on 6-9-1933, and the hope engendered by the negotiations which have been set afoot during September, the position of the Bombay textile industry became extremely critical during the month under review. During the first week of September, three of the Sassoon group of mills, viz., the Jacob Sassoon, the Meyer Sassoon and the Edward Sassoon, employing between them 5,000 workers, closed down. In addition, the workers in the eight other mills belonging to the Sassoon group, have been given notice that, if the situation does not improve, the eight remaining mills may be closed down by the end of

September. (The Times of India, 6-9-1933).

On 18-9-1933, vague rumours to the effect that certain Bombay mills were in a bad way financially, were the cause of a severe drop in mill shares in the Bombay Stock Exchange, to the extent of 20 per cent in the case of Currimbhoy mills (The Times of India of 19-9-1933) As a consequence of this, forward business in the shares of that group of mills was suspended.

The Currimbhoy group is composed of 13 mills. The total subscribed capital of the mills under their management is Rs.21,100,000 with a total number of 538,048 spindles and 12,356 looms. They afford employment to over 20,000 hands. Of the 8 mills in Bombay, 4 had to shut down owing to the prevailing depression, namely, Premier (since 1929), Currimbhoy and Crescent (since March last) and Ebrahim-bhoy Pabaney (since June last). The remaining mills which are still working are Fazulbhoy, Pearl, Bradbury and Kastoorchand, besides the Indian Bleaching Works. At Indore they have the Indore Malwa United Mills, in Hyderabad State, the Osmanshahi Mills with the Azam Jhai Mills under construction, and in Ceylon the Ceylon Spinning and Weaving Mill.

The following table gives at a glance the subscribed capital and the number of spindles and looms of the Currimbhoy group of mills:-

| | <u>Capital</u> | <u>Spindles</u> | <u>Looms</u> |
|--------------|----------------|-----------------|--------------|
| Currimbhoy | Rs. 2,200,000 | 82,440 | 1,448 |
| Pabaney | Rs. 2,000,000 | 56,408 | 1,054 |
| Crescent | Rs. 1,500,000 | 44,688 | 1,068 |
| Fazulbhoy | Rs. 1,800,000 | 52,296 | 1,988 |
| Pearl | Rs. 2,000,000 | 53,820 | 1,760 |
| Bradbury | Rs. 2,500,000 | 36,664 | 848 |
| Kastoorchand | Rs. 7,000,000 | 83,674 | 913 |
| Premier | Rs. 2,000,000 | 14,892 | 432 |
| Indore | Rs. 2,000,000 | 46,274 | 1,422 |
| Ceylon | Rs. 1,200,000 | 18,740 | 538 |
| Osmanshahi | Rs. 5,000,000 | 24,708 | 469 |
| Azam Jhai | Rs. 1,800,000 | 19,444 | 416 |
| Bleaching | Rs. 1,200,000 | .. | .. |

H.E.H. the Nizam of Hyderabad, who had given a large loan to Sir Fazulbhoy Currimbhoy, the senior member of the firm, with a view to averting a critical situation, has now appointed a committee to investigate the position of the mills of the Currimbhoy group. The committee is now carrying on its investigations. At the same time negotiations are going on at the instance of debenture holders of certain mills for the transfer of their managing agencies and it is hoped that a satisfactory settlement will be arrived at soon.

(The Times of India, 28-9-1933)

Employment and Unemployment

Unemployment in Assam:

Recommendations of the Assam Advisory Board of Development.

The unemployment problem in Assam has been engaging the attention of the Assam Advisory Board of Development for some time past, as a result of which a Committee has been formed to devise schemes for solving the problem. It is reported that the Advisory Board, presided over by Mr. I. Majid, Director of Industries, Assam, has already made several recommendations to the Assam Government regarding the subject. The more important of the Board's recommendations are given below:-

The Advisory Board has recommended to the Government that a survey be made of the industries of the province with a view to improving existing industries and investigating possibilities of starting new ones and requested the Government to provide the funds necessary for the purpose. The Board is of opinion that a few rural uplift centres should be opened in selected areas, the work to be undertaken by the Registrar ^{of} Co-operative Societies in co-ordination with other nation-building departments. Another recommendation was the formation of associations in district and sub-divisional headquarters to co-ordinate the activities of the various departments, local bodies and non-officials interested in rural welfare. The Board also urged that sufficient funds be placed at the disposal of the Registrar of Co-operative Societies, Assam, to help the existing co-operative land mortgage banks and to finance new ones which should be opened in suitable places.

(The Statesman, 23-9-1933).

On the 12th Sept, 1933, the Assam Legislative Council accepted a resolution to appoint a committee, with the President of the Council as chairman, to suggest a solution for the unemployment problem of Assam.

Social Conditions.

Agricultural Training for Prisoners:

A Punjab Experiment.

Opinion is gaining ground in India that prisoners, during the period of their enforced stay in jails, should, instead of wasting time and energy in the drudgery of the ordinary routine of prison labour, ~~should~~ be taught some trade or occupation, which will help them to earn an honest living when released from jail. In India, where agriculture is the occupation of the overwhelming majority of the country's population, the majority of the prisoners belong to the agriculturist classes and it has been felt that the period of imprisonment should be utilised for the imparting of agricultural training to such prisoners as are likely to take up agricultural work on release. An experiment in this direction has recently been made in the Punjab, where at Ludhiana a Jail Demonstration Farm has been opened on 5-9-1933 by Colonel F.A. Barker, Inspector General of Prisons, Punjab. The venture is the first of the kind in India. The Demonstration Farm is under the personal supervision of an agricultural expert.

(The Statesman, 7-9-1933).

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Social Conditions.

Prevention of Dedication of Devadasis Bill, 1933:

Bombay Legislation.

On 14-8-1933 a Bill was introduced in the Bombay Legislative Council to put a stop to the practise of dedicating women as Devadasis (Servants of God) in Hindu temples in the Bombay Presidency. The statement of objects and reasons appended to the Bill surveys the progress of this movement in India and is quoted in full below:-

Statement of Objects and Reasons.

The practice of dedicating girls to Hindu temples for purpose of service to the idol exists in the Bombay Presidency. This is done in various ways, and under different names. The common notion, however, which influences the practice, is that the girl should become a "servant of God" (Devadasi) at a young age, remain unmarried for life and devote herself to the service of the idol. Doubts have been expressed by experts whether this practice has any sanction in Vedic Hinduism. Many ascribe it to an aboriginal origin. But whatever its source or original purity, there is no doubt that, in recent times, the practice has degenerated mainly into a method of initiating young women to a life of immorality and prostitution, which in many cases, become compulsory by reason of the cruel custom that a girl so dedicated cannot contract a valid marriage.

It is, therefore, highly desirable and expedient to terminate this practice and permit the girl to contract a valid marriage. Attempts have been made in the past to put an end to this practice, but they have been more or less indirect, and have not produced the desired results. Experience shows that the provisions of sections 372 and 373 of the Indian Penal Code have been evaded. Consequently, a few provinces in British India like Madras and the United Provinces of Agra and Oudh, have been compelled to adopt legislative measures directly dealing with this evil. Likewise, the Mysore Government, after consulting expert opinion from the point of view of Hindu Shastras, thought it necessary to pass orders as early as 1909, directing the exclusion of Devadasis from service in temples in the State and also laying down the manner in which the cash emoluments of Inam lands attached to the said service should be treated. Similar provisions for the enfranchisement of such lands and emoluments have been adopted at Madras, and it is high time that such measure dealing with this evil is passed in the Bombay Presidency.

The Mysore Government observed in their order referred to above, that whatever might be the euphemism by which the true nature of the (dedication) ceremony was concealed, it had an intimate connection with the profession of a prostitute or dancing girl. They were, therefore, not prepared to allow the performance of such a ceremony in the State temples and were satisfied from the depositions and the opinions of the authorities concerned that no hardship would be

caused by the prohibition of such ceremonies in temples. This is indeed very high and valuable testimony, proceeding as it does from a Government over which an enlightened Hindu Ruler presides, and which has singular opportunities of consulting Shastric authorities and the Hindu sentiment relating thereto. Similarly Her Highness the Dewagar Maharani of Travancore State has passed an order to prohibit Devadasis from service in temples in the State; His Highness the Chief of Sawantwadi State has passed an Act in 1931 making illegal the dedication of girls to temples and prohibiting such women from service in temples in the State; and the Portuguese Government of Goa has also passed an Act in 1930 making illegal the practice of dedicating women to temples in the Portuguese territory.

Since the passing of the foregoing orders public opinion has more strongly insisted on the suppression of this evil, and several appeals have been addressed to Government and the moral sense of the Hindu community by men and women associations, including a few in which enlightened members of the Devadasi community whole-heartedly joined.

(Extracted from pages ~~1028~~¹⁰²⁶-1031 of Part V of the Bombay Government Gazette, dated 13th September 1933).

(For previous references, vide page 65 of September 1931 report for the abolition of Devadasi system in Savantwadi State; pages 73-74 of July 1930 report for Travancore State; and pages 58-61 of January 1930 report for Madras).

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Public Health.

Labour Housing in Ahmedabad.

Reference was made at pages 59-60 of the report of this Office for August 1933 to a scheme for housing Ahmedabad millworkers drawn up by the local Millowners' Association. In order to have an estimate of the need for housing, the Association conducted a census of Ahmedabad mill hands and of the tenements now available in the city for habitation. The report ^{of this census} shows that there are in all 45,488 rooms for working classes out of which 4,963 are unsuitable for living. Of the total 45,488, 14,742 are new and 30,746 are old, with rents varying from Rs.3 to Rs.6 per month. The working class population is 136,001 out of which 80,000 are mill workers. 5 per cent of them live in surrounding villages and about 45,000 families require dwellings. The report recommends that as private enterprise for building "chawls" is on the increase, the Municipality should compel the chawl owners to improve the old chawls and remove such tenements as are found unfit for habitation. The mill owners are to erect 1000 tenements for workers within the next three years, and this, it is hoped, would solve the housing problem. The local Labour Union has, however, challenged the accuracy of the figures collected by the mill owners. It will be remembered that the Municipality drew up a scheme of municipal housing but that the Millowners' Association persuaded the Municipality to abandon their scheme in favour of the scheme sponsored by the Millowners' Association so as to avoid additional local taxation. The Labour Union is not satisfied with the arrangement as it apprehends trouble for the tenants during the periods of strike if the tenements are put up by the millowners. In the

meantime the Labour Association is proceeding apace in pushing forward its programme of housing. The Association has sponsored a housing scheme to enable the lower paid employees ultimately to own their own houses.

(The Indian Labour Journal, Nagpur, 17-9-1933).

Co-operation.

Co-operation in Hyderabad, Deccan, 1931-32.

According to the annual report of the Registrar of Co-operative Societies in H.E.H. the Nizam's Dominions, for the year 1340-1341 Fasli (the year ending 6-7-1932), there were 2,431 societies of all kinds working at the end of the year, as against 2,314 ^{in the previous} ~~last~~ year. The membership increased from 67,544 to 72,125. Among these, there were 42,100 members of agricultural societies, recording an increase of about 2,000. The working capital of the societies in the State showed an all-round increase from Rs. 21,112,655 to Rs. 22,231,553, the net increase being over Rs. 1.1 millions. Societies of the British Administered Areas increased from 18 to 19, and their membership from 6,173 to 7,618. Their working capital went up by over Rs. 100,000 to Rs. 699,536.

Dealing with the general economic conditions in the State in their relation to cooperation, the Registrar remarks:

With the poor yield and quality of produce, the small cultivator cannot manage long to carry on agriculture as a paying concern in the face of a falling market. With prices reduced to less than half their former level, the interest charged at the old rate by credit societies is proving doubly oppressive ^{to the cultivator}. As a producer who more often than not has got to borrow in order to carry on his trade, he is faced with the handicap of contracted credit and the necessity of meeting the relatively high interest charges of ~~the~~ society. Under existing circumstances he is finding it practically impossible to obtain fresh accommodation for his seasonal requirements and this in turn is tending to stagnate the business of the central banks. Co-operators can only watch the situation, for unaided they cannot attempt anything effective. The question of cheaper co-operative credit is closely interlinked with the Government's policy with regard to the money-market, and their attitude towards co-operative finance. The coming years, unless trade revives, do not, therefore, promise well for the development of the credit movement. The department will have to seek new avenues of co-operative growth. Apparently co-operative societies for the marketing of produce and the dissemination of

information regarding,

better methods of farming are the types through which useful work can be done in the interests of the agricultural community.

✓ (The Progress of Co-operation in Hyderabad State during 1929-30 is reviewed at pages 34-35 of our February 1931 report and that for 1930-31 at pages 53-54 of our November 1932 report).

(The Hindu, 24-7-1933).

Women and Children.Bombay Women's Labour Conference, Bombay.

The Bombay Presidency Women's Council held a conference at Bombay from 23 to 26-9-1933 to discuss various aspects of labour as it affects women and children employed in factories. This is the first time a Conference has been organised by the Bombay women to discuss exclusively labour problems. The Conference was presided over by Lady Vidyagouri Ramanbhai Nilkanth and was attended by delegates from the Bombay Presidency Women's Council and societies affiliated to it as well as from several of the labour unions in Bombay City, Ahmedabad and Sholapur. Over two hundred women were present at the Conference.

The Conference was the outcome of the interest taken by the Bombay Women's Council in the labour problems affecting women. In order to make a special study of them, the Council appointed in March 1933 a Sub-Committee which has collected a mass of useful information. The primary object of the present Conference was to broadcast the present condition of women workers and to create a well-informed public opinion to ameliorate these conditions. The programme of the Conference consisted of visits to workers' chawls, creches, unregulated industries, and other welfare centres and institutions, and lectures by responsible persons on questions affecting labour and meetings for women workers in labour areas.

Presidential Address.- In her presidential address Lady Nilkanth stated that labour had several aspects — social, moral, economic and political. All these were naturally interdependent, but in her opinion the Women's Council would more profitably concentrate its attention on the social and moral sides of the question. The principal requirements of labour are fair wages, good housing with moral surroundings, medical aid and education. Since wages are essentially an economic question the speaker did not touch on this topic but went on to the next requirement — housing — and described the slums in

which the labouring classes usually dwell. It was of first importance that this state of affairs be improved. The next need was proper medical aid which, she contended, was provided by employers only so far as the factory regulations required. She appealed for instruction to be imparted to working classes on the subject of birth control, and adequate arrangements be made for the proper supervision of children in creches. As regards the need for education among workmen, Lady Nilkanth stated that much of their evil habits was due to their utter ignorance. Once taught to read and write, and educated in other ways, they would be able to take care of themselves in many directions. Night schools were an absolute necessity, and if social workers could manage to get these, the rest will follow.

Mr. Deshpande's Address.- Mr. S.R. Deshpande of the Bombay Labour Office gave a broad outline of Indian Labour Legislation as it affected women and children, making particular reference to the Bombay Presidency. In stressing the vastness of the field over which any activities resulting from this Conference would operate, Mr. Deshpande pointed out that in 1932 there were in the presidency 1852 factories employing 389,647 workers and of these 73,977 and 2,792 were women and children respectively. The post war period has witnessed a tremendous increase in labour legislation, and this acceleration of its force can be ascribed mainly to two events — the institution of the International Labour Office and the appointment of the Royal Commission on Indian Labour. He enumerated the many acts dealing with labour. In conclusion, Mr. Deshpande said that the State had done its part in making laws, but that the success of all social legislation depended not only on the will of the State to enforce it but by the effective exercise of their rights by those whom it seeks to protect. It also depended upon the keenness of public conscience in bringing to light any breach of law as a part of public duty.

(The Times of India, 25-9-1933)

Other lectures delivered at the Conference were: "Health Service for Industry" by Dr. ~~Vakil~~ Vakil of the Simplex Mill; "Things for Women Workers to Learn" by Mrs. K. Wagh of the Bombay Labour Office; "Women Workers in America" by Mrs. S. Annegiri, Principal, Karve Kanyasala; "Labour Office in Mills" by Mr. Dalal of Messrs. E.D. Sassoon and Co.; and "Our Responsibility towards Industry" by Miss F.E. Hawkins.

The Conference, among other things, resolved upon the following:-

- (1) To form "Study Circles" for studying labour problems;
- (2) To recommend to the Development Department to arrange for lights in passages in their chawls for the workers;

- (3) To ~~x~~ persuade Millowners to henceforth employ educated women as "Naikins" (women jobbers), in order to do away with the harmful practices of the existing uneducated naikins;
- (4) To support, (and to make public agitation for ^{the} same) the new Factories Bill that is before the Legislative Assembly;
- (5) To attempt to remove liquor shops in the neighbourhood of working areas; and
- (6) To ~~x~~ visit creches, with a view to improve the same.

Education.Compulsory Education for Delhi Labourers' Childrens;Municipal Sub-Committee's Recommendations.

The education of the children of the labouring classes in Delhi has been engaging the attention of the Delhi Municipal Committee for the last two years. The recommendations of the Royal Commission on Labour were recently discussed at length by a special Sub-Committee of the local Municipality. The negotiations and consultations appear to have now reached a stage when definite steps will be taken to give effect to the recommendations of the Commission on the lines suggested by the Municipality's Sub-Committee, after the Sub-Committee's views are reviewed by the general meeting of the Municipal Committee.

The following are the more important of the re-commendations made by the Municipal Sub-Committee on education of workers' childrens:

Extension of Compulsory Primary Education Act.- Regarding compulsory primary education the Sub-Committee has recommended that necessary steps be taken for the application of the Compulsory Primary Education Act to the industrial areas of the city. It has also observed that the Compulsory Primary Education Act has not so far been extended to several parts of the city wherein a very large number of the children of factory and mill-workers reside.

Child Welfare Centres.- The Sub-Committee also suggest that Child Welfare Centres and ~~the~~ Women's Clinics opened by industrial managements should be encouraged by being given grants, etc.

Influence in Local Self-Governing Bodies.- The Sub-Committee very strongly endorses the following recommendation of the Royal Commission and suggests that Government be asked to take action in the matter immediately:-

"Whereas there is a substantial industrial population, it should receive, by means of a franchise or in some other way, the power to exercise an adequate influence over the policy of local self-governing bodies". (Vide page 464 of the Report).

(The Hindustan Times, 4-9-1933).

Migration.Indian Labour in Siam;Questions in Assembly re. Alleged Illtreatment.

Reference was made at page 74 of our July 1933 report to the allegations of "inhuman treatment" meted out to Tamil (Madras) labourers in Sengorra District, Siam, made by Dr. Lanka Sundaram after his recent tour of the district and to the notice given by Mr. Gaya Prasad Singh, M.A.L., of a series of questions based on Dr. Sundaram's statement to be asked in the August Session of the Legislative Assembly. In reply to the questions, the following details regarding the subject were given by the Government on 29-8-33:

A certain amount of migration of Indians from Malaya into Siam appears to be going on, though, considering that the number of Indian labourers in the area mentioned is understood to be only about 200, the volume of such migration must be small. Government have no information as to whether it is voluntary or induced by employers of labour in Siam. Indians assisted to migrate from India to Malaya are entitled to repatriation at the expense of the Indian Immigration Fund under certain conditions. Those who cross over from Malaya to Siam and then return to Malaya would also appear to be entitled to repatriation to India provided that those conditions are fulfilled. The approximate number of labourers who have migrated from Malaya to Siam now in the Sengorra area is understood to be about 200. Enquiries into the conditions under which they work and live have recently been made by His Majesty's Vice Consul at Sengorra and it is intended that as soon as the Government of India's new Agent has taken over his duties in Malaya and can conveniently visit Siam, he should, with the permission of the Siamese authorities, do so in order to look into the question of immigration and to investigate the condition of the unskilled Indian labourers there. In the meanwhile Government are in communication with His Majesty's Minister at Bangkok and, acting on his advice, are awaiting the report of the British Agent for Malaya. As soon as that report is received, the Government propose taking steps to bring to the notice of the Government of Siam the state of affairs as shown by that report and the attitude that, in the opinion of the Government, they should adopt towards it.

(Summarised from Legislative Assembly Debates, dated 29-8-1933, Vol. V. No.5. page 357.)

Resumption of Labour Recruitment for Malaya:

Emigration Standing Committee's Conditions.

Reference was made at pages 71-72 of the July 1933 report to the rise in rubber prices in the Federated Malay States and to the fact that the Malayan Government have approached the Government of India with a proposal to permit recruitment of labours for the rubber estates in the Colony. The proposal made by the Malayan Government was considered on 9-9-1933 at the meeting of the Standing Committee on Emigration of the Legislative Assembly. The following is a brief review of the position up to date:

Fall in prices lead to reduction in wages.- The Government of Malaya in their representation to the Government of India informed, ^{that} that all recruitment of emigrants from India for Malaya had been stopped and only such persons are now assisted to emigrate as have left their families in that country. This restriction was forced upon the Malayan Government owing to trade depression in general and in the rubber industry in particular. At first they proposed a reduction of 20 per cent. in the standard wages of Indian labourers and the Government of India felt that they had no reasonable ground for objecting to the reduction as salaries, agency fees, directors' fees, etc. had all been reduced and all factors engaged in the production of rubber were bearing their proportionate share in the sacrifice. They, however, represented to the Colonial Government that all Indian labourers who wished to be repatriated either because they were thrown out of employment or because they were unwilling to work on lower wages than standard rates, should be repatriated free of cost and that a scheme of repatriation similar to that sanctioned by the Government of Ceylon should be adopted in Malaya.

Wholesale repatriation in 1931, 32 and 33.- The Government of India have not yet received a reply to this reference, but it appears that their suggestion has been accepted, since nearly 73,000 Indians were repatriated from August to December 1930, against 2,000 for the corresponding period in 1929. The trade depression grew worse year after year since 1930 and the average price of rubber fell by half in 1932 as compared to two years previously, resulting in the closing down of many estates and a reduction of labour forces in the rest. Unemployed labourers including minors and infants repatriated during 1930, 1931 and 1932 were 77,761, 56,119, and 56,476 respectively.

Rubber revival leads to fresh demand for labour.- This exclusive repatriation, coupled with the stoppage of recruitment, had resulted in the reduction of Indian labouring population in Malaya from 351,304 in June 1930 to 180,532 in June 1932. The Agent to the Government of India in British Malaya had not been able to give a definite answer

to the question whether the existing supply of labour in the colony was adequate to meet the sudden but substantial rise in demand which may be created by the rise in the price of rubber and consequent re-opening of estates and small holdings which had been closed as a result of the depression. All that he stated in April was ~~ix~~ that there was no shortage of labour. Since then there has been a steady rise in the price of rubber. The average price of the commodity at Singapore which stood at 6³/₈ cents per lb. in March rose to 12³/₄ cents in July last. It is hoped if this rise becomes stabilised there is a possibility that the industry will need more labour.

Standing Committee's Views.- The Emigration Committee was asked to consider whether the request of the Colonial Governments for resumption of non-recruited assisted emigration from India be acceded to and if so on what conditions. Another important aspect of the question before the Committee was to ask the Malayan Government to effect improvement in the minimum rates of wages which have been reduced by 20 per cent. owing to depression and impress on the Colonial Government the importance of the renewal of repatriation facilities in case there was a reaction in the present improved conditions. The ~~Committee~~ Committee is reported to have taken the view that labour should be supplied subject to the conditions that recruitment should be on a voluntary basis and that, as far as possible, the old standard of wages should be restored.

(The Leader, 11-9-1933)

Plight of Returned Emigrants in India:

Question in the Assembly.

References were made at pages 73-75 of our October 1932 report and at pages 65 to 66 of our November 1932 report to the plight due to unemployment of nearly 1,000 repatriated Indians who had colonised at Matiabruz, a suburb of Calcutta. Questions were asked in the Legislative Assembly on 28-8-1933 regarding the developments subsequent to the Government of India's statement on the subject made in

the Legislative Assembly on 16-11-1932 (vide pages 65-66 of our November 1932 report for the summary of the statement). The following details regarding the condition of the returned emigrants were elicited as a result of the questions:-

"On the 20th December, 1932, the Government of India had suggested to the Government of Bengal and the Committee set up by that Government to look after these emigrants that a permanent solution of the problem created by their presence in Calcutta should be sought by inducing such of them as were genuinely anxious to profit by Government aid (a) to shift from Calcutta to villages in Bengal where offers of work or land might be forthcoming, or (b) to take advantage of schemes of colonisation in other provinces, or (c), in the last resort, to find work or land for them in or near their village homes in the provinces of their origin. Investigation disclosed the fact that offers of work or land in Bengal were not forthcoming. Inquiries made from the Governments of Bihar and Orissa and Madras with regard to the possibility of finding work or land for these returned colonists in or near their original villages proved unfruitful. The Government of the United Provinces alone offered to co-operate in settling at least some of the returned emigrants in Mirzapur district. The situation was then discussed with the Government of Bengal and, with their full concurrence, it was decided to help such of the returned emigrants as were genuinely willing to take advantage of the prospects of land settlement in Mirzapur to migrate there. As regards those who were unwilling to take advantage of this opening, it was decided to inform them that the ~~gratuitous~~ relief would be discontinued after a certain date and if ~~gratuitous~~ relief was accordingly discontinued with effect from the 19th March, 1933. It cost Government, Rs. 6,153. The majority of those who had been in receipt of relief in the Camp at Akhra refused to go to Mirzapur. The Government of India have undertaken to defray the cost of their transport from Calcutta to the estate, to maintain them there for a reasonable time until they can support themselves which, it is hoped, they will be able to do after they have raised one crop and also to advance funds to enable them to build houses and purchase agricultural implements and cattle. This is estimated to cost Rs. 4,400 of which a portion would be recoverable as taqavi. For the few, who, although they were willing to go to Mirzapur, and could not be settled there, the Protector of Emigrants in Calcutta has been placed in funds to make compassionate grants in order to enable them to maintain themselves until they can find some work".

(Summarised from Legislative Assembly Debates of 29-8-1933, Vol.V, No.5).

Indians in Kenya.

The Government of India (Department of Education, Health and Lands), issued the following Press Note on the 11th August 1933;

"In the third week of June, the Government of India received a representation from the East African Indian National Congress to the effect that there was a move on the part of the European non-officials in Kenya to press His Majesty's Government for further control in the Colony's government. About the middle of July they made a further representation that the European settlers were demanding the creation of a statutory Finance Committee with European elected majority. On receipt of each representation the Government of India made urgent inquiries from the Secretary of State as to the exact position and requested that, if any change in policy regarding the constitution of the Colony was contemplated, both they and the Indian community in Kenya would be given adequate notice and opportunity to place the Indian point of view before His Majesty's Government. Information has now been received from the Secretary of State for the Colonies, who also received a representation from the East African Indian National Congress submitting that no justification existed for any such constitutional change as the creation of a statutory Finance Committee with European ~~majority~~ elected majority, that he has requested the Officer Administering the Government of Kenya to invite the attention of the East African Indian National Congress to the reply given to the Right Honourable Captain F. Guest, M.P., on the 21st June in the House of Commons and to the official report of the debate on the Colonial Office Vote on the 14th of July in which Sir P. Cunliffe-Lister reiterated the intention of His Majesty's Government to stand by the findings of the Joint Select Committee of Parliament on East Africa. It will be remembered that in paragraph 75 of their Report, the Joint Select Committee on Closer Union in East Africa stated that the control of His Majesty's Government in the United Kingdom must remain & unimpaired and that in paragraph 96 - 98 of the same report, the importance of an official majority in the Legislative Council of Kenya was emphasised".

(Council of State Debates, 29-8-1933, pp.67-68, (Vol.II,No.1

The communique of the Government of India failed to reassure Indians in East Africa, and a deputation of Kenya Indians headed by Mr. I.M. Jivanjee, O.B.E., President of the East African Indian National Congress, arrived in India towards the end of August to impress upon the public and the Government the urgent importance of combating the European's new move for the financial control of Kenya. On their arrival Mr. Jivanjee issued a lengthy statement on the position of Indians in Kenya, a summary of which is given below:-

"While it seemed at the end of 1930 that the Indian fight for the attainment of a franchise on an equal basis with European voters with a common roll was on the point of success, a change of Government in England frustrated these hopes. While no change was made in the constitution of the colonial legislature, the Indian demand was also rejected. The East African Indian National Congress maintained a policy of non-participation in the business of the legislature till the middle of 1933 when it was given up, and the Congress reserved the right of opening the question at a suitable opportunity.

"The demand of the European community two months' ago for Statutory Control of Colonial Finance, coupled with an allegation that the support of the Secretary of State for the Colonies could be easily enlisted in favour of the claim, greatly disturbed the Indian community in Kenya. Though the assurances received by the Indian Government from Whitehall give relief, the perturbation of feelings is so great that certain additional safeguards against the European community acting in a similar manner in the future have been considered.

"The elected European members' organisation may or may not represent wholly, about 15,000 Europeans in the Colony, but they certainly do not represent 37,000 Indians and 3,000,000 Africans living in Kenya. The Government of Kenya are aware of this and yet instead of devising adequate means for securing the protection of Indian and African interests, preponderance is always being given both in local affairs and in representations to the Imperial Government to the view point presented by the elected European members of the Legislative Council. The result of this has been to keep the Indian community in constant danger of losing its economic position and the few and unequal political rights that they now possess in the country.

"Adequate protection for Indian interests does not exist even with the maintenance of the present official majority on the Legislative Council and the presence of five Indian members. The time has arrived when guarantees must be forthcoming both from the Imperial Government as well as from the unofficial Europeans that the vast Indian interests will be respected. (The Times of India, 31-8-1933)

"The only existing safeguard is the theoretical power of the Governor to reject racial legislation by the use of the official majority in the Council or the Crown's veto. Recent events have shown, however, that this safeguard is only illusory and is not very useful in times of crises. Indian interests have necessarily to go under when the unofficial Europeans seek alliance with influential elements or personalities in England or in the Dominions. It is essential, therefore, that the Indian panel or the Legislative Council of Kenya should be treated as distinct from the elected European bench. The opinion of the Indian representatives should be recorded by itself and should be given that weight to which the community is entitled by reason of its number and its vested interests. This can be secured by increased representation of the Indian community coupled with the introduction of a common voters register based on an equal franchise both for Asiatics and Europeans.

"The Indians in Kenya wish to live in peace and develop the country's resources. They are specially interested in the progress and the well-being of the African races and they desire that their efforts in the direction of the development of the economic wealth of the country should not be hampered from time to time by the unreasonable and impossible demands of the European community".

(The Hindu, 31-8-1933).

South African Indians and the Colonisation Enquiry.

Reference was made at pages 70-71 of our June 1933 report to the appointment of the Colonisation Enquiry Committee contemplated by the last Cape Town Conference. It was indicated in our report that, as the object behind the Colonisation Schemes which the Committee is expected to propose, is to get the Indian settlers in South Africa out of the country, opinion among Indians in South Africa has been divided as to the feasibility of co-operating with the Committee. The Committee started its sittings from the first week of August 1933 and the South African Indian National Congress decided, at an extraordinary session held ^{for the purpose,} to co-operate with the Enquiry Committee and nominated Mr. S.R. Naidoo as the Community's representative in the Committee. This action of the Congress has created wide resentment, especially among the younger sections of the community. At a mass meeting of the non-co-operators held at Durban, resolutions were passed protesting against any enquiry which has for its object the holding out of temptations to South African Indians to leave the Union and settle abroad, and condemning any endeavour made by South African Indians in the direction of co-operation with the proposed colonisation scheme as "totally undesirable and unworthy". A special emergency session of the Congress was held on 19-8-1933 to review the situation at which, its earlier decision to co-operate was reaffirmed by a large majority.

Repatriated South African Indians in Madras:

Their Appeal for Government Help.

A meeting of the repatriated South African Indians resident in Madras was recently held under the presidentship of Dr.P.Varadarajalu

Naidu, to discuss their unemployment and to find out ways and means for their settlement in the City. At the meeting the various disabilities under which the repatriates were suffering after their landing in India were explained.

"In South Africa social and economic amenities were denied to them and they were treated as worse than serfs. When the repatriation scheme was brought to their notice, they consented to leave South Africa with hopes of a better life in India. After coming to India and staying there for some time they thought that they had committed a great blunder in leaving South Africa. The repatriates appealed to the Government to ~~be~~ help them to go to South Africa by meeting the expense incurred by the Union Government. If that was not possible, they wanted that some effective means for settling them in India should be considered. In the same manner in which the Government took a keen interest in the ex-army-men, the Government should issue orders to the heads of departments to employ the repatriates. They might be taken in certain industrial concerns such as textile institutions and Government agricultural farms maintained by the Government for purposes of ~~an~~ experimentation. A factory or mill could be purchased in which most of them might be employed. A housing scheme might also be undertaken by the Government and thus they might be provided with the necessary lands and funds for building purposes. They suggested that the staff maintained by the Government to help them might well be dispensed with and the funds spent on that department might be utilised for the aforesaid purposes. They asked the Government to give them the same concessions that were granted to the Harijans, and that their boys might be given education and other facilities."

Three important resolutions were passed at the meeting, the first requesting the Government of India and the Government of Madras to help the South African repatriates in securing employment, ~~the~~ second appealing to the Local Bodies to give preference to the repatriates in the matter of employment and the last requesting the Corporation of Madras to give them facilities for building suitable dwellings in the City.

(The Hindu, 4-9-1933).