2. LEGISLATION RELATING TO WORK CONDITIONS

The modern industrial economy is characterized by the power-driven factory system, that is, application of mechanical power and concentration of productive process in factories. Really speaking, industrial labour should mean all labourers employed in all sorts of industries, including cottage industries. But, in India the term is used in a restricted sense to include only workers employed in organized industries as are covered by the Indian Factories Act. Industrial labour in this sense is only about 2.4 percent of India’s total working population. But on account of its organized character and contribution to national income, it occupies an important place in the economy of India.

The first Factories Act was passed in Great Britain where the Industrial Revolution started first in the second half of the 18th century. As a result industry gradually became factory-based instead of cottage-based. The scale of production and the use of machinery increased. Naturally, to ensure the smooth functioning of the factory system a mechanism for controlling work conditions in factories was needed. In India industrialization started in the later half of the 19th century.

In India before the introduction of welfare and other pieces of legislation, the conditions of labourers were miserable. Exploitation, long working hours, absence of safety measures were the regular features of factory life. During the early period
of industrial development, efforts towards improvement of work-conditions were made mainly by social workers, mostly on humanitarian grounds. As a result, the Apprentices Act 1850, Fatal Accidents Act 1853, and Merchants shipping Act 1859 were passed.

To improve the work condition of Indian labour the first Factories Act was passed in 1881. The poor conditions of labour in the textile mills in Bombay during those days as observed by Factory Commission of 1875 were the immediate cause for passing the act. The Act applied to the factories employing not less than 100 persons using power. Employment of children below the age of 7 was prohibited; children between 7 and 12 years were not to work more than 9 hours a day. One hour's daily rest and 4 holidays in a month were prescribed for children. The Act did not give any protection to the adult labourer. In the year 1884 The Mulock Commission was appointed by the government of Bombay to review the working of the Factories Act of 1881. Under the pressure of labourers, the Bombay Mill-owners' Association demanded for a weekly holiday to the Commission. As a result of the recommendations of the Bombay Factory Commission of 1884 and the Factory Labour Commission of 1890, the Government amended the Factories Act in 1891. It applied to all factories employing 50 persons or more. The age limit for child labour was raised from 9 to 14 and their work hour was limited to 7 (between 5.00 am and 8.00 pm). Employment of women between 7.00 p.m. and 5.00 a.m. was prohibited. Women were allowed to work for maximum 11 hours in
a day with one and half hour rest. Provisions were made for better ventilation, cleanliness and prevention of overcrowding in factories.

The first Factories Act (1881) did not provide for any factory inspection to enforce its provisions. The district magistrates and civil surgeons were ex-officio inspectors under those acts. The Factory Labour Commission (1906) severely criticized this system of inspection and felt that those officers did not perform their duties adequately and efficiently. As a result of their recommendation the appointment of factory inspectors was made compulsory in the Factories Act, 1911.

On the basis of the recommendations of the Commission a more comprehensive Factories Act was introduced in 1911. It was applicable also to the seasonal workers. The hours of work for children were reduced to 6 hours per day. 12 hours of work in a day for one adult male worker were specified for the first time. Certain provisions for health and safety of the industrial workers were made.

The International Labor Organization (ILO) was established in 1919. The aims and purposes of ILO are given in the Preamble to its constitution and in the Declaration of Philadelphia, adopted in 1944 and finalized in 1946. The Preamble affirms the universal peace can be established only if it is based upon social justice. Hence it draws attention to the existence of labour conditions involving
injustice, hardships and privation to a large number of people and declares that improvement of these conditions is urgently required through such means as the regulation of hours of work, prevention of unemployment, provision of an adequate living wage, protection of workers against sickness, diseases and injury from employment, protection of children, young person and women. The ILO has devoted considerable attention to the condition of work at workplaces and to the health, safety and welfare of workers. The ILO has done much to improve work and living condition of the people throughout the world. The government in our country has tried to follow its Conventions through appropriate legislation.

All these created the background for a new factory law. After industrial unrest in 1919-20 the Government of India passed the Indian Factories (amendment) Act, 1922. It was applicable to all factories using power and employing not less than 20 persons. Children below 12 years were not to work in factories and those between 12 and 14 years were to work for a maximum of 6 hours a day. The hours of work were limited to 60 in a week and 11 in a day for the adult workers. Factory inspection system was improved by the appointment of full time qualified factory inspectors.

To enquire into the existing conditions of labour mainly in industrial undertakings the Royal Commission of Labor under the chairmanship of J.H. Whitley was appointed in 1929. After making an in-depth survey on different aspects of health,
welfare, efficiency, working conditions and employer-employee relations, the Commission submitted its report on March 1931 and recommended the enactment of a number of legislations. The Government accepted most of the recommendations. The Factories Act, 1934, introduced a number of important changes. It made a distinction between perennial and seasonal factories. The hours of work for children between 12 and 15 were reduced from 6 to 5 per day, while those for women from 11 to 10. The Act had provisions for improvement of working conditions, and for the first time provision was made for rest sheds and crèches in large factories. To investigate the working conditions and housing conditions of industrial labour a number of committees had been set up by the various provincial governments viz. Bombay Textile Labour Enquiry Committee (1937), Kanpur Labour Enquiry Committee (1937), Central Provinces Textile Labour Enquiry Committee (1938) and Bihar Labour Enquiry Committee (1938).

In the year 1944 the Government of India appointed the Labour Investigation Committee (Rege Committee) to investigate the problems relating to wages and earnings, employment, etc. The Committee covered a large number of industries and went into details of the work conditions: rest and recreation, crèches, canteens, medical aid, washing and bathing facilities, educational facilities including welfare measures. In the same year the grand Charter of Labour, known as the Philadelphia Declaration, mainly said, “Labour is not a commodity”. This was
adopted by the member states of the I.L.O. The Government of India has enacted a number of laws for the welfare of the working classes.

After independence, mainly on the basis of the recommendations of the Rege Committee, the Government of India enacted the Factories Act, 1948. Using the wide experience of Factories' Law, Sir Wilfrid Gaverett drafted this legislation in detail. The Factories Act of 1948 actually came into effect from 1st April 1949. This comprehensive act applied to all establishments employing 10 or more workers where power is used and 20 or more workers where power is not used and where a manufacturing process is being carried on. It has many important provisions regarding health, safety, welfare, employment of young persons, hours of work, holidays and leave with wages. Though the Act is Central its administration rests with the state government. Since labour is in the Concurrent List of the Constitution of India, States of Indian Union also have jurisdiction and power to enact legislation relating to labour taking into account the needs and local conditions of labour in the respective States. Article 246(4) of the Constitution of India empowers the Union and the States to legislate on the whole gamut of labour related issues ranging from trade unions, industrial relations and disputes, social security, employment, unemployment, welfare of labour, conditions of work, provident funds, employers liability, workmen's compensation, invalidity and old age pensions to maternity benefits.
While the States laws should, conform to the central labour laws and should not go against or contrary to centrally enacted labour laws, the States have the power to either to accept a Central law as it is enacted in the Parliament or to enact a separate legislation on the same subject taking into the account the needs of the State. States have the power to make rules as administrative authorities to implement the laws so that the purposes of the legislation are served.

Union Government controls the legal jurisdiction of applying labour laws in certain establishments like railways, defense and other industries which are regarded as nationally very important even though such establishments may be functioning within the States of Indian Union. Jurisdiction over labour disputes in these important establishments is kept with the Central Government.

In independent India various labor welfare proposals were incorporated in different five-year plans. During the Second Five-Year Plan (1956-61) the need for better work conditions had been recognized and several states enacted legislation to regulate the work conditions. Third Five-Year Plan (1961-66) also recommended improvement in working conditions and productivity and efficiency on the part of workers. As a result, the Maternity Benefit Act, 1961, Apprentices Act, 1961, Payment of Bonus Act, 1965 was passed. During Fourth Five Year Plan (1969-74) different labor welfare laws had been passed, e.g. the Contract Labor (Regulation and Abolition) Act, 1970, the Payment of Gratuity Act, 1972. Fifth
Five-Year Plan (1974-79) also laid down programmes for industrial safety in increasing measure and setting up of safety cells in various states. The Eighth Five-Year Plan laid stress on improvement in quality of labour productivity, skill and working conditions etc. Ninth and Tenth Plans also have given stressed on factory work conditions.

As a result, the Factories Act was amended several times. In spite of all these efforts, the work conditions in India in many places are still considerably below the standard set up in industrially advanced countries.

The legal provisions relating to work conditions are primarily covered in the factories Act, 1948. However there are some major specialized safety laws and other laws like:

Indian Explosives Act, 1884: This Act regulates manufacture, possession, use, sale, transport of explosives. It has three sets of rules; (a) Static and Mobile Pressure Vessels Rules, 1981; (b) Gas Cylinder Rules, 1983; (c) Explosive Rules, 1983.

The Indian Electricity Act, 1910, and the Indian Electricity Rules, 1976, prescribes safety in electric installations, both domestic and industrial.

Indian Boilers Act, 1923: This Acts governs the inspections and repairs of Steam Boilers, as well as the procedure for annual certification of boilers by the Boilers Inspectorate.
The Petroleum Act, 1934 and the Petroleum Rules, 1976 classify petroleum into three classes, depending upon their flash point. Separate Rules are established for each class dealing with the import, transport, storage, production, refining and blending.

The Plantation Labour Act, 1951 provides for the welfare of plantation labour and regulates the conditions of work in plantations. The Act is administered by the Ministry of Labour through its Industrial Relations Division.


The Shops and Establishment Act, 1953 was enacted to provide statutory obligation and rights to employees and employers in the unorganized sector of employment.

The Contract Labour (Regulation & Abolition) Act, 1970 was enacted to regulate employment of contract labour so as to place it at par with labour employed directly, with regard to working conditions and certain other benefits. The Act is implemented both by the Central and the State governments. The Central Government has jurisdiction over establishments like railways, banks, mines etc. and the State Governments have jurisdiction over units located in that states.

The Motor Transport Workers Act, 1961 was enacted to provide for the welfare of motor transport workers and to regulate the conditions of their work.
The Building & Other Construction Workers (Regulation of Employment & Condition of Service) Act, 1996 was enacted to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures.