4.1 Social Set Up During British India

Adventurous and inquisitive as man is, he, with the passage of time, started looking for new business channels and bigger challenges. Consequently, world trade started increasing manifold in new directions and this phenomenon had its own impact on the labour class all over the world including India. Though India had been having commercial relations with the Western countries since ancient period yet from seventh century A.D., Arabs dominated the Indian Ocean and the Red Sea and the enterprising merchants purchased the Indian goods from them. It was Vasco-De-Gama who found a new route to India and reached Calicut in 1498 and established a naval contact with Western countries. It was indeed a turning point in Indian history which laid the foundation of modern era. With the introduction and establishment of this naval contact, many European powers like Portuguese, Dutch, French and British came to India as merchants and traders and tried to lay foundation of their respective powers in India. However, it was the East India Company that finally settled down and ruled over India for about two centuries. There is no doubt that British rule brought many economic miseries and sufferings for the Indian people, all the same, it also gave a strong and centralised administration to India, despite the fact that it was formed for serving their own purpose and exploitation
of the Indian masses. They followed the policy of 'Divide and Rule'. They used India for supplying raw material to British Industries and offered a ready market for their finished products obviously at the cost of the indigenous cottage and small scale industries as they found it extremely difficult to compete against the cheap and fine product of British industries.

Having attained the political power, Britishers were wise enough first to think of establishing an efficient system of administration to make the people reconcile to new rule. In this process, they created the mightiest bureaucracy. Max Weber defined bureaucracy as hierarchy of function, jurisdictions fixed by law, operation by way of written orders, professional class of full-time workers, and operation according to certain legal principles or precedents to do away with arbitrary authority or unpredictable decisions.¹ They formed a hierarchy of officers from Governor General at the apex down to Patwari — the officer at the village level. Because of this bureaucracy, 'babu' became more powerful in the eyes of the people. In the past too, India had been invaded by many but they preferred to settle down in India and made it their home by completely Indianising themselves. The Britishers, however, were a different lot. They remained aloof and ruled over India as foreign rulers and kept Indians as subjects.

Indian society comprised two major components — the Hindus and the Muslims. Muslims settled in existing villages and made their houses in close proximity to each other on the outskirts of the villages. Thus, this was usually a distinct place.

in the village and only the houses of converted Muslims were found in the midst of village. The 'Quazies' and 'Moulivis' were the religious leaders of the Muslims as the counterparts of Brahmans to the Hindus. At the same time, these two sections of society lived together like two brothers and did not disturb the social structure and harmony. It were the political reasons which used religion and generated disharmony.¹

The Hindus were already divided into four Varnas and the post-Vedic social system continued to prevail. However, Kshatriyas underwent a transformation in their social status during this period. In the Vedic system, they had monopolised the administration of their respective villages but in the eighteenth century, though village administration continued to be in the hands of its local people, the right to administer had gone to the landlords. These landlords irrespective of their caste and religion, cornered the posts of the traditional village officers such as Numberdars and Patwaries. Numberdar was a revenue officer, magistrate and judge — all in one in his village. Patwari kept the record of land of the village. His authority was carried with the assistance of an assembly, 'panchayat'. The head of the panchayat usually used to be the biggest landlord. But with the passage of time, this place was taken over by the wealthiest person who dominated all including the landlord through the power of money during the British rule. The Varnas were sub-divided into numerous castes. Each profession carried a caste by that name. In fact, the society, during British rule, comprised two layers of social status. The upper layer was constituted by the wealthy persons and the lower layer consisted of village artisans, e.g.,

¹ See Raychaudhary, Ibid., p. 30.
carpenters, black smiths, gold smiths, potters, etc. They produced the goods needed by the people and their services were usually rewarded by giving them a share of produce in the fields by farmers. The Shudras not only served other three classes but also performed the duties of watchmen of the villages. They were also sub-divided into sub-castes on the basis of their work. For example, a weaver was called 'Dhanak', a person doing sanitary work was called 'Churah', a shoe maker, 'Chamar', and so on.

With the East India Company getting political support in 1757, there started deteriorating the condition of people. To put in the words of the Court of Directors of East India Company, "it was, a scene of most tyrannic and oppressive conduct that ever was known to any age or country." This fate was met by the people immediately after the political hegemony of the Company. The traders, the cultivators, the common masses, everyone suffered after the establishment of the English forces. In a letter to Vanisittart, the then Governor of Bengal, Warren Hastings revealed it in these words: "Many complaints were made against our sepoys in the road and most of the petty towns and sarais (inns) were deserted on our approach and the shops shut up from the apprehension of the same treatment from us."¹ The petty young clerk of the Company who spent £1500 to £2000 annually and were clothed in linen and fared sumptuously every day starved the people and made their lives miserable.² The treatment to Indians by Englishmen was as good as the condition of a Shudra in a Hindu society. They were looked down upon by English people. There were certain places where Indians were not permitted to go. The indiscriminate assault on an Indian by Englishmen was by no means

¹ Letter to Vanisittart, 15th April, 1762.
an uncommon incident. There were serious cases of physical injury, sometimes resulting in death. In all these cases, the offenders escaped with light or no punishment at all as they were tried by English jurors and backed up by practically entire judiciary. Only certain Indians who were wealthy people or the people who helped the British in the establishment of their power were treated with respect and honour.

The Britishers in India established exclusive society of their own whose door was barred even against the Indians of the highest classes. The British Government was determined to convert Indians into Christians. There was no such fear before 1813 as the Christian missionaries were not allowed to enter the territories of the East India Company. But the Charter Act of 1813 compelled the Company to permit them to come to India under licence. The people did not like the British administration and found it very difficult to adapt themselves to this system. They were leading a miserable life and were ill-treated. Because of these reasons, the people started organising themselves against the British rule that later resulted in Mutiny of 1857, Swadeshi Movement, Non-Co-Operation Movement, Quit India Movement, etc. All these political upheavals were the outcome primarily of social inequalities.

4.2 Agriculture

Since ages agriculture has been one of the most vital economic activities of both the people and the government. While on one hand, it provides food and employment to the society, on the other, it provides revenue to the government. It was also one of the major sources of income to the East India Company.
The Company paid more attention to collection of revenue than welfare of farmers and agricultural labour. The cultivating classes had no incentive beyond what was furnished by a local demand to produce food grains and other agriculture products in excess of their own needs. When British obtained Dewani in 1765, they found that the peasantry, known as ryot, cultivated their land. They paid a fixed share to the collectors of revenue who, in turn, deposited the collected revenue with government after deducting his approved expenditure. But the regional officers established themselves as de-facto rulers of their respective jurisdiction and their junior officers also behaved in the same way. This presented a continuing chaotic situation resulting in the collectors becoming 'Zamidars'. The Company simply appointed British supervisors in different Zamidarees.

Warren Hastings farmed out the land to the highest bidders for five years and framed the "Quinquennial settlement" system. But the system failed as the bidders could not recover the paid amount and peasantry was put under tyranny. In this regard, Romesh Dutt remarks, "the country groaned under the economic tyranny, the revenues failed once more."¹ This system was introduced not to ameliorate the economic conditions of the rural people but to squeeze out the last drop which left behind it a dark trail of misery, insurrection and famines in Bengal, Benaras and Awadh. It was this exploitation which took the farmers to chronic indebtedness and the "descendants of old house found their estates pass into the hands of money lenders and speculators from Calcutta. Widows and minor proprietors saw their peaceful subjects oppressed by rapacious agents appointed from Calcutta"² Sir John

² Ibid., p. 44.
Macpherson, the successor of Warren Hastings, tried to avert this situation by making collectors responsible for settlement and collection of revenue and they were controlled by a Board of Revenue. Though the District Collectors tried to establish a just and human collection of the land revenue, the corrupt machinery failed to derive desired results.

It was Cornwallis who tried to bring stability in the agricultural economy and brought continuity by making decennial (ten years) settlement in place of annual settlement. He introduced the famous "permanent settlement" system. This system led to the grant of lands to those who could afford to invest money, effect realization of exhorbitant rents and then pay the revenue regularly. There was no measure to give relief to peasants and they continued to suffer for more than six decades, when the indigo-labour revolt attracted the attention of the Government to the impoverished ryot and the Bengal Land Act was passed in 1859.

The collection of revenue was most barbarian. There are several instances of keeping men in the sun, preventing them from going to meals or other calls of nature, bursting their ears, making them sit with brickbats behind their kness, etc. The peasantry was discontented. Under the British rule, the condition of poor workers and peasants was deplorable and was worsening more than that of any other section of the society. No section suffered more at the hands of the then Government than the workers and peasants and particularly peasants.¹ Their condition deteriorated day by day. Their tax increased and so were their

hardships. There was a pressing and influential demand in England for an inquiry into the economic conditions of the people of India, after the famine of 1897-1900. But the Secretary of State resisted the demand and refused the inquiry\(^1\). The latest inquiry of the nature was made by Lord Dufferin's governement in 1888 but the results were never published and were regarded as confidential.\(^2\) Later William Digby published large portions of the confidential report. Some excerpts of this report are as under:

"In the Province of Bombay, there are depressed classes all over the Province and some of them live below the poor standard of the Indian workmen's life and earnings. In Punjab, the condition of agriculture is no better. In Gurgaon Distt., the standard is perilously low, herbs and berries are consumed for want of better food." The extra Asstt. Commissioner of Ferozepur reports that men in many villages do not get food or two meals in twenty four hours. The Collector of Etawa reports, "The landless labourers' conditions must still be regarded as by no means all that could be desired. The united earning of a man, his wife, two children cannot be put at more than 3 rupees a month."\(^3\)

When, in 1898, Lord Curzon became the Viceroy of India, scientific experimentation emerged as a major source of agricultural development. But it was not at all for the welfare of the rural population of India. Rather it was for the welfare of the population of Britain.\(^4\) They aimed at increasing demand of British manufactures and export of raw material such as silk, wool, cotton, indigo, etc.

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1. British Paramouncy and Indian Renaissance (Part I), Bhartiya Vidya Bhawan, History and Culture of Indian Peoples, ed., R.C. Majumdar, p. 1159.
2. Ibid., p. 1160
3. Ibid., pp. 1160-61.
Since ancient times, Indian industry has been famous all over the world. The high standards of arts and crafts secured a good place for themselves and Indian goods were known everywhere throughout the world in every field, such as textiles, woodwork, ivory, stone-cutting, leather, fragrant woods, jewellery, etc. "Even at much later period", the Industrial Commission reports, "when the merchant adventurers from the West made their first appearance in India, the industrial development of this country was at any rate not inferior to that of the more advanced European nations". But the British destroyed the Indian industry completely. One of the important facts in the history of India, during the first century of British rule, is the decay of her flourishing trade and industry. The British authorities resorted to heavy duties on Indian goods and products so that they should not be able to withstand the cheap products of Britain. In 1700 and 1720, two laws were passed by the Parliament of England that cotton and silk goods imported from India, "could not be worn or otherwise used in England."

On the eve of the British occupation, the Indian industries comprised of two sectors, rural and urban industries. The carpenter, the potter, the blacksmith, the weaver, the dyer, the tailor, the shoe maker, etc. existed in every village and these villages were self-reliant. They lacked economic organisation and specialisation. Their goods were of the most primitive and crude character. The urban industries of higher crafts were carried in

3. Majumdar, R.C., Ibid., p. 808.
4. Raychaadhry, S.C., Ibid., p. 82.
the vicinity of administrative centres under the patronage of courts. These industries attained great artistic skill and made an ostentatious display of wealth splendour. The chief industry in India was the weaving of cotton, silk and wool. Bengal, Lucknow, Ahmedabad, Nagpur and Madurai were important centres for cotton. Fine shawls were manufactured in Punjab and Kashmir. Brass, copper and bell metalwares were manufactured in Benaras, Tanjore, Poona, Nasik and Ahmedabad. Indian muslin and the fine cotton fabrics were described "as light as women and as slight as cobwebs." It was this urban industry, which restricted industrial growth in Britain and was treated as 'plague' by British manufacturers.¹ Therefore, British pursued a policy, especially before the first World War, which was detrimental to the industrial growth in India.

Origin of modern industry can be traced back to the year 1833 when the Charter Act, 1833 was passed and the monopoly of East India Company came to an end. The European settlers and other British capitalists were allowed to invest money. But till 1857, the capital investment was insignificant. According to Leyland Jenks "It represented simply portion of Indian spoils and revenue accumulated by British officers in India."² The construction of irrigation works and railways also contributed to the development of Indian industry. The period from 1850 to 1855 saw the establishment of the first cotton mill, the first jute mill and the first coal mine in India. The first railway line started working in 1853. There were 51 cotton mills and 18 jute mills in the country with in 25 years. The production of coal mine reached one million tonnes of coal per annum. The railway line extended to

2. Ibid., pp. 86-87.
8,000 miles. By the end of 19th century, the number of cotton mills increased to 194, and 56 jute mills came into existence. Resurgence in 1857, which brought an end of the Company rule, proved a landmark in the evolution of modern industry in India.

There is no denying the fact that it was the Swadeshi Movement, started in 1905, that strived and encouraged the Indian entrepreneurs to counteract against the foreign industrial interest. It gave a filipp to Indian industries and there was a slow but steady growth in the existing industries and in the starting of new industries. Consequently, by 1914, the number of cotton mills increased from 194 to 273 with 68 lakh spindles and 104,000 looms, jute mills from 36 to 64 with 36,000 looms, and coal output increased to sixteen million tonnes.¹ It was a significant improvement.

It was in 1907 that the Tata Iron and Steel Company (TISCO) was established. The Famine Commissions of 1880 and 1901 emphasised the need of industrialisation in India as one of the means to combat the problem of famine. The first World War strikingly revealed India's industrial poverty and made the government realise clearly the importance of industrialisation not only from economic but also from the military point of view.² A Munitions Board was established in February, 1917. Although the primary functions of this Board were to control the purchase and manufacture of Government stores and munitions of war, it indirectly gave a stimulus to industrial development by supplying information and advice, by placing orders with Indian firms and in some other ways.³ But before that, on the insistent demand of the

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¹ Raychaudhary, S.C., Ibid., p. 91.
² Majumdar, R.C., Raychoudhuri, H.C., Dutta K., Ibid., p. 949.
³ Ibid.
people, a Commission to analyse the scope of industrial growth had been established. This Industrial Commission studied the industrial landscape for about two years before giving its report in 1918. The Commission recommended to the Government that it should start the policy of energetic intervention in industrial affairs. The other recommendations were the establishment of Imperial and Provincial Department of Industry, the organisation of scientific and technical services, the opening of greater facilities for industrial and technical education, a change in the policy of purchasing in stores, the giving of technical and financial aid to industries, the encouragement of industrial co-operation and the improvement of transport and freight facilities.¹ These recommendations were accepted by the Government and were implemented to some extent.

4.4 Labour Movement In British India

Though the origin of trade union movement in India can be traced way back to the early times when the guilds and panchayats were formed in every village, and the disputes between employers and employees were settled by the panchyat of that occupation, but the trade union, as it is understood today, took birth in the first quarter of the twentieth century.² Some form of trade unions started organising after the establishment of factories. The first cotton mill was started in 1851 in Bombay and the first Jute mill in 1885 in Bengal. The call for first strike was given in the Empress Mills at Nagpur over wage rate in 1877.³ Between 1882 and

¹ Majumdar, R.C., Raychoudhuri, H.C., Dutta K., Ibid., p. 950.
1890, in the Presidencies of Bombay and Madras, 25 strikes were recorded. The origin of labour movement had its foundation in the deplorable working conditions and the association of children and women in the factories, coupled with the government attitude of complete indifference with regard to the protection of labour from such evils. The doctrine of laissez-faire, at that time so much dominated the outlook of the Government that its main anxiety seemed "to have been to protect the social system from workmen, rather than to protect workmen from social system". Major Moore, the Chief Inspector of Bombay Cotton Department, pointed out in 1847 that in Bombay cotton factories, women and children were employed in large numbers, that many of the children were hardly eight years old, that all of them had to work from sun rise to sun set with only half an hour recess and they had no periodically recurring day of rest. To protest against these appaling conditions of workers in factories, a few social reformers and philanthropists under the guidance and leadership of Sorab Ji Shahpur Ji started the movement in Bombay in 1875. The founder of organised labour movement may be said to be N.M. Lokhande who was a factory worker himself and who in 1884 organised an agitation and called for a conference of workers in Bombay.

In 1875, the first commission for the investigation of factory condition was appointed because of a protest lodged by the Lanchashire Textiles magnates as they were prospering under unregulated conditions and saw the danger of a potential rival in Indian cotton industry. The majority of Commission felt no

necessity of any regulation and the Government of Bombay refused to take further action. Mr. Sorab Ji Shahpur Ji Bengalee started the agitation. He prepared a Bill on child labour to be introduced in Bombay Legislative Council, for which the permission was refused. Hence he sent copies of his draft Bill to England and managed to get it published in the Times (London) on September 13, 1878. This led to fresh agitation in England and the House of Commons passed a motion on April 4, 1879, for a factory legislation in India. Consequently, the Factories Act of 1881 came into existence. The main provisions of the Act included (i) Fixation of the minimum and maximum age of children at 7 and 12 respectively; and (ii) their hours of work were limited to 9 hours a day. The Government of Bombay had to appoint another committee in 1883 because of failure to put a stricter regulation on child labour and absence of any provision for the protection of women labour. The labourers and philanthropists realized the necessity of representing their case to the Government.

At this time, the first labour leader in India, Mr. Narayan Megh Jee Lokhande, emerged on the scene, "who began life as factory labourer, and worked for the cause of labour until his death." He organised a conference of the Bombay factory workers and prepared a memorial signed by 5500 workers. It contained the following main points: 1) Sunday be declared a full rest-day; 2) half an hour recess be allowed at noon; 3) the mill should start at 6-30 a.m. and stop at sunset; 4) the wage be paid not later than the 15th day of the month following that for which they have worked; and 5) a workman sustaining injury during the work at the

mill, which might temporarily disable him, should receive full wage until recovery and if he is 'being maimed for life', suitable provision be made for his livelihood.\textsuperscript{1} The Commission considered the memorial\textsuperscript{2} and submitted the report in 1885. But the Government refused to take any action. In 1887, a Factory Inspector visited India and made several allegations against the Indian factories on his return to England. So, the Secretary of State for India gave directions to the Government to look into these charges, in 1888. In order to ventilate their grievances, the workers employed in the spinning and weaving mills of Bombay submitted a fresh memorandum (based on 1884 memorandum) to the Governor General of India.\textsuperscript{3} The Memorandum was presented by Mr. N.M. Lokhande as President of Bombay Millhands' Association which was organised by Mr. Lokhande. This Association is referred to as the first labour organisation in India. Mr. Lokhande also started a Journal 'Dinbandhu' to highlight the general problems of the labour class. In fact, Mr. Lokhande was the real moving spirit behind the labour movement of those times. However, the report on the working of the Factory Act in Bombay for 1892 states, "The Bombay Millhands have no organised trade union. It should be explained that although Mr. N.M. Lokhande who served on the last Factory Commission, describes himself as President of Bombay Millhands Association, the association has no existence as an organised body having no roll of membership, no funds, no rules. I understand that Mr. Lokhande simply acts as voluntary adviser to any millhand who may come to him."\textsuperscript{4}

\textsuperscript{1} Dass, R.K., Ibid., pp. 9-10.  
\textsuperscript{2} Singh, V.B., Ibid., p. 565.  
\textsuperscript{3} Ibid.  
\textsuperscript{4} Report on the working of the Factory Act in Bombay, Quoted in R.P. Dutt, Ibid., p. 15.
There was the International Labour Conference at Berlin from March 15 to 29, 1890. Inspired by this, Mr. Lokhande organised a mass meeting of the factory workers, in Bombay, which was attended by more than 10,000 workers. The meeting was also addressed by two woman workers. In the meeting, it was demanded that Sunday should be a paid holiday. A memorandum was prepared at this meeting, containing demands for limitation of hours of work, weekly rest-days, mid-day recess and compensation for injuries. In response to these demands, a weekly holiday was granted by millowners of Bombay. But it was not fully enforced. At the same time, the Secretary of State for India sent the resolutions of the Berlin Conference, under pressure from British textile interests, to the Government of India and suggested the appointment of a commission to inquire into the conditions of factory workers. Therefore, on September 25, 1890, a Commission consisting of Mr. S.S. Bengalee, Mr. Rasik Lal Ghose, Mr. Premji Manakji (a foreman in Kanpur Mill), Mr. Lokhande, and three local members were appointed. The Commission however, had no power to prepare and sign the report. The Commission examined 96 operatives, in 34 factories for evidence after visiting Bombay, Ahmedabad, Kanpur and Calcutta. But the recommendations of the Commission failed to satisfy the Manchester interests. They demanded from the Secretary of State for India stricter measure in this regard. On March 19, 1891, an Act was passed after making several concessions under protest. The chief provisions were an 11 hour day for woman labour with an interval of one and a half hour; and the increase in the minimum and maximum ages of children from 7 and 12 to 9 and 14 years, respectively. The immediate effect of the Act was the unemployment

1. See Singh V.B., Ibid., p. 566.
2. Ibid., pp. 566-67.
of 259 woman workers in Ahmedabad factories and a reduction of 25 per cent in the wages of the rest.¹

In 1904-05, the cotton industry in India got a sudden boom. The Anglo-Indian Press, representing the Manchester interests, and the factory workers demanded regulation of hours of work. In 1909, a new Act was passed. The Bombay Factory workers condemned the malpractices of the employers and supported the decision of the Government to restrict the hours of work in a meeting, in the same year. In 1910, the 'Kamagar-Hit-Vardhak Sabha', (Workers' Welfare Association), was formed and it submitted a memorandum to the Government of India demanding a 12 hour day, provision for compensation, education, better housing, and the removal of taverns from the neighbourhood of the mills.² The Association made efforts to settle disputes between employers and employees. It also started a 'Weekly-Kamagar-Samachar' (Workers News). In 1911, the third Factory Act was passed which limited the working hours to 12 for adult males and 6 for children.³

The period between 1904 and 1911, saw a remarkable advancement in the organisation of the labour movement⁴ from the viewpoint of political consciousness in the Indian working class. The main characteristic of this period was strikes in Bombay Mills against an extension of hours, serious strikes in the railways especially in the Eastern Bengal State Railway, in the railway shops and in the Government press in Calcutta. Swadeshi Movement in Bengal in 1905 gave political stimulus to the workers.

1. Sharma, G.K., Ibid., p. 50.
A few leaders in Bengal organised an association of printing workers. In Madras, Bombay, and Calcutta, the postal workers formed postal unions designated as postal clubs. The highest point in the labour movement was reached, during this period, with the six-day mass strike in Bombay in 1908 against the sentence of six years imprisonment to Lok Manya Tilak, the great political leader of the time. But trade unionism in the proper sense of the word, had extended only to the upper ranks (European and Anglo-Indian) of railway men and Government employees by 1914. The Amalgamated Society of Railway Servants that had been earlier formed (in 1897) and was registered under the Companies Act, changed its name to the National Union of Railwaymen in 1928. It functioned as a friendly Society and played no part in the Indian labour movement.

The Indian working class stepped into the phase of modern labour movement on the eve of the First World War. At the end of World War I, the Indian working class realised the strike as a weapon and means for obtaining concessions, higher wages and amelioration of working conditions. World War I brought huge profits for industrialists and, at the same time, led to sharp rise in the prices. This resulted into distress amongst workers whose wages were not correspondingly increased and created a strike wave in the country during 1918-1919. The political and economic conditions in the country and the revolutionary wave generated by the Russian Revolution also affected the Indian workers. The Report of the Royal Commission on Labour in India points out that the two or three years following the end of the War saw the formation of a large number of organisations, owing

their origin mainly to the grave economic difficulties of industrial labour. The leading industrialists were yielding phenomenal profits, but wages could never beat prices, and the labour often had to face more hardships. The worldwide uprising of labour consciousness seeped into India and, for the first time, the industrial workers became conscious in the matter of wages and working hours. The effect of this upsurge was increased by political upheavals which added to the prevailing feeling of unrest.\(^1\) About the labour unrest during the post-war period, Dr. Dass observed, "This spirit of revolt has been latent for some times; but it became manifest only in the later part of the year 1919. Under this spirit, the workers started strike after strike until, like an epidemic, it spread all over the country paralysing the whole industrial organisations.\(^2\) The strike of the Buckingham & Carnotic Mills workers in Madras gave a fillip to the trade union movement in the South. During the winter of 1919-20 again there was a major strike in the cotton mills of Bombay, involving 1.5 lakhs of workers. The situation in the country was most serious in 1921 when no fewer than 396 stoppages of work occurred involving over 6 lakhs of workers.\(^3\) The establishment of the Soviet Republic opened a new chapter in the world history. The working class, all over the world, realised that a workers' and peasants' union was a goal within their reach. It led to increasing international contacts and working class solidarity.\(^4\) These contacts were further officially promoted through the International Labour Organisation (I.L.O.). In India, the working class also got strength because of the defiant nationalism which declared its goal to be 'Swaraj'.

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The unrest, as indicated by the country-wide strikes attracted leaders and organisers from intelligentsia into the labour movement. Under their leadership, a number of trade unions were organised in different industries on a permanent basis. After looking at the ineffective activities of isolated unions in different parts of the country, the leaders of the movement felt the necessity of forming a central organisation to co-ordinate and guide the activities of the individual unions and to express their view on general policy matters and programmes affecting labour.\(^1\) Accordingly, on October 1920, the All India Trade Union Congress (AITUC) was founded under the Presidentship of Lala Lajpat Rai, the radical national leader. There were more than 800 delegates. The various shades of Indian political opinions were represented by Moti Lal Nehru, M.A. Jinnah, Mrs. Annie Beasant and Vithal Bhai Patel.\(^2\) Government's obligations to consult the most representative organisation in nominating the labour conference at Geneva gave a further impetus to the formation of Trade Union Congress. The A.I.T.U.C. from its very inception followed the pattern of the Trade Union Congress in the United Kingdom.\(^3\) It represented the workers' interest — economic, social and political — whenever and wherever it became necessary. The Government of India, generally consulted A.I.T.U.C. in the matter of labour legislation. The A.I.T.U.C. looked after the general, political and economic progress of organised workers as a whole. But it could not safeguard in a minute manner the individual and general grievances of different classes of workers in different industries. Therefore, various federations for different industries emerged for the cause of the workers concerned. During

\(^1\) Giri, V.V., Ibid., p. 10.
\(^2\) Singh, V.B., Ibid., p. 573.
\(^3\) Giri, V.V., Ibid., p. 11.
the period ending 1925, the number of trade unions increased nearly fourfold and their membership increased much more. The labour movement was truly united and there was complete harmony and co-operation among all sections of the working class, during this period. "Workers of the world unite"¹ was a slogan that gave encouragement to their cause.

The passing of the Trade Union Act, 1926 is an important landmark in the history of Indian trade union movement. Though Mr. N.M. Joshi prepared a Trade Union Bill in 1921 yet it could not be passed until 1926. The increasing demand for a trade union legislation gave an opportunity to the British Government to find a 'safe' channel for directing the 'right type' of trade unionism.² The Trade Union Act put a definite restriction on trade union activities and so fulfilled the purpose. On the other hand, in addition to providing legal status to the registered trade unions, it conferred on trade unions and the members of executive committees of the registered unions a measure of immunity from civil suits and criminal suits. Registration further enhanced the status of unions in the eyes of the public as well as of the employers. The number of trade unions registered under the Act upto 1929 was 87 with a membership of 1,83,000.

As the movement developed, it attracted international attention. Soviet Russia after consolidation on the home-front, strove to help workers who favoured revolutionary methods in other countries. The leftist movement in the country was also growing although weak and sporadic.³ Some scattered communist groups had started functioning in the country since 1920. In 1924 Mr. S.A.

¹ Giri, V.V., Ibid., p. 12.
² Dutt, R.P., Ibid., p. 411.
³ Dutt, R.P., Ibid., p. 41.
Dange started a Journal 'Socialist'. By 1927, two distinct parties grew in the Indian Trade Union Movement which were called by some "rightists" and by others "leftists" and still others called them "Geneva Amsterdam groups" and the "Muscovites". This conflict had its evil effects on Indian labour and employers took full advantage of the differences among the leadership. There was a great unrest among the workers in 1928 which led to split in 1929 at the Nagpur session of the AITUC under the presidentship of Pandit Jawahar Lal Nehru. The working class started evolving its own militant groups. The slogan "workers of the world unite", was raised by masses in Hindi, Urdu, Marathi, Bengali and Tamil.\(^1\) Red flag became the flag of the trade unions which created panic in the big business as well as in the Alien Government. At the time of the Nagpur session of A.I.T.U.C., the Royal Commission on Labour which had just then been appointed was touring the country. The trend of political opinion in the country was to boycott the Commission. The leftists too were opposed to it from the beginning. This matter and the question relating to the affiliation of the Trade Union Congress with the Pan Pacific Congress of San Francisco and the sending of a delegation to the International Labour Organisation Conference were seriously contested and, by the minimum margin the leftists won a victory and the Trade Union Congress was captured by them.\(^2\) The minorities left the Congress and formed All India Trade Union Federation with more realistic policy, programme and objectives.

The Government followed the rule of non-interference towards the labour problems, during the period 1919 to 1930 and came into picture for maintaining law and order. It was only when industrial

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2. Girl, V.V., Ibid., p. 13.
disputes took serious turn that the Government appointed committees and commissions for inquiry. The most important of them is the 'Royal commission on Labour'. This Commission was appointed in July 1929 to inquire into and report on the existing conditions of labour in industrial undertakings and plantations in British India, on the health, efficiency and standard of living of the workers and on the relation between employers and employees and to make recommendations. The Commission submitted its report in March 1932. During this period, the Workmen's Compensation Act, 1923 and the Indian Trade Union Act, 1926 were passed. This was done mainly in consonance and convictions adopted by International Labour Conference. The Indian Trade Disputes Act, 1929 was enacted to satisfy growing public agitation led by national leaders. The Act adopted the British System of settling dispute by force of public opinion and consequently provided for the appointment of Courts of Inquiry and Boards of Conciliation.

The period from 1930-39 was not favourable for the growth of trade union movement in India. Mahatma Gandhi launched Civil Disobedience Movement in the country in 1930 which had arrested the attention of political leaders of India. The Communist leaders were prosecuted in the Meerut conspiracy case and the strike of Bombay Textile in 1929 failed. All these brought a kind of stagnation in the trade union activities. Employers started retrenching the workers on a large scale, and imposed wage cuts. The workers organised strikes and resisted these measures but they failed in many cases. There was a further division in the Trade Union Congress in 1931 and Red Trade Union Congress was born. Thus the trade union movement presented a picture of disarray during the time. There were some other independent organisations which
followed their own methods and policies, notable among them being All India Railwaymen's Federation (A.I.R.F.) and Textile Labour Union (TLA) of Ahmedabad. This division in the labour movement was proving very expensive for the Indian working class. In 1933, more than 50,000 workers in Bombay city were thrown out of employment.\(^1\)

The labour movement was "in the throes of sharp growing pains...its spirit was shattered; and its ranks were rent by fractional strife."\(^2\) Under these circumstances every body felt the necessity of unity. In 1935, the RTUC was merged into the AITUC.\(^3\) The session of the National Trade Union Federation held in December 1937 decided to go ahead with its proposal for amalgamation, which was finally realized in April 1938 in Nagpur — ironically the very place where the Trade Union Congress had split in 1929.

One of the important developments of the period was a slight change in the attitude of Government towards labour problems. It appointed the Railways Court of Inquiry (1939) to inquire into the justification of retrenchment as decided by the railway administration. There were also some important labour legislations enacted during the period. The Payment of Wages Act, 1936 came into being. The Dock Labour Employment Act was also enacted in 1934 but it did not come into force till 1948. In the Province of Bombay an act called the Bombay Industrial Conciliation Act 1934, which was subsequently replaced by more exhaustive legislation, i.e., the Bombay Industrial Dispute Act, 1938, was enacted.\(^4\) There was a great change in the political sphere due to the introduction

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3. Giri, V.V., Ibid., p. 18.
4. Giri, V.V., Ibid., pp. 18–19.
of provincial autonomy and the leaders of Congress Party took up the seats of administration in a number of States. It created high expectations in the mind of workers but the delay in realising this expectation resulted in more of labour unrest all over the country. There were a series of strikes in Bombay, Ahmedabad, Kanpur and Madras, for higher wages and restoration of wage cuts. There was also resentment among workers regarding their working and living conditions. The provincial governments of Bihar, Bombay, C.P., U.P., Madras, Berar, appointed labour enquiry committees to enquire into and report on the working and living conditions of industrial workers. These committees made liberal recommendations for the amelioration of the working conditions of the industrial workers.

The period from 1939-46 was a period of emergency as the World War II broke out in 1939. This created new tensions in the relationship of the united trade union movement because of its different political factions in the A.I.T.U.C. A large group of the Radical Democratic Party, such as N.M. Roy, J. Mehra, Miss Maniben Kara and V.B. Karnik, was in favour of the support to the British Government but equally large group supported by Shri S.C. Bose opposed this view. Hence again a rift took place in 1941 and the Radicals left the A.I.T.U.C. with nearly 200 unions with a membership of 300,000 and formed a new central labour federation known as Indian Federation of Labour. The federation got financial and other support from the Government as it espoused the cause of the British Government in the War. Indian Federation for

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3. Ghosh, S., Trade Unionism in Underdeveloped Countries, 1960, p. 34.
Labour grew very rapidly and by 1944 it claimed 222 unions with a membership of 407,773 workers.\(^1\) Although in membership it was much less representative than the A.I.T.U.C., the Government nominated representatives of Indian Federation of Labour to attend International Labour Conference. The Federation continued its working for some time after the War but finally ceased to function as an independent body. Most of its affiliated Unions joined the Hind Mazdoor Sabha, a new Central Organisation set up in 1948 by the Socialist Party of India.\(^2\) The Communist leaders were arrested because they opposed the war. But as Soviet Russia joined the allies they changed their attitude and supported the war. As a result, the Communist leaders were released from jails and they co-operated with the Government in the war efforts.

During this period, the status of trade unions enhanced in the country. The Government as well as employers launched a number of welfare measures for labour with a view to increasing production of war material and other essential goods maintaining high profits.\(^3\) They also appointed welfare officers to look after labour welfare in some government establishments. A Conciliation Board was appointed by the Government of Bombay for the settlement of disputes regarding the demand for grant of dearness allowance to the textile workers in the city of Bombay. Similarly, owing to agitation of railwaymen throughout the country, the Government appointed a court of enquiry under the chairmanship of Late Sh. B.N. Rao to enquire into and report on the claim of dearness allowance by the railway workers.\(^4\) To keep check on the strike and labour unrest, during the war time, the Government introduced

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2. Giri, V.V., Ibid., p. 21.
4. Giri, V.V., Ibid., p. 22.
Defence of India Rule 81-A, National Service (Technical Personnel) Ordinance and the Essential Service (Maintenance) Ordinance. For the first time, the Government started joint consultation with the representatives of employees and employers on the matter of general nature affecting labour. The first tripartite labour conference was held in 1942. A Coal Mines Welfare Fund was established by law. To bring up to date the information incorporated in the Report of Royal Commission on Labour (1931), the Government appointed a Labour Investigation Committee in 1944. The work of examining the proposals and of proposing schemes for implementing the various recommendations of the Royal Commission on Labour was taken up during this period. The labour laws enacted during this and subsequent periods are the result of this work. The important labour legislations passed during this period are, the Industrial Employment (Standing Orders) Act, the Coal Mines Welfare Fund Ordinance, the Weekly Holidays Act, 1942 (making provisions for holidays with pay for factory workers, and raising the wage limit from Rs 200/- to Rs 400/- for getting benefit under the Workmen's Compensation Act). Thus the labour movement continued gaining strength mainly through the effort of political leaders who on the crest of political euphoria managed to break many barriers that obstructed the way of labour welfare in general and industrial labour in particular. The laws governing the fate of the labour classes as a result, underwent certain transformations that must be analyzed before having a concrete view of the labour policy during the British rule.

1. See, Sharma, Ibid., p. 102.
2. Giri, V.V., Ibid., p. 23.
4.5 Labour Legislation

It is beyond any doubt that labour legislation is one of the most radical and significant institutions of the society in general and labour policy in particular. Labour laws reflect attitude of the Government towards labour and provide tools and machinery to implement its labour policy. It is important because in the development stage of industry such working conditions prevail which tend to be detrimental to the health, safety and welfare of labour class. Generally, the labourers are incapable to fight against such situations effectively. Therefore, it is the duty of the Government to come forward and help them and enable them to be effective, through enactment of several labour legislations, to withstand against the malpractices and exploitations of employers. Labour legislation in India grew with the growth of industry. The first organised industry which attracted labour legislation in India was the plantation industry in Assam.\(^1\) The system of recruitment and methods used by planters to prevent them from leaving the tea gardens had led to many hardships for workers. Therefore, many Acts were passed by the Bengal Government and the Central Government from 1863 onwards to regulate recruitment.\(^2\) But, ironically, most of these laws were not passed with a view to safeguard workers but to protect the interests of employers.

The first factories Act was passed in 1881; in British period that laid the foundation of modern labour legislation in India. This law was passed to regulate labour under civil contact\(^3\)

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2. Giri, V.V., Ibid., p. 122.
for the welfare of workers. Legislations extending to entire working class were first enacted after 1922.¹ Most of the laws were in respect to workmen's compensation, trade unionism, hours of work for railway employees, and payment of wages. When the popular ministeries under the Government of India Act 1935 came into power, they undertook the labour legislation with new enthusiasm. In this, they were guided by the labour policy of the Indian National Congress. A brief review of various labour laws enacted during British Rule in India is as follows:

4.5.1 Labour Legislation in Plantation

The Government introduced legislative measures for the first time in plantations so as to regulate the recruitment and forwarding of labour from the source of supply to the places of work. The regulations of sanitary conditions, hours of work and wages etc. were also made. Between 1863 and 1901, various Acts were passed to give some measure of protection to emigrant workers. These Acts provided for licensing of recruitment, registration of migrants, taking sanitary precautions on the way to labour districts and fixed the period of contract between five years. However, "desertion and indolence on the part of labourers under contract were also made punishable by law, and planters were empowered to arrest all absconders without warrant."² The Bengal Government enacted a law in 1863 to "regulate the passage and transport of native labourers from and through the Provinces of Bengal to Districts of Assam, Cachar and Sylhet and the manner of engaging and contracting with the native inhabitants to proceed to the said districts for the purpose of labouring for hire."³ The

¹ Giri, V.V., Ibid., p. 122.
³ See, Transportation of Native Labourers Act, III Of 1863.
employers were required to bear the transport expenses to the districts other than the districts to which the labourers belonged, by the amendment made in the Act in the year 1865. It reduced the period of contract to three years, the scales of wages were fixed and desertion and indolence on the part of labourers were made punishable. The planters were given power to arrest their absconders in the district in which they were employed.1 The Act was amended again in 1870 and provided cancellation of the contract after the deserter had undergone imprisonment for six months. Sardars of gardens were given recognition as recruiters. But the Labour District Emigration Act (VIII) passed in 1873 replaced the penal contract by civil contract. The Act also empowered the Government to declare any locality unhealthy and unfit for residence.

On some of the recommendations of Royal Commission on Labour such as freer movement of labourers, greater security for labourers, etc., the Tea District Act, 1932 was passed.2 The Act provided control to recruitment and to forward assisted emigrants from other States to the tea gardens in Assam. It granted a liberal system of recruitment than what had been previously enjoyed by the industry. Under the Act no child, that is, a person under 16 years of age was allowed to work on a tea garden unless accompanied by a parent or other relative. The Assam Labour Board was abolished and the Controller of Emigrant Labour was appointed.

117

1. Act No. VI 1865, Assented to by the Governor General on 15th April, 1865.
4.5.2 Factory Laws in British India

4.5.2 (i) Factories Act

The Government adopted a policy of laissez-faire towards the matter of labour, prior to 1881. Hours of work in most of the factories were from sunrise to sunset with no periodical or weekly holiday. Large number of women and children were employed. Major Moor, Inspector-in-chief of Bombay Cotton Department, in his report in 1872-73, first of all, raised the question of the provision for legislation to regulate the working conditions in factories.\(^1\) On massive public opinion, the first Factories Act was enacted in 1881 in an attenuated form for regulating the conditions of labour. The Act was designed to protect children and to provide some health and safety measures. According to the Act, any premises which was used for mechanical power and employed 100 persons or more and worked for more than 4 months, was considered as 'Factory'. The Act prohibited the employment of children below the age of 7 years (the maximum being 12 years), and it fixed 9 hours working day for them with a rest interval of one hour and a weekly holiday.

In 1890, the first International Convention on Labour was held at Berlin, which recommended to regulate the woman and child labour. The Manchester merchants also agitated for the implementation of the recommendations of Berlin Convention. So, the Act was amended in 1891.\(^2\) Now the definition of factory was applicable for 50 persons employed in a work place. The hours of work for women labour were decreased to 11 hours in any day with a rest interval of one and a half hours. The minimum and maximum age...

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for child labour was revised to 9 years and 14 years respectively. The hours of work for children were limited to 7 hours with a rest interval of at least one and a half hours. A weekly holiday was also provided. But at many places, it had adverse effect on women employment and wages.

The male workers represented for the reduction in their hours of work. They had to work for 13-16 hours a day. The Lancashire factory workers also represented for the reduction of hours of work for Indian men. Owing to more pressure on Government, the Indian Factories Act, 1911 was introduced. It restricted the hours for men to 12 hours a day and 6 hours a day for children. Women and children were prohibited to work in dangerous operations and from cleaning the machines in motion. The Act was further amended in 1922 that extended its scope to the undertakings using mechanical power and employed 20 persons or more. It also empowered the Government to extend it to the undertakings employing not less than 10 persons. Working hours of men and women were fixed at 11 hours a day and 60 hours in a week with one hour rest interval to workers after 6 hours of continuous work and a rest day in a week. Overtime was also given at the rate of one and a half of normal rate of wages.

The Factories Act was further amended in 1923 and 1926, making the Act more precise and defining the duties of a certifying surgeon. The Government was empowered to make rules regarding protection against fire by the amendment of Factories Act in 1931. In 1934, The Act was overhauled to implement the recommendations of the Royal Commission on Labour in India and

1. Indian Factories (Amendment) Act (IX), 1923.
2. Indian Factories (Amendment) Act (XXVII), 1926.
3. Indian Factories (Amendment) Act (XIII), 1931.
Conventions of International Labour Organisation. The Act restricted working hours for adult workers to 54 in the week and 10 hours a day in perennial factories and 60 hours in a week and 11 hours a day for woman workers and forbade both to work at night. The Act applied to factories using mechanical power and employing 20 persons or more on any day in the preceding 12 months. The Indian Factories (Amendment) Act, 1936 empowered the local government to notify all the industrial establishments which carry on their work partly or totally in open air. Since 1937, the Act has been amended from time to time widening its scope and enlarging the rights of the workers.

4.5.2(ii) The Industrial Employment (Standing Orders) Act, 1946

One of the most frequent causes of frictions between employees and employers was the lack of clearly defined rules and regulations regarding rights and obligations of employers and workers in respect of recruitment, discharge, disciplinary action, holiday and leaves. Tripartite labour conferences and public opinion were in favour of enactment of a separate Central enactment of regulations making it obligatory on the part of employers in large industrial establishments to frame and enforce with the approval of Government. Therefore, the Industrial Employment (Standing Orders) Act, 1946, extending its scope in all industrial establishments employing 100 or more workers was passed. According to it, the draft standing orders should be submitted within six months of the application of the Act to Certifying Officer. It empowered Certifying Officer to modify the draft Standing Orders, if required before certifying the orders.

4.5.3 Labour Legislation in Mines

Mining industries like gold mines, coal mines, iron ore and stone mines offer employment to a large number of workers. Owing to many accidents occurred in mining especially to women and children because of heat and humidity, a Factory Commission was appointed in 1893. The first legislation regulating the working conditions in mines, the Indian Mines Act,\(^1\) was passed in the year 1901. According to the Act, any excavation 20 feet below where minerals are searched for or obtained was regarded as mine. The Government was empowered to appoint Chief Inspector of Mines and the local governments were empowered to appoint inspectors and supporting officials. The person below the age of 12 years was considered as child for mine work. It also provided the appointment of local mining boards and committees to inquire into the causes of accidents or hazards. The Indian Mines Act, 1923\(^2\) regulated the hours of work in mines. A significant aspect of this Act was that it defined any excavation as mine irrespective of depth. The hours of work were limited to 54 hours a week below the ground and 60 hours above the ground. The working hours of work for children were 6 hours a week. It prohibited the children to work below the ground. The Indian Mines Act was amended again in 1928.\(^3\) The hours of work were reduced and the minimum age of children for employment was raised by the Indian Mines (Amendment) Act 1935. The Act provided equal representation for workers in mining boards and that the report of the court of enquiry should be published by local government. The Act was again

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amended in 1936 and provided greater safety and adequate safeguards against fire in mines. The Act was further amended in 1937\(^1\) to provide more safeguards for workers working under the grounds in mines.

### 4.5.4 Labour Legislation in Transport in British India

#### 4.5.4(i) Railway Labour Legislation

The first Railway Act came into existence in the year 1890.\(^2\) The Railway Board was established in 1905 in India. The I.L.O. prepared Draft Conventions in respect to the hours of work and a weekly holiday, in 1919, which was ratified by Government in 1921 and 1923, in India. An Advisory Committee, appointed by the Government found that about 50\% of the employees depended upon mileage, trip, overtime, and sunday work allowance for their remuneration. This made the Convention difficult to be applied. Therefore the Government enacted the Indian Railways (Amendment) Act, 1930,\(^3\) which added a new chapter to the Indian Railways Act, 1890, dealing with hours of work and periods of rest of railway servants. The Act provided the limit for hours of work to a maximum of 84 a week for person whose work was declared essentially intermittent and 60 hours a week on average. It also granted a periodical rest except for essentially intermittent work. The Governor General in Council appointed a supervisor for railway labour w.e.f. April 1931. Ten inspectors were also appointed to assist the supervisor. Then upto 1947, there was hardly any major amendment worth mentioning here.

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2. Ibid., p. 348.
The only legislation regulating the conditions of employment and welfare of Indian seamen was Indian Merchant Shipping Act, 1923. It consolidated all the regulations and provisions of the regulations which came into being during the middle of 19th century. The Act laid down the conditions and methods for recruitment, employment of young persons, medical examinations, payment of wages, health and welfare, disciplinary matters and disposal of property to deceased seamen. The Act of 1923 was amended in 1931, on the Conventions adopted by I.L.O. in 1926. Any young person below the age of 18 years was prohibited to work as trimmer or stoker, except under certain specified conditions. The Act was again amended in the year 1933.

4.5.4(iii) Dock Labour Legislation

The first Act was passed in 1889 in respect of the employment of workers in docks and ports, and it was consolidated by the Act of 1908. The local government was given power to form the rules prohibiting the employment of children below the age of 12 years from handling goods at piers, jetties, landing places, docks, wharfs, warehouses and sheds, with the amendment of the Act, 1922. The Act was again amended in 1931. The Royal Commission on Labour recommended that the observance of labour laws should be entrusted to Factory Inspectors. Keeping in view the dangerous work of loading and unloading on docks, the I.L.O. adopted Draft Convention for protection against the accidents involving workers. The Government accepted the revised draft and enacted the Indian Docks Labourers Act, 1934.

2. Ibid., p. 348.
3. Indian Merchant Shipping (Amendment) Act (LX), 1931, Assented on 7th March, 1931.
4.5.4(iv) Motor Transport Legislation

There was no legislation in the industry, to regulate the hours of work and for the safety and health of drivers. It attracted the attention of the Royal Commission on Labour. The Motor Vehicles Insurance Committee and the Wedge Wood Committee also recommended regulation of the conditions of work and employment in the industry. The Government considered the recommendation and after consultation with the Third Transport Advisory Council and the Provincial Governments, enacted the Motor Transport Act, 1939. The Act prescribed the minimum age of 18 years for a driver of motor vehicle and 21 years for a driver of locomotive or transport vehicle. It also limited the hour of work to 11 hours per day with a rest of half an hour after five and a half hour of continuous driving.

4.5.5 Wage Legislation in British India

One of the most important part of labour legislation is the wage legislation. There were many abuses in the payment of wages as delays in payments and fines during the early British period. The Royal Commission on Labour also observed this fact and recommended a law relating to wages to regulate deductions from wages by way of fines or for damages done by the workers, for the prompt payment of wages by prescribing a period with which the payment should be made and to reduce the period of payment in certain factories. In 1925, a Private Bill called the "Weekly Payment Bill" was, for the first time, introduced in the Legislative Assembly. The desirability of regulating the extent of

fines and other deduction, through legislation was felt by the
Government in 1926. The Government of India adopted a Bill and
introduced it in 1933 to regulate the payment of wages. The main
provisions of the Bill were that when 10 or more persons have
absented themselves without notice and without reasonable cause,
they might lose the wages of 13 days in lieu of the due notice,
and the workers could claim the wages in case of discharge or
dismissal without prior notice, in lieu of the notice. The Bill
was passed in 1936 with some modifications. The Payment of Wages
Act, 1936 came into force in March 1937. The Act provided
safeguards against unauthorised deductions, except those
specified in the Act, and against delays in payments of wages. The
date of payment of wages was fixed within 7 days of the expiry of
the month and within 10 days if employing 1000 or more workers.

4.5.5(i) Attachment of Wages

It was also recommended by the Royal Commission on Labour
that the salary and wages of every workman receiving less than Rs.
300/- be exempted entirely from the possibility of attachment. To
implement the recommendations, the Civil Procedure Code of 1908
was amended which exempted from attachment of salaries of all
workers getting less than Rs. 100/- per month and in case of
Government employee, its exemption was of the first Rs. 100/- and
moiety of the remainder.

4.5.5(ii) Imprisonment of Debtor

The Civil Procedure Code, 1908 provided for arrest and
imprisonment for 6 months of male persons if the amount of debt
was Rs. 60/- or more. But on the recommendation of Royal

3. see, Report of the Royal Commission on Labour in India,
   1931, pp. 231-32.
4. Giri, V.V., Ibid., p. 143.
Commission on Labour in India, 1931, the Civil Procedure Code was amended and it prevented imprisonment for debt. The amending Act did not allow imprisonment of debtor, except where a debtor was likely to obstruct or delay execution by leaving court's jurisdiction.

4.5.5(iii) Liquidation of Debt.

The Government passed an Act known as Adjustment and Liquidation Industrial Workers' Debt Act in 1936. The Act allowed a worker whose debt exceeded his assets and three months wages to present a petition for its liquidation. The fraction of his wages which the workers might be required to pay for liquidation of debt in one month varied from one-sixth to one-third.

4.5.5(iv) Minimum Wages Regulation

Difficulties were being experienced by the Indian workers in obtaining or demanding a living wage. There was no legislation for fixing minimum wages for industrial labourers. The matter was brought under consideration by the Royal Commission on Labour recommending the institution of wages fixing machinery for small industries like bidi making, wool-cleaning, mica-factories, shellac manufacturing and tanning, etc. The International Labour Organisation also adopted the Minimum wage Fixing Machinery Convention (No.25) in 1928. The Bengal Fixation of Minimum Rates of Wage Bill was introduced in 1937 for setting up a joint board for fixing minimum rate of wages for workers in factories, mines, etc. A wage Bill was also introduced by Orissa Government in 1938.

1. Giri, V.V., Ibid., p. 143.
3. Ibid., p. 142.
4.5.6 Workmen's Compensation Act, 1923

The Workmen's Compensation Act, 1923 was the first measure to provide social security to workers against accidents, etc. The Act was enforced in 1924.¹ The Act was passed to protect the interests of workers injured by machinery or by accident in the course of employment. The employees were made legible to receive compensation from the employer in case of accident taking place in the factory and in the course of employment, resulting in death or total or partial disability of a workman exceeding 10 days. The Act also included certain occupational diseases for compensation. The Act was amended in 1926. The Act was further amended in 1929 and was made applicable in construction and maintenance industry, etc. The Act was amended again in 1933. The amount of compensation for temporary disabled and for minors was increased. The time period was reduced from 10 days to 7 days for temporary disablement. It also included widows, daughters, and sisters in the list of dependents for compensation. The Act was amended in 1937, 1939, 1942 and 1946.

4.5.7 Maternity Benefit

A Draft Convention was adopted by I.L.O to provide rest and benefit to the expectant mothers, employed in the factories. The Royal Commission on Labour also recommended to introduce the Maternity Benefit Act in India for the permanently employed woman workers in non-seasonal factories, covered by the Factories Act.² The first Maternity Benefit Act was the Bombay Maternity Act, 1929. Eight annas were fixed as the rate of benefit. The period of benefit from 7 weeks to 8 weeks, i.e., 4 weeks immediately before

¹ Mishra, S.N., Ibid., p. 17.
and 4 weeks immediately after the birth of the child, was raised with the amendment of Maternity Benefit (Amendment) Act, 1934. The qualifying period was raised from 6 months to 9 months of employment. The Central Province also passed Maternity Benefit Act in 1930. Madras, Ajmer, Marwar and Delhi, United Provinces and Bengal also introduced Maternity Benefit Acts on the same pattern for the welfare of pregnant working women. Women employed in mines were covered by the Central Mines Maternity Benefit Act, 1941.

4.5.8 Employment of Children Act

It was in 1938 that the Employment of Children Act was passed so as to regulate the employment of children in factories and work-places which were not covered by the Factories Act. The Act raised the minimum age of 15 years for the children to be employed in handling of goods on railways and at ports, etc. The prior minimum age was 12 years. The Act was amended in the year 1939.

4.5.9 Indian Trade Unions Act, 1926

It was in 1920 that, for the first time, the necessity of granting legal status to trade unions and protection to them, their members and executives against criminal and civil suits in case of strikes was realised. In this year, Mr. A.R. Wadia, a trade union leader at Madras was prosecuted in the case of Buckingham and Coranatic Mills for conducting the textile labourers' strike. After a few years, the Indian Trade Unions Act, 1926 was passed. The Act empowered the provincial governments to appoint a Registrar of Trade Unions. It allowed any seven or more

1. Central Province Maternity Act No. VI of 1930.
2. Giri, V.V., Ibid., p. 145.
3. See, Ibid., p. 149.
members of a trade union to apply for its registration by supplying required information. It made it necessary to get the funds of a registered trade union audited every year. It provided for the general funds of a registered trade union to be spent for payment of salaries and allowance to the officers, the presentation or defence of any legal proceedings to which the trade union or any member constituted as party, the conduct of trade disputes on behalf of the trade unions or any member etc. The Act gave immunity to registered trade unions from civil and criminal liability. It limited the minimum age for the membership of trade unions to 15 years and for office bearer to 18 years. The Royal Commission on Labour in India pleaded for the recognition of unions by employers both in spirit and in letter.¹ But throughout the thirties the question of recognition proved to be a recurring cause of friction between employers and workers.

4.5.10 Industrial Disputes Act

The Government passed the Employers and Workmen (Disputes) Act in 1860. Law provided for speedy settlement of disputes about wages. Apart from its limited character, it contained various undesirable provisions such as the one making breach of contract on the part of a workman a criminal offence.² This law continued to be in force till it was repealed in 1932. The Government prepared a Bill in 1928 and passed it as the Indian Trade Disputes Act, 1929.³ The Act provided for the establishment of a court of enquiry and board of conciliation to investigate and settle trade disputes. It disallowed the strikes or lockout in public utility services without notice. It provided three months imprisonment or

¹ Giri, V.V., Ibid., p. 150.
² Ibid.
³ Ibid.
fine extending upto Rs. 300/- to a person who incited others for an illegal strike. It protected the persons who refused to participate in illegal strikes or lockouts from being deprived of any right of trade union or society. The Act was amended in 1932. The Act was further amended in 1938 enlarging the scope of the Act. The Act empowered the Government to appoint conciliation officers for mediating in or promoting the settlement of trade disputes. The Act has been amended several times thereafter also.

4.5.10(i) Rule 81 (A) of the Defence of India Rules

In 1942, the Government of India added Rule 81 (A) to the Defence of India Rules to prevent the war effort from being held up. It restrained strikes and lockouts. The Government could make special orders to prohibit strikes and lockouts, to refer any dispute for conciliation or adjudication, to require employers to observe such terms and conditions of employment as might be specified and to enforce the decisions of adjudicators. Another notification was issued in 1942 to prohibit strikes and lockouts without 14 days' prior notice. In 1943 the Defence of India Rules were further amended and concerted cessation of work or refusal of work by a body of persons in a place of work except in furtherance of a trade dispute with which they were directly connected was prohibited.

4.6 Effectiveness

It is obvious that the British Government passed many legislations which seemed very thoughtful and concerned with the welfare of the labour class with respect to their wages, working conditions, compensation, women and child labour yet the lot of

1. Indian Trade Disputes (Amendment) Act, 1932.
the labour did not improve as much as it should have been mainly due to one reason. The labour laws were not seriously and practically implemented. Moreover, the British law-making authorities were concerned more with the production than with the workers. So they gave only that much rope to the Indian labour as was sufficient to keep them working and producing goods. The laws passed by them looked very attractive and humane but all laws are useless until they are applied diligently.

Right from the very beginning of acquisition of political power, British followed the policy of 'laissez faire' in trade and the policy of almost indifference towards the conditions of labour in India. Commerce was the main cause and means of British rise to power in India. The British systematically diverted the trade of India from manufacturing goods to the producers of raw material. Lord Salisbury explained this policy, "The question of administration interests us very much, and we hope that great advantage may be conferred upon the natives by introduction of English Government, and the enforcement of the case which accompanies English rule, but the administration of the country is not the sole or main object that should interest us. It is our business in all these new countries to make smooth path for British commerce, British enterprise, the application of British capital...."¹ For the successful implementation of policy injurious to Indian industries, the British advocated the policy of free economy. Their policy had also drained out wealth of India.

Ruin of industry threw the artisans, craftsmen and other people living on business out of employment and they became the burden on the subsistence agriculture. The workers were

frequently punished with considerable wage deductions on the grounds of being late, impudence, bad and unattractive work, drinking water during work, etc. They often got the wages very late in spite of the wage legislation which was passed in 1936 as Payment of Wages Act. Sometimes they did not receive even wages at all. This resulted in making the workers highly indebted to the shopkeepers and so bound them to the factory, in some respect, through debt slavery. A great majority of workers were indebted. Unhealthy and uncongenial working conditions made them sick. A high percentage of disease spread through work in factories and mines. Dr. Banerjee explained the condition of working class as follows: "Ill-fed, ill-clad, ill-lodged, the mass of the people of India led a dull and drudgery existence. The want of proper sustenance impairs the vigour and vitality of the people who fall easy victims to the attack of various kinds of diseases. Having no reserve to fall back upon in difficult times, they suffer untold misery whenever there is a slight disturbing cause, such as a drought or a failure of the crops. The children of weak and unhealthy parents become weakling and being themselves ill-fed and ill-bread, swell the number of the worthless members of the society. Thus the physical deterioration of the people goes on increasing from generation to generation; and with the progress of physical degeneration, their moral stamina also tends to become less and less strong."

Some aspects of working condition and life became better during the later period of British rule through enactment of labour legislations. But these laws were introduced with a motive, interest and pressure of British manufacturers and not to provide

welfare measures to workers. The laws proved ineffective in implementation. The Factories Act was introduced in India because the English Cotton industry in Lancashire wanted to make the competition by Indian textile manufacturers difficult. The English textile magnets asserted that the Indian factories had an unjustified advantage because they could employ children and women in unlimited number at any time during the day at lowest possible wages.¹ Though the conditions of workers were improved during the thirties under the pressure of trade unions, but on the whole the conditions of labourers in the Indian factories, mines, railways and in the plantations continued to be barbaric.² The Government of India also established an Imperial Department of Industry in 1921, but by 1931, Anstey reported, "It had not yet undertaken any foregoing constructive functions." Many plans were taken up to develop heavy industry, but they remained plans on paper only.

Hence, it is clear that the labour laws introduced by the Britishers were not seriously implemented and, therefore, could not prove effective to the desired extent. Still, one advantage is quite apparent that the titles of the proposed/passed/amended laws made the Indian labourers conscious of their rights concerning their wages, working and security which ultimately strengthened their belief in trade unionism and gave them ample courage to raise their demands effectively. Thus legislation during the British period may not have been much effective directly but as a prelude to effectiveness, it was quite varied and forceful. There might have been some short term gains in actual practice but in the long run the legislation formulated during the period worked like a launching pad for labour policies. It

¹. Singh, V.B., Ibid., p. 613.
gave to the labour class an aim to struggle for and, of course, a new psychology which took concrete shape with the help of movements like International Labour Movement and bodies like the International Labour Organisation and so on.

Conclusion

An indepth study and analysis of the law forming body and the laws enacted for the labour class during the British rule reveal that Britishers took most of the steps in this direction with ulterior motives. No doubt, rulers like Warren Hastings who tried to reform the condition of agricultural labour and Lord Cornwallis who brought scientific experimentation in agriculture, did something constructive in their individual way but the overall policy of the Britishers was for benefiting themselves. If we look on the surface level, it would seem that at least in parts the British policy was conducive and helpful for the Indian labour class but on a deeper level it is revealed that every stroke of labour legislation that the British legislature made, was in keeping with their self-centred policy.

As a matter of fact, in the long run, every law or Act passed by the Britishers helped their larger interests. If in this endeavour some short term gains were accorded to the Indian labour, it was essential because it provided a suitable platform to the Britishers to launch big economic programmes in Britain. Indian industry and crafts had been progressing very fast but Britishers did their best to convert Indian industrialists into supplier of raw materials for Britain.

It needs no proof to assert that the Britishers treated Indian labour in an inhuman manner. The Indian natives were
treated like dogs and their condition was pitiable. The revenue was collected in a most barbarian way. They made an elaborate hierarchy of officers from Governor General to Patwari but this was also done to facilitate their administration. To be precise, product instead of producers was their main interest. If the labour legislation of post-independent India benefitted in an indirect manner from the initiative taken during the British rule, it was just by chance and accident and not by any philanthropic policies of British regime. However, there is little doubt that the labour laws enacted during the British period paved a way for enacting new laws, amending the existing ones, above all, making the all concerned to realise the necessity to implement the labour legislation faithfully and rigorously.