CHAPTER V

SOURCES OF MODERN LABOUR POLICY

5.1 Introduction

It is a matter of common knowledge that it is only through a long, grinding evolutionary process that laws or rules for governing any human activity are formed. There are thousands of thoughts, ideas, compulsions, constraints, likings and dislikings that directly or indirectly contribute to the formation of final policy. The compulsions and bindings that contribute to a policy generally rise from a moral, political or social constraints. But the likings and dislikings emerge out of the inherent human nature and psychology. The old dictum of necessity being the mother of invention holds much water in the formulation of labour policy. Millions of people spread through ages of time must have felt, expressed, adopted or brought into force in one way or the other, the different shades and ingredients embodied in the modern rules and policies governing labour welfare and industrial relations. Different ideas, ideologies, cultures, movements and institutions like ILO etc. that were born in different periods of human history and which included the foreign invasions, social and moral revolutions, reformers and their theories, different schools of thoughts concerning labour upliftment and efforts of humanists, philanthropists and intellectuals all over the world, all left their impact and gave respective impetus to the evolutionary process of making laws and drafting policies concerning the labour class. It is, therefore, natural to find that the modern labour policy and legislation is the outcome of the impact of various
sources beginning right from the ancient religious scriptures to the latest national and international events. A brief account of such important sources is as follows:

5.2 Sources of Modern Labour Policy and Legislation

The important sources of modern labour policy and legislation are as follow:

5.2.1 Ancient Religious Scriptures

If one goes through the ancient religious scriptures like the Vedas, one will find them saying something or the other about the extent to which a labourer or a servant should be made to work or the facilities he should enjoy or the general behaviour and code of conduct between the master and the servant. However, at this stage, there arises a very pertinent question: Is it desirable to search the sources of modern labour policy in the pages of 'Vedas' or 'Puranas', simply because the human factor has not changed even in the modern age from what it was during the ancient period? This question has two different dimensions. One, the human base of any rule during the Vedic period is the same or similar to that in the modern age. Hence it will not be futile to look for the sources of modern labour policy in the ancient religious scriptures. Contrary to this, the second point of view can be that the world has changed so much and the human problems and demands have increased so much both in size and complexity that it would be a fruitless endeavour to try to peep into the ancient times. In view of these two conflicting views, the problem demands an indepth study of the whole issue.

Here it will, perhaps, be safer to assume that though the world today is totally different to that of the yesteryears, yet
the relations between the master and the servant or the management and the labour still have some of the common strands that bind the past with the present because of their being human, timeless and permanent. As far as the policies of ancient India are concerned one can begin with the monarchical form of management during the Vedic period. Here the king was omnipotent and he was guided either by heredity or religion or tradition. There were different levels of administration under him that used to assist the king in executing the policy. But one thing is certain that the religion played an important role in this context, because even the traditions and hereditary features were very much influenced by religion. So, one can say that 'Dharma Shastra' was perhaps the first source of labour legislation of modern India. The second important factor that came into play was the human factor which means that on the one hand the servant or the labour was a human being and demanded more wages, better working conditions or less working hours and on the other hand, the master or the management was also constituted by human beings who had their own interest and might have tried to exploit the workers under them for their own benefit. But it is not necessary that all masters were bad masters. Some of the managements might have exercised nobility and humanity in setting rules governing the labour of those times. Hence, it depended on the people of different times at different levels that contributed to rise or fall in the quality of legislation. Thus, human nature itself can be termed as an important source of labour policy in India or for that matter anywhere else. The whims of the kings, cruelty of a master, nobility of a management, demanding attitude of labourers, humility of a contented mind, profit motive of a greedy person —

all these and more come within the purview of human nature which as a source must have been primarily influenced by 'Dharma' but also would have contributed handsomely in moulding the rules and regulations that came later. Thus the impact of 'Dharam Shastras' and also of the basic nature and psychology of human beings on the labour policy and legislation, may be to limited extent, cannot be ruled out. The detailed and thoughtful rules laid down by 'Smriti Chandrika' which enunciated the relation between capital and labour was the most systematic as it contained the finer points concerning the labour class. It went to the extent of giving its judgement on compensation and liability also.

5.2.2 Caste System

The other vital factor that played an important role in determining the fate of labour class for ages to follow was the caste factor. There is no doubt that this factor too has its roots in the very first source mentioned above, i.e., 'Dharma Shastra', yet this factor in itself is so powerful that it requires a separate study. Through this fateful legislation a man was condemned to be a labourer or a worker or a servant or a slave even before he was even born. The moment a child was born in a low caste his fate was sealed. This caste system determined as to who will be the master and who the servant. Though this distinction does not in any way lead to the formation of the labour policy in the ordinary sense, yet if analysed on a deeper level it would be clear that the fact of being born in an upper caste not only made one a master but also gave him a superiority complex which gave rise to contempt and hate for the lower caste people in his mind.

This attitude generally resulted in cruel legislation for the class of slaves and the labourers which is obvious to some extent even in modern labour legislation.

The Caste System continued its unrelenting pressure of bifurcation of society into four different sects for the distribution of work, until in the Medieval period the system received a setback when the Muslim rulers gave the slogan of 'equality, brotherhood and justice'. On the other hand, the workers though liberated from the psychological burden of caste to some extent, had to work very hard. They also had to spend as much time in the work as the law makers wanted them to spend. Mostly the work began at the sun rise and ended at the sun set. There was no official or written law to govern the working conditions or working time which was determined by old customs, practices and law authorities. The liberation from caste was, however, only on paper of the rulers or in the minds of the workers. For all practical purposes, the caste system, still formed the base. Moreover, in the absence of any written legislation the labourer once again became slavish during the Mughal period. Gradually, as the more liberal Mughal rulers started ascending the thrones of India, the slavery started vanishing from the working class. But even during the 17th century the wages of the workers were very low and it was very hard for this class even to cover itself properly.¹

5.2.3 Social Reformers and Voluntary Bodies

With the advent of the British rule, some semblance of system could be visualised in the minds of the rulers and law makers to uplift the condition of labour class. Among the many

philanthropist movements initiated by distinguished social reformers in different periods, it was Robert Owen who first took the cudgels for the labour class and demanded international action for the welfare of the workers. Helped by social reformers like P.C. Majumdar, B.P. Wadia and others, the conditions of the working class started looking up. By that time National and International labour movements also started entering the shores of India due to the presence of the Britishers and their contacts. It will not be out of place here to say that the Britishers adopted a very shrewd policy in classifying the labour of India into two distinct groups. One group whose wages and working conditions were improved was the group that assisted in filling the coffers of the British Government or exporting the valuable raw material or products of India to England or other countries. On the other hand, the second group belonged to those workers who were traditionally Indians and earned their livelihood through traditional art and craft to become a part of a subsistent economy confined to the local frontiers of a village or a town. This dual policy of the British rulers was in line with their political policy of 'divide and rule'. But in the ultimate analysis, it proved to be good and healthy for the labour class of India as a whole. In the long run, the facilities provided and wages allowed to one group became an ideal target for the other group to achieve. This made them aware of their rights and they also started demanding higher wages and better living conditions thereby giving birth to trade unionism in India.

5.2.4 Industrial Revolution

There is no denying the fact that although the Industrial Revolution opened up new vistas with far-reaching consequences to
mankind, yet it also witnessed the untold human sufferings, attendant upon large scale production, in the early period of the 19th century. The State which had hitherto, by and large, been following the policy of laissez faire and was mainly concerned with the law and order, administration, etc. had to interfere to look into the problems of industrial working force. Thus there have been many complexities and radical changes apart from the gradually affecting social customs, conventions and traditions that have conglomerated finally in the shape of modern labour policy. Although the labour policy has always existed in human society (may be in a very crude form) yet the modern labour policy seems to have a different shape and size but having the same blot that it had thousands of years before, i.e., being unsatisfactory for the welfare of the labour class. In the ancient times, there was insufficient legislation and today, it is the improper implementation that is to be blamed specially in the case of unorganised labour.

5.2.5 Royal Commission on Labour

Yet another important and effective source of labour policy that is relevant even today is the Report of the Royal Commission on Labour in India that was submitted in 1931.¹ The period since then has been very fruitful for the industrial growth of India and for the labour welfare projects. During this period of six decades India has emerged as one of the important industrial powers in the world. Much of the credit for this goes to the instruments enshrined in the Report of the Royal Commission on Labour in

¹ See, Report of the Royal Commission on Labour in India, 1931.
India. In the 1920s and early 1930s the labour class was still not properly organised. Although the effects of I.L.O. rules were making significant headway yet the situation was grim especially due to two important reasons. These were migration of rural population to the urban areas to find employment and overall steep rise in the population growth all over India. Old traditions and customs like the subsistent village economy, joint family system and the caste factor that formed the backbone of the social security of the people during old times started melting down at the mere touch of scientific machinery. In such a turmoil the 357 recommendations of the Royal Commission on Labour proved to be the most up-to-date, foresighted and effective source of the welfare of the working class.

The recommendations of the Commission involved Central legislation, administrative action of the Government of India, provincial legislation, administrative action by provincial governments and administrations, action to be taken by local bodies like municipalities and universities and last but not the least the recommendations that required action at the organisational level on the part of the employers and the employees. Thus, the Royal Commission had very well thought of micro as well as macro aspects of the national industry in terms of labour legislation. Some of the recommendations were outrightly implemented by the then Government of India but many others remained for comprehensive examination and adoption at later stages. It is important to point out here that even in post-independence India various governments have continued to take action on the recommendations of the Royal Commission that were left out. Even today, the Government continues to look at the
Royal Commission on Labour for guidance in formulating its labour policy.

It is worth noting here that the Royal Commission on Labour emphasises not only the legislation but its implementation also and that too up to the level of a micro unit through the central, provincial and local administrations. It is due to this that there have been important enactments and amendments regarding wages, employment of children, industrial disputes and maternity benefits, etc.

Another important advantage of the Royal Commission has been the setting up of the tripartite meeting by the Government of India in 1942. This was done on the basis of the Royal Commission recommendations. Since then all the labour policies and programmes are carefully discussed, minutely examined and objectively analysed by the three pillar representatives of labour policy, i.e., the representatives of the government, the employers and the employees. The Tripartite Indian Labour Conferences have become a very important safeguard that keep in mind the interests of all the three parties in promoting overall industrial output and industrial relations. One can understand the essence of those labour conferences by understanding the spirit behind a unanimous resolution passed by the first Tripartite Labour Conference in September 1942. It states, "This Tripartite Labour Conference recommends that, with a view to providing adequate materials on which to plan a policy of social security for labour, the Central Government in cooperation with the governments of provinces of British India, Indian States and the Chamber of Princes should immediately set a machinery to investigate questions of wages and earning, employment and housing and social conditions generally,
and that as soon as possible, after receipt of the required statistics and other data, the Central Government should appoint a mixed committee to formulate plans of social security."¹

The recommendations of the Royal Commission have, no doubt, been wide ranging and have included nearly all the fields like the tea plantation, factories, workshops, mines, etc. It has given due attention to the problems of customary servitude, child labour, sanitation, industrial housing and general health. It holds as void the pledging of children under 15 years for any labour considerations.² Its recommendations regarding industrial housing³ and health⁴ have been outstanding contribution to the labour welfare projects. Its recommendations concerning the minimum age of children for employment in ports, their working hours and overtime etc.⁵ proved to be very effective in ameliorating the lot of the port labour. The commission also recommended legislation on payment of wages and abolition of imprisonment for debt in case of industrial workers getting less than Rs. 100/- a month.⁶ Similarly, the enactment of Code of Civil Procedure (II Amendment) Act (IX) of 1937 was possible only on the basis of the recommendations of the Royal Commission on Labour. Besides these, the provincial maternity benefit Acts all over India and the amendments accorded to them proved to be a boon for woman workers. Some other recommendations of the Commission⁷ like the

³. See, Ibid., pp. 287-93; see also, Bulletins of Indian Industries and Labour No. 61; Indian Labour Legislation, 1932-33, p. 15.
⁴. Ibid., pp. 251-60.
⁵. See, Ibid., pp. 287-93; see also, Bulletins of Indian Industries and Labour No. 61; Indian Labour Legislation, 1932-33, p. 15.
⁷. Ibid., pp. 348.
establishment of permanent courts and officers of conciliation and of works committees resulted in the enactment of important provincial Acts like the Bombay Trade Disputes Conciliation Act, 1934. It was again on the recommendations of the Royal Commission only that Labour Commissioners\(^1\) were appointed in most of the provinces by the Government of India and a machinery to deal with industrial relations was set up.\(^2\) Nevertheless the fact remains that the recommendation no. 357 of the Royal Commission has been the most beneficial for the industrial growth in India as in order to give effect to this recommendation the Central Government started convening labour conferences — the first such conference taking place at New Delhi in 1940. The constitution of plenary conference and a Standing Labour Committee having the character of tripartite body for holding regular discussions also helped the case of industrial relations during the transitional period from pre-independence to post-independence India. Thus, the recommendations of the Royal Commission on Labour have been a vital source of modern labour policy and legislation.

5.2.6 Labour Investigation Committees

Another important source that has helped in shaping the modern labour policy in India was the setting up of Labour Investigation Committee. It was the responsibility of the Committee to inquire about all industrial and semi-industrial labour covered by the Royal Commission along with some other categories and to decide the mode of investigation in each case. In brief, it was a fact finding committee. During its functioning the Committee underlined many ailments in the working of the Factories Act and in some other Acts also. It commented upon the

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2. Ibid., Recommendation No. 348.
conditions of the workers in plantation, on the hours of employment of the Indian Railways Act and on the impact of World War II on the Indian labour. It also undertook a comprehensive review of industrial relations, labour legislation and working and living conditions of labour in order to consolidate and bring up-to-date the impact of the recommendations of the Royal Commission on Labour in India.

5.2.7 National Commission on Labour

However, since then there have been many changes as far as the Indian industrial scenario is concerned. There have been emergence of public sector, transformation in the structure, nature and composition of both labour force and management and so on. In order to gauge the new demand and to review the labour policy in force hitherto, a National Commission on Labour was appointed by the Government of India on Dec. 24, 1969. The Commission submitted its report on Aug. 28, 1978 and made as many as 300 recommendations. The effectiveness and the credibility of the report can be judged by the fact that the government accepted as many as 219 recommendations out of 300 made by the Commission according to the Report of the Ministry of Labour for 1973-74. The National Commission on Labour has been instrumental to a great extent in uplifting the labour class in India but some of the major recommendations like the recognition of the trade unions, machinery for the settlement of industrial disputes and matters concerning industrial relations have not been implemented due to the opposition by some State Government and trade unions.

The Report of the National Commission on Labour vis-a-vis the Report of Royal Commission on Labour (1931) and the Report of
Labour Investigating Committee (1946), has been more or less disappointing. This is because in this report an effort has been made to please everybody, especially the Government which smacks of diplomacy rather than giving any sincere and practical solution to the problems facing industry in modern India today. All the same it is a fact that many recommendations of the report are quite useful and have been successful in moulding the thinking of the government officials in dealing with the labour problems and taking remedial measures.

5.2.8 Five Year Plans

Five Year Plans have been the other important source of labour policy and legislation. It is heartening to note that Five Year Plans have continuously monitored the requirements of the welfare of the working class and have time and again admitted the important contribution being made by the working class to the economic stability and the progress of country in accordance with the fundamental rights and directive principles enshrined in the Constitution of India. In addition to defining, interpreting, criticising and analysing the various measures undertaken for labour welfare, the Five Year Plans have been the most practical instrument in helping the implementation of these measures specially from the economic point of view.

5.2.9 The International Labour Movement

It is an established fact that the British period brought a new awakening and a ray of hope to the working class in India at least theoretically if not in practice. It is also true that the implementation of the new legislations could not keep pace with the formulation of pro-labour laws by the Britishers. However,
there were two factors which proved very important in giving a somewhat concrete shape to these laws. One was the world-wide movement, popularly known as International Labour Movement, and the other was a world-wide body, viz., International Labour Organisation. These two factors were instrumental not only in making the labour class conscious about their rights, but also in compelling the then Government to change its attitude towards this long suffering section of the society. Both, the 'International Labour Movement' and the 'International Labour Organisation' stood for labour welfare and protection of labour against any kind of exploitation. Hence it will be in the fitness of things to look into the history of International Labour Movement and formation of International Labour Organisation, and to study and analyse the contributions of these two forces in improving the working conditions and the social status of workers as also in giving direction to the Indian Government in formulating its labour policy.

After the Industrial Revolution, the old society became more differentiated, both socially and economically. The "proletariat", comprising of free individuals acquired a specific social status in the contemporary social structure. This 'proletariat' class, according to varying social and historical situations, in different industrial societies, organised itself, and since then the labour movement emerged as a distinct movement cutting through the traditional social structure and feeding itself on new secular concepts of social, political and economic organisation.¹ "The movement becomes not only a corrective and protective force in modern industrial society but also demands international action and assurances from nations for certain basic rights of the

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labourers and certain obligations of society as a whole to the workers".¹ A number of economists, social reformers, and philanthropists also gave their moral support to the movement. They advocated international economic agreements by government to minimise the hardships of the workers and to ameliorate the overall condition and level of the working class.

It is a well known fact that the period 1830-47 was the formation period for the international labour movement. It was during this period that the idea of making a common platform emerged among the workers in different countries of Western Europe and America. The industrial revolution in England brought miseries and sufferings for the worker. The political revolution in France and America gave birth to certain democratic ideas. All these factors created the feeling of solidarity among the working class. The labour unrest which started in 1825-26 led to the formation and consolidation of national trade unions, e.g., the Grand National Consolidation of Trade Unions in England and the National Unions in the United States of America. In France also a number of secret revolutionary and socialist organisations had started working.² These national unions helped the workers in the unified international actions. By the efforts of Robert Owen in England and of St. Simon in France a new school of thought known as "Socialism" was created by about 1830.³ They demanded a social re-organisation based upon associative effort and economic cooperation, in order to lighten the burden. In 1836, a worker in Brussels convened a meeting of his fellow workers to talk over

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3. Ibid., p. 433.
their common grievances. He was arrested and sentenced to imprisonment. Owing to this, the London Working Men's Association, under the leadership of William Lovette, issued an international address to the working class of Belgium and protested against the autocratic action of Belgium Government. This was the first instance of international labour movement when a national labour showed the concern on the condition of workers of the other country. This set a precedent. William Lovette, in 1838, addressed the working class of Europe and appealed the workers to unite, "Fellow producers of wealth.... Seeing that our oppressors are united.... Why should not we unite in holy zeal to show the injustice of war, the cruelty of despotism, and the misery it entails upon our species." By the end of the decade, many small groups of thinkers in France and England such as the Socialists, the Owenites, the Revolutionary, the Democratic tried to organise an International Association for the emancipation of the working class. Hence a conference was planned in London to put the project through, but it had to be given up because of sudden failure of Chartist movement. William Lovette and other leading Chartists were arrested and charged with an attempt to initiate a general strike. Many other stalwarts, who were attracted by the international labour movement, met in Paris to keep on renewing their efforts for effective international action.

One of the most important contributors to the movement happened to be Karl Marx. He prepared the Communist Manifesto in collaboration with Engle*, "Proletarians of all the lands unite"

1. Giri, V.V., Ibid., p. 434.
2. Ibid.
3. Ibid., pp. 434-35.
became a very popular bible for the working class movement all over the world. The manifesto was prepared for the benefit of the 'Communist League'. The Communist League was a secret international revolutionary society which was founded under the influence of Marx out of the 'League of Just' which was established\(^1\) in 1836 by Germans, in exile in Paris. At second Congress of the League in 1847, Marx appealed, on behalf of the 'Brussels Democrats' to the 'Democrats of London' to call a Congress of working men to establish liberty all over the world.\(^2\) The manifesto implied a call for international revolt which included the passage: "The workers have nothing to lose but their chains. They have a world to win."\(^3\) The manifesto was read out at a conference in London in 1847 and was fully endorsed.\(^4\) By this manifesto, international labour movement got a fillip to develop further.

5.2.9(i) The First International

With the dissolution of the League, the International Workingmen Association was founded in 1864, representing originally a movement of trade unionists for the economic emancipation of workers. However, under the guidance and influence of Karl Marx, the association was converted into a socialist organisation known as the 'First International'.

It was around 1860 that the first Italian Parliament met at Turin. Russia abolished the serfdom and there was a renewed liberal demand for political advance in Germany. Inspired by this, the workers of the rest of the Europe came into contact with

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1. Follow, John, Ibid., p. 58.
3. Follow, John, Ibid., p. 58.
the workers in England and once again the idea of internationalism revived. The leaders of the labourers of the principal countries of Western Europe held a meeting at St. Martin's Hall in London in 1864. They took effective measures to form an International Workmen's Association, commonly known as the First International. Marx delivered the inaugural address and enunciated the programme and policy of the new body. It stressed upon vitality and unity in all ranks of labourers. It served as a channel of communication between workers' organisations in different countries. Its membership was open to local or national workers, societies known as sections which could organise and work in their own ways. But they had to send their delegates to the annual conference which would elect a General Council. The General Council worked for keeping the members informed of the conditions of international labour markets, making studies of labour conditions, bringing common problems to the attention of the workers of the world and collecting data to boost the national consolidation of labour. Inaugurated in 1864, the First International worked for the workers of world to increase consciousness among them and to save them from all sorts of exploitation. It attained maximum influence in 1870. Its annual congresses held at Geneva (1866), Laustinne (1867), Brussels (1868), Basle (1869), the Hague (1872) under the guidance and supervision of Karl Marx greatly added to its reputation. The national trade unions of England, France, Germany, Holland, Belgium, Italy and Switzerland acknowledged its leadership but after working successfully for a few years, it started declining in 1871 and lost its vigour due to differences

1. See, Giri, V.V., Ibid., pp. 436-37.
2. Ibid., p. 437.
and dissensions between Marx and Bakuninsts at Hague conference in 1872, when it was decided to transfer its headquarter to New York so as to keep it out of reach of Bakuninsts. It was formally dissolved at Philadelphia in 1876. In 1873 Bakunin established his anarchosyndicalist organisation. Its congresses were held at Geneva in 1873, at Brussels in 1874, at Berne in 1876 and at Verviers in 1877. Socialists organised their conferences at Ghend in 1877, at Chur in 1881 and in 1883 and at Paris in 1886. But none of these proved effective in forming an international organisation. The period between 1872 to 1889 was marked by fruitless and persistent bickerings between contending labour groups such as the Marxian Socialists, the Bakuninsts, Fabians and others.

5.2.9 (ii) The Second International

Despite differences and conflicts between trade unionists, the period from 1889 to 1914 was essentially a period of peace and progress. After some tentative attempts in 1883 and 1886 by the moderate socialists of Paris and the British Trade Unions Congress, the Second International was constituted in 1889 in Paris. It adopted a programme including the prohibition of the employment of children under fourteen and in general of night work, an eight hours day, one day of rest in seven, the establishment of an international minimum wage and the creation of system of State supported national and international factory inspection. The International demanded all round improvement.

2. Giri, V.V., Ibid., p. 438.
6. Ibid., p. 10.
of the condition of life and work of labour. It placed the programme demands for a code of protective and ameliorative international labour legislation. The International concentrated towards democratising the instruments of government and achieving the right of free assembly, free speech, free combination, free education and adult sufferage. After 1904, it started degenerating and fell into a loose confederation of conflicting tendencies and the great War of 1914 proved the last straw that broke the camel's back.¹ On the eve of the first World War the International had twelve million followers belonging to twenty seven socialist parties in twenty two different countries.² But when the War broke out, the workers supported their respective governments. During the Wartime, largely unsuccessful efforts were made to maintain contacts between the workers' organisations of the warring countries.

5.2.9 (iii) The Third International

It was the conference held in Zinwalad in 1915³ that can be considered as the first attempt by the Revolutionary Socialists after the bifurcation in the trend of labour action between the centre socialists and the left wingers. Both sides, by way of holding a series of peace conferences and inviting discussions on the future organisational programme on labour, tried to canvass as much support as possible. The Centre Socialists also proposed a conference at Stockholm in 1917, but failed to hold it, because of a ban placed on it by the Allies.⁴ In November 1917, Lenin and his Bolshevik colleagues captured the government in Russia. The

¹ Giri, V.V., Ibid., p. 440.
² Ibid., pp. 440-41.
³ Ibid., p. 442.
⁴ Ibid., p. 442.
Bolshevik Government issued a decree for the nationalisation of economic life of Russia and it sponsored the holding of the first congress of International Communist in Moscow in March 1919. At this conference the Third International emerged which is also known as the Communist International. Its object was to promote communistic revolution outside Russia. It advanced the idea of abolition of private property and so on.

5.2.9 (iv) International Trade Unions

By this time, several attempts were being made by workers in the direction of forming purely trade union international organisation. For example, in 1889, the Leather Workers Union formed an International Federation. It was followed during the next ten years by similar federations of miners, metal workers, transport workers, textile workers, printers and a number of others. These international organisations of trade unions in particular industries were known as International Trade Secretariats. Though unification of these Trade Secretariats was tried, but the efforts made in this direction did not succeed.

5.2.9 (v) International Federation of Trade Unions

The Trade Union Federations of different trades united themselves and formed an international integration, known as International Federation of Trade Unions which came into existence in 1901. It was an international association of socialist type with a network of national centres affiliated to it. The International Federation of Trade Unions promoted the

3. See, Giri, V.V., Ibid., p. 443.
unity of working class. Its scope was mainly industrial. It permitted only one national central organisation in each country to be member of the Federation. The I.F.T.U. had its central office at Amsterdam which was known as International Secretariat.

Though the Organisation collapsed during the first World War, it was soon revived when the hostilities ended. The I.F.T.U. helped and supported the trade unions engaged in prolonged industrial disputes with financial assistance. It gave assistance to the British Trade Union Congress during the general strike and the coal industry stoppage of 1926. It provided relief work for the benefit of Australian and Russian workers after the World War I. It helped the members of German trade unions to withstand the privation caused by currency inflation in 1923 and assisted trade union victims of tyrannical fascist regimes in Germany, Italy and Spain. The Second World War did not bring about such a complete interruption of International Trade Union activity as did the first.

5.2.9 (vi) World Federation of Trade Unions

A world Trade Union Conference was held in London in February 1945. This conference was attended by the representatives of national centres affiliated to the I.F.T.U., the American Congress of Industrial Organisations and Russia. A committee was made for working out the constitution of new international organisation and in the month of October of the same year, the World Federation of Trade Unions was established. This was the

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1. Giri, V.V., Ibid., p. 444.
2. Ibid., p. 445.
4. Ibid., p. 221.
first time when the trade unions of centres of Soviet Russia and the Western countries were united in one organisation.\textsuperscript{1} Within a short period, sixty national centres with an affiliated membership of about 70 million had joined the organisation and at the end of December 1948, the membership stood at 74 million.\textsuperscript{2}

Though the Organisation proved effective and covered practically all countries, once again the disputes between the communist and non-communist groups raised their heads and at the Executive Bureau Session of World Federation of Trade Unions held in January 1949, British Trade union Congress brought the proposal of suspension of functioning of W.F.T.U.\textsuperscript{3} The Executive Committee resisted this proposal. So British Trades Union Congress sent its disaffiliation. The Congress of Industrial Organisation of the United States of America also left the Organisation. Therefore, the labourers of the world again divided and the non-communist leaders formed an International Confederation of Free Trade Unions. It was based on a recognition of the fact that industrial and social problems of work people in all industries and countries have many common elements. It aimed at securing and maintaining freedom of association, the right to collective bargaining and the right to strike. It tried to utilise these freedoms for the improvements in the working conditions, status and social security of labour. It also started an Asian Trade Union College at Calcutta, a residential institution inaugurated on 5th November, 1952\textsuperscript{4}, for the training of active trade union workers. In this way, the labour movement crept forward through many trials, accidents, dissolutions and revivals. The most important factor

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\item \textsuperscript{1} Wigham, Eric, L., Ibid.
\item \textsuperscript{2} Giri, V.V., Ibid., p. 449.
\item \textsuperscript{3} Ibid., p. 450.
\item \textsuperscript{4} See, Ibid., pp. 450-51.
\end{itemize}
that sustained the under current of the movement was the need to survive and if possible to survive decently without any shadow of exploitation.

5.2.9 (vii) The International Association for Labour Legislation

The Congress of Brussels is also known as the Congress for International Labour Legislation.¹ In the conference, the questions like the desirability of international protection of labour, duties of Labour Inspectors, establishment of liaison between different labour offices of State, preparation of statistics, etc., were discussed. A three men committee was also appointed to study the same. This led to another conference in Paris in 1900. In this meeting, with the attempt of Leon Bourgeois of France and Earnest Mahaim of Belgium,² the International Association for Labour Legislation was formally established. The labour office as its secretariat and archives with permanent Headquarters in Swiss Canton of Basel was decided in its first meeting in 1901.³ Its Director was Stephan Baner of the University of Basel. To create a change in the outlook towards labour problems conducive to international regulation of employment conditions, to collect and publish all labour laws, to study labour conditions, to formulate new labour legislation for national and international conferences on labour protection were the main objectives of the Association.⁴ The membership of this Association was open to any individual or group in any country subject to adherence to these objectives.

¹ Dhyani, S.N., Ibid., p. 10.
³ Ibid., pp. 9-10.
It was at the conference held at Berne that the I.A.L.L. adopted two draft conventions on the prohibition of the use of white phosphorus in the manufacture of matches and on the prohibition of night work of women.\(^1\) The principle of international consensus for the regulation of employment condition of working people was agreed to by the governments of industrial states for the first time.\(^2\) In 1913, another technical conference was held in Berne. It adopted two draft conventions, the prohibition of night work of young persons under 16 years of age with absolute prohibition for all young persons under 14; and the adoption of 10 hours day for women and young persons under 16 years of age.\(^3\) It was decided to submit the above draft conventions* at diplomatic conference to be held in September 1914, but owing to the outbreak of World War I, the conference was never held. Though the Association had served as bond for international action in labour field, it suffered from several fundamental weaknesses.\(^5\) In the first place, it was representative neither of employers nor of workers.\(^6\) Its deliberations were generally guided by lawyer, teachers, doctors and social workers, besides a sprinkling of politicians and of government officials.\(^7\) Its investigations in industrial question were more theoretical and scholarly and less practical\(^8\) because of its inability in procuring the necessary data and information from interested groups on labour. Lord Salisbury rightly puts it as 'beneficent projects'.\(^9\)

3. Ibid.
The Indian labour and their activities too could not remain unaffected by the international labour movement. The international orientation of Indian labour was caused because of political status of India during British Rule and the general weakness of Indian labour movement. Indian labour initiated its international contacts for the first time after the World War I, through the efforts of B.P. Wadia.¹ Their first contact was made with British labour movement with the motive of publicizing the poor plight of Indian factory workers in England and thereby getting labour legislation passed in India.² John Scurr, the British Trade union leader, after his visit to India, published a book entitled 'Labour in India' in 1920 in England explaining the economic conditions of the Indian factory workers. He strongly advocated the cause of Indian labour. J.C. Wadgewood, another labour leader from England, attended the first session of the All India Trade Union Congress in 1920 as a fraternal delegate of the British Trade Union Congress.³ In 1925 and 1926 two missions, one by the Jute Union of Dundee and the other by International Textile Workers' Federation, were sent to study the conditions of Jute and Textile workers in India.⁴ British Trade Union Congress also sent a delegation of two eminent trade unionists, A.A. Purcell and J. Hells Worth, in 1927-1928. They also attended eighth session of the A.I.T.U.C. held in Jharia. Indian workers' representatives were also invited to attend the sessions of British Trade Union Congress. N.M. Joshi and Dewan Chaman Lal attended the British

² Ibid., pp. 202-203.
³ Ibid., p. 204.
Commonwealth Labour Conference in 1925, as Indian delegates. The British Trade Union Congress also helped the Indian labour movement financially. They contributed £750 for the cause in 1928. In the same way, A.I.T.U. and a few other trade unions also contributed a sum of £ 651 at the time of 1926 general strike in Great Britain.¹

The division of international labour movement into two internationals, viz., Socialist International (International Federation of Trade Union) and the Communist International (Red International of Labour Unions)² also affected the Indian labour in their ideology and methods. Their ramifications on the Indian labour movement increased in the same proportion in which the intensity of efforts of the two internationals to fight for the capture of international labour movement increased. Thus P.P. Pillai observed, “In the struggle..., both are looking to the East for accretion of strength. Amsterdam, which has at present little following outside Europe, is naturally anxious to extend its influence by securing the affiliation of Indian, Chinese and Japnese labour organisation. Moscow also is making a strong bid for the capture and assimilation of the young labour movements of the East. Its efforts in this direction are of varied character. That propaganda — subtle, insidious and pervasive — is being assiduously carried on by Communist agents, has been made clear by several recent developments in the East, particularly in China and India”.³ This situation was reflected by forming up two groups of Trade Unions in A.I.T.U.C., the rightists (the Geneva Amsterdam group) and the leftists (the Muscovites). In 1921, International

¹ Punekar, S.D., Trade Unionism in India, New Book Company Ltd., 1948, p. 211.
² Sharma, G.K., Ibid., p. 222.
³ Pillai, P.P., India and International Labour Organisation, 1931, pp. 28-29.
Federation of Trade Unions invited A.I.T.U.C. for the affiliation. In the same year, the I.F.T.U. resolved "to carry out an energetic propaganda in British India". It gave financial help to Indian workers during the strike between 1925-32. In 1925, I.F.T.U. collected a sum of £2,929 from different countries for textile workers who were on strike. But Communist International was more successful in impressing the young leaders of A.I.T.U.C. through British Communist Party, which began to send communist emissaries one after another to India. At the time of general strike in 1928, a sum of Rs.75,000 was sent to help the Bombay workers by the workers of the U.S.S.R.

The International activities of Indian workers, during the Second World War, were limited to the joining of the anti-Fascist alliance. By the end of the War, Indian Federations of Labour and the All India Trade Union Congress joined the World Federation of Trade Union, the then created international. After the independence of India, the Indian labour movement was divided into four National Trade Union centres, viz., the All India Trade Union Congress (A.I.T.U.C.), the Indian National Trade Union Congress (I.N.T.U.C.), the Hind Mazdoor Sabha (H.M.S.) and the United Trade Union Congress (U.T.U.C). Out of these, A.I.T.U.C. was affiliated to the W.F.T.U., while the I.N.T.U.C. and H.M.S became the founder members of International Confederation of Free Trade Union (I.C.F.T.U.). The U.T.U.C. preferred not to have any international affiliation. In 1950, I.C.F.T.U. undertook a mission to the far East emphasizing the need for a change in anti union attitude of

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1 Punekar, S.D., Ibid., p. 190.
2 Ibid.
3 For observation, see, Spraatt Philip, Blowing India, 1955.
4 Sharma, G.K., Ibid., p. 228.
5 Ibid., p. 230.
employers and of measures for raising "terribly" low level of wages and the starvation budgets of millions of workers. With this aim, it started a resident trade union college in Calcutta which opened its first 12-week course with sixteen students from India, Japan, Hongkong, Malaya and Thailand. The I.C.F.T.U. provided to Indian labour movement a grant in aid of £250 (to the INTUC) for the publication of its organ, "Indian Workers". The World Federation of Trade unions, to which the AITUC is affiliated, has helped it to publish "Vishwa Mazdoor", Hindi edition of the Central Organ of W.F.T.U. It also sent contributions to the striking workers in Burnpur, the victimised railway men, coal miners in Bihar and Hyderabad, engineering workers of Satara, paper mill workers in Titagarh and the strikers in the Coir industry in Allepy.

5.2.10 International Labour Organisation

It was the establishment of International Labour Organisation in 1919 that for the first time placed the various problems on a regular international basis and since beginning it has been carrying out constructive and useful measures for establishing international standards for the improvement of labour in all the countries of the world. The I.L.O. symbolises social justice, universal lasting peace and human dignity. The I.L.O. is silently engaged in building world community through a peaceful change without sacrificing human dignity.

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There is no doubt that attempts were made to form international organisation even before the emergence of I.L.O. for bringing together the working class in different countries. For, example, Robert Owen was the first who suggested that States should act concertedly for the regulation and amelioration of labour conditions. He, reflecting on the evils of child labour, envisaged the possibility of international agreement to regulate labour conditions.¹ Chales Hindley suggested treaties between the States in order to establish uniform norms of international labour legislation. In 1839, Louis Rene Villerme of France drew attention towards the abuses which existed in the textile industry and argued for the necessity of international agreement to improve the lot of factory workers. In his treatise on industrial economics written in 1838-39, the French liberal economist Jerome Blanqui impressed upon the desirability of collective international efforts for labour reforms without which an individual employer and State would not be willing to improve the working conditions of the respective labour for the fear of lagging behind in international competition.² He suggested the conclusion of international treaties to regulate such conditions. Daniel Legs, a Swiss from Basel, appealed to French, Russian, British and Swiss Governments with memoranda in the hope of including them to enact "an international law to protect the working class against work excessing in amount and at too early an age, the primary and physical deterioration, its moral degradation and its depravation of the blessing of family life." Edward Ducpetiaux of Belgium was the first who pleaded for an international organisation to regulate commercial and industrial relations and the problems of the workers.

It was on 31 January, 1919 that a Commission on International Labour Legislation was appointed in the peace conference. The Commission was to enquire into the conditions of the employment from the international aspect and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such enquiry and consideration in co-operation with and under the direction of the League of Nations.¹

The Commission elected Samriel Gompers (U.S.A) as its president, and G.N. Barnes (British Empire) and M. Colliard (France) as its vice-presidents. Arther Fontaine (France) was its general secretary and Harold Butle was its assistant general secretary. The Commission started its work on February 1, 1919 and submitted its report on March 24, 1919, in which it recommended the setting up of an international organisation to deal with the problems of workers. Thus the International Labour Organisation emerged after a strenuous effort of a century on April 11, 1919 at Paris with its commitment to democracy, social justice and human right. Since then it is working successfully and has achieved remarkable results because of its tripartite character, democratic arrangement of having employers, workers and the representatives of the governments sitting at a common table.

5.2.10 (i) Aims and Objectives

It is pleasing to note that "International Labour Organisation is the only non-political international Organisation."² It is concerned with the conditions and the

¹ Johnston, G.A., Ibid., p. 5.
² Ibid., p. 21.
problems of industrial workers. The I.L.O. has been established for "the well being, physical and intellectual, of industrial wage earners." The main aim of the I.L.O. is the welfare of wage earners. The preamble of its constitution supplemented by Article 427 of the Peace Treaty of Versailles clearly enumerated the objectives of the I.L.O. This has been further supplemented by the Philadelphia Declaration of 1944. These fundamental instruments set out the main ideology of the I.L.O. in the following terms:

1. 'Whereas universal and lasting peace can be established only if it is based upon social justice.'
2. 'And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled...'
3. 'Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions, in their own countries...'

The preamble declares the following conditions for improvement to be urgently required in various particulars:

1) the regulation of hours of work including the establishment of a maximum working day and week;
2) the regulation of labour supply;
3) the prevention of unemployment;
4) the provision of an adequate living wage;
5) the protection of workers against sickness, disease and injury arising out of his employment;
6) the protection of children, young persons and women;
7) provision for old age and injury;

1. Preamble Constitution of ILO.
8) protection of interests of workers when employed in countries other than their own;
9) recognition of the principle of equal remuneration for work of equal value;
10) recognition of the freedom of association; and
11) the organisation of vocational and technical education.

It was on 20th April, 1944 that a conference was held in Philadelphia to consider the I.L.O's future role, policy and programme. In this Conference, the delegates of forty one nations participated and redefined the aims and purposes of I.L.O. and a wider conception of its responsibilities. This was the Declaration of Philadelphia of 1944, which had been incorporated into the constitution of I.L.O. Article I of the Declaration reaffirmed the fundamental principle on which the organisation is based and in particular, that:
i) Labour is not commodity;
ii) Freedom of expression and of association are essential for sustained progress;
iii) Poverty anywhere constitutes a danger to prosperity everywhere;
iv) The war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted internal efforts in which the representatives of workers and employers, enjoying equal status with those of government, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

Article II of the Declaration reitrates that 'central aim of national and international policy' should be the attainment of social justice. It means "All human beings, irrespective of race,
creed or sex have the right to pursue both their material well-being and their spiritual development and conditions of freedom and dignity, of economic security and equal opportunity."

Article III sets forth ten specific objectives which the I.L.O. is to promote among the nations of the world.¹

i) Full employment and the raising of the standard of living;

ii) The employment of workers in the occupations in which they can have the satisfaction of giving the fullest measures of their skill and make their greatest contribution to the common well-being;

iii) The provision as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

iv) Policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of protection;

v) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency and the collaboration of workers and employers in social and economic measures;

vi) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive care;

vii) adequate protection for the life and health of workers in all occupations;

2. Ibid., pp. 303-04.
viii) provision for child welfare and maternity protection;
ix) the provision of adequate nutrition, housing and facilities for recreation and culture;
x) the assurance of equality of educational and vocational opportunity.

5.2.10 (ii) Membership

In order to become member of the I.L.O., the rules and procedures made for the purpose are very simple. The constitution of the I.L.O. on November 1, 1945 and any original members of the United Nations or the State admitted to the membership of the United Nations, can become member of the I.L.O. by accepting the obligations of the constitution of the I.L.O. Other States can also become the members of the I.L.O. by a vote concurred in by two-third of the delegates attending the session including two-third of the government delegates present and voting. In 1919, 45 States were members of the I.L.O. In 1969, it rose to 118 and in 1975 to 119. The member States can withdraw their membership by giving a notice and it would take effect two years after the receipt of the date of said notice, on the fulfilment of all financial obligations arising out of membership.

The organisation is financed by contributions paid annually by Governments of member States. The budget is divided among the member States according to their scale that is fixed by the Conference on the recommendations of the Governing Body, by two-third majority of the votes cast by the delegates present.

1. Article 1(2) and (3).
2. Article 1(4).
3. Article 1(5).
4. Article 13(3).
rate of contribution has been hitherto fixed on an adhoc basis from year to year.

The International Labour Organisation comprises three constituent bodies. First, the International Labour Office, its permanent secretariat that administers the whole organisation. Second, the Governing Body — its executive, and third, the International Labour Conference — the supreme policy making body of the organisation.

5.2.10 (iii) The International Labour Office

The first permanent organ of the I.L.O. is the International Labour Office which functions as the secretariat of the organisation. Its office was established first in London in early 1920, but the Governing Body, in June 1920, decided to shift it to Geneva which now continues to be the permanent seat of the organisation. The general functions of the International Labour Office include collection and distribution of information on subjects relating to the conditions of industrial life and labour and it serves as a research centre as well as a clearing house of information on social and industrial question. Thus, research, investigation, technical co-operation and publications are the main functions of this body. The staff of the International Labour Office comprises experts from many different countries whose knowledge and experience are available to all member nations. There are 12 branch offices, 40 National Correspondents and 6 Field Offices in different countries. Its Chief Executive Officer is the Director General who is appointed by the Governing body and is subject to its control. An International Centre for

1. Article 2(c).
Advanced Technical and Vocational Training of Turin (Italy) and an International Institute for Labour Studies at Geneva were established by the office. It publishes the monthly 'International Labour Review', the fortnightly 'Industry and Labour' and other periodicals. In 1928, the office set up its Indian branch at New Delhi with one Director, Sh. V.K.R. Menon, and five other officers. It maintains liaison between the I.L.O. at Geneva on one hand and the government, employers' and workers' organisations in India on the other. It has been converted into an Area Office from April 1, 1970 to operate the I.L.O. activities in India, Ceylon, Nepal and Maldive Islands. The strength of the organisation depends largely on the co-operation of the member States and the efficiency of the International Labour Office which works as a prime-mover of all the I.L.O. ideals and activities.

5.2.10 (iv) The Governing Body

It is the Governing Body which is the executive organ of the I.L.O. and is non-political and non-legislative in character. It is charged with the duties of exercising general supervision over the work of the office, framing of its budget and determining policy for effective programming to work and for setting up industrial and expert committees and co-ordinating their works. It is the principal organ of the I.L.O. with limited composition and is tripartite in nature. The Body comprises Governments, employer and workers represented in the ratio of 2:1:1. Originally, in 1919, the Governing Body consisted of 24 members — 12 representing governments, 6 employers and 6 workers. But the number of members changed from time to time and now it comprises

1. IndianWorker, August 17, 1970.
56 members — 28 representing governments, 14 employers and 14 workers. Of the 28 representing governments, 10 shall be appointed 'by the members of chief industrial importance' and 18 government delegates are elected by an electoral college of the Conference including all governments except those of chief industrial importance. At present Canada, China, France, Federal Republic of West Germany, Italy, India, Japan, U.K., U.S.S.R. and U.S.A. are the States of chief industrial importance. India has, thus, occupied one of the permanent seats of the Governing Body from the very beginning. The Governing Body elects the Director General and meets normally three times a year. Its Chairman and Vice-Chairman are elected annually from government representatives and employers' and workers' representatives respectively.

5.2.10 (v) International Labour Conference

International Labour Conference is a World Parliament for labour in social context, because it is in this conference that the representatives of governments, employers and workers of world meet to consider, to discuss and to recommend new international legislation programme and action on labour matters. Except for an interruption due to World War II, the International Labour Conference has continued to meet since 1919 at least once in a year. Each member-State sends four representatives in the rationale of 2:1:1, of whom 2 shall be government delegates and 2 others representing respectively the employers and the work people of each of the member State. The member States have "to nominate

1. Dhyani, S.N., Ibid., pp. 41-42.
3. Ibid.
non-government delegates and advisers chosen in agreement with industrial organisations, if such organisations exist, which are mostly representatives of employers or work people, as the case may be, in their respective countries.\(^1\) The Conference may also be attended by the representatives drawn from non-metropolitan territories, representatives of official international organisations, non-governmental organisations.\(^2\) In the general conference, voting is based on the democratic principle, where representatives of governments, employers and workers speak and vote independently. The International Labour Conference, besides being the legislative or parliamentary wing, is also the policy making body of the organisation. Its principal function is to provide a platform for discussion and deliberation of international labour problems and thereby formulate international labour problems standards in the shape of Conventions and Recommendations which are collectively known as International Labour Code.\(^3\) Besides determining the expenditure and income budget of the organisation from year to year, the Conference also adopts resolutions on the current or future work of the organisation. The agenda of the Conference includes technical items, each of which is referred to various tripartite committees of the Conference set up at the beginning of each session of the Conference which submit their reports to the Conference for adoption.\(^4\) Besides the above important functions, the Conference has other secondary functions, namely, (i) the power to regulate its own procedure;\(^5\) (ii) to select its own president;\(^6\)

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1. Article 3(5).
3. Ibid., p. 37.
4. See, Ibid., p. 38.
5. Article 17.
6. Ibid.
(iii) to elect every three years members of the Governing Body;¹
(iv) to seek advisory opinion from the International Court of
Justice;² and (v) power to confirm powers,³ functions and
procedure of regional conference. However, the plea of State
sovereignty or domestic jurisdiction has never come in the way of
the working of the general conference.⁴

The proposals of the International Labour Conference take
either the form of a convention or a recommendation. A convention
is a treaty or agreement which, if ratified, creates binding
international obligations for the country concerned. A convention
has either to be ratified in toto or not at all unless
ratification by parts is provided in the convention itself.⁵ The
constitution of ILO provides for each member-State to submit an
annual report to the ILO Office on the measures which it has
observed to give effect to the provision of the convention to
which it is a party. The report is examined by a committee of
experts on Application of Convention and Recommendations and the
Report of this committee on the observance of a ratified
convention by a member State is debated in the International
Labour Conference. On the other hand, recommendation creates no
such obligations but it is essentially a guide to nation action,⁶
and may be implemented in parts to the extent possible. Thus a
recommendation is submitted to member States only for
consideration which may be used for guiding National labour
legislation. Generally, a 'Recommendation' prescribes higher

¹. Article 7(4).
². Article 37.
³. Article 38.
⁵. Saxena, R.C., Ibid., p. 715.
⁶. Article 19(6) (a).
standard than a Convention on the same subject. The conference has adopted 169 Conventions and 176 Recommendations till the end of 1989, relating to hours of work, paid vacations, women's work, protection of children, prevention and compensation of industrial accidents, insurances against unemployment, sickness, old age and death, minimum wages, wage fixing machinery, employment policy, labour inspection, industrial relations, employment in mines, co-operatives, colonial labour problems, conditions of sea-men, fishermen, etc. However, each member State possesses full authority for rejecting or ratifying any of the Conventions of the ILO.

Another important method adopted by the ILO to carry out its important activities is to hold Regional Conferences which deal with the specific and peculiar problems of geographical regions. The ILO was the first International agency to evolve this process and method as far back as 1936, when the first Regional Conference for American Continent assembled in Santiago, Chile, which was attended by the representatives of nineteen countries of the Western Hemisphere. Today, regional conferences have become a normal and regular feature of ILO's activities. They have been set for America, Europe, Asia, Africa and the Middle-East. The composition of the Regional Conferences is same as that of International Labour Conferences. These conferences work as a successful guide for future ILO activities and influence the future ILO Conventions and Recommendations.

4. Ibid., p. 55.
After World War II, the ILO took a significant step to establish industrial committees to focus more attention on the vital and major industries of international importance. These committees have been set up\(^1\) to enlist that most powerful bond of unity between men and women which comes from working, in the same industry or occupation. The ILO has established the Industrial Committees\(^2\) for basic industries such as (i) Inland Transport, (ii) Coal Mines; (iii) Iron and Steel; (iv) Metal Traders; (v) Textiles; (vi) Petroleum; (vii) Building, Civil Engineering and Public Works; (viii) Chemical Industries (ix) Plantations. These committees are tripartite in nature, comprising of 2 Governments', 2 employers' and 2 workers' representatives from each member State/Country concerned. The ILO has also set up committees of experts and correspondence committees\(^3\) for such problems as those of agricultural labour, women workers, tribal population, industrial hygiene, juvenile labour, migration and statistics.

Three Regional Advisory Committees have been established by the ILO — (1) The Asian Advisory Committee (1950); (2) The African Advisory Committee (1959), and (3) The Inter-American Advisory Committee (1965).

Before World War I, the ILO carried out its functions and activities by adopting minimum labour standards in the form of conventions or recommendations. But after World War II, the social and economic policies had undergone a fundamental change and there was felt a dire need of economic development particularly in countries which had achieved independence or were in the process of industrialisation. Therefore, the ILO put increasing emphasis

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3. Ibid.
on 'operational projects' to pass on skills and experience of industrial countries to those regions which are less or underdeveloped. In the immediate post-war period, the office had sent technical missions on a small-scale to Czechoslovakia, Egypt and India for organising social insurance schemes in these countries and to Greece for assisting the revision of labour legislation. The ILO initiated technical assistance to provide the application of ILO standards in an effective manner in the various countries using a wide variety of methods. Assistance has been taken in the form of advisory missions from the ILO by member countries for consultation. Sometimes, the Government of concerned country may request the office to make a survey and submit recommendations for government action for a particular problem. Since 1950, fellowship and internship programmes have been established for study in various fields. The ILO has also launched co-operative programme of technical assistance with the United Nations and its specialized agencies like FAO, WHO and UNESCO. Expanded Technical Assistance Programme has been started by the ILO. It is a co-operative venture for economic development of the underdeveloped countries providing the frame work and the financial resources for the bulk of technical assistance activities not only of the ILO but of other international organisations associated with the United Nations. In 1965, a new organisation took over the United Nations Development Programme which has become the driving force of the joint undertaking. The ILO has initiated the projects in various fields which include employment, planning and promotion, management, vocational

2. Ibid., p. 100.
training, general conditions of work, social security, occupational safety, maritime workers, labour laws and labour relations, labour administration, workers' education, co-operation and rural institution and labour statistics. The ILO has also launched World Employment Programme (WEP) to promote national and international efforts to create productivity employment. Under this programme, the ILO would provide member-States with advice and practical assistance in devising policies which will increase the amount of productive employment available thereby reducing unemployment and under-employment.

The policies and programmes of the ILO reflect that it is a live and dynamic organisation. Besides securing fair deal for workers by formulating international labour standards, it has emerged as international organisation striving continuously to mould itself to the changing needs of its member-States and their people. Its contribution is indeed highly significant.

5.2.10 (vi) ILO and India

As stated earlier also India is the original member of the International Labour Organisation since its very inception in 1919, when India was under British rule. Of the 24 States out of 40 States represented, India was one which sent a full delegation to the first session of the International Labour Conference. India had become a State of 'Chief Industrial Importance' in 1922. Therefore, it is a permanent member of the Governing Body. Before 1947, the Government of India's own delegations to the International Labour Conference were nominated by British Government or with the approval of British Government.2

Therefore, the delegation, during this period, was generally led by the High Commissioner for India in London who had no sympathy for India and for the cause of India's toiling masses.¹ The Indian workers' and employers' delegates voiced their political and national frustration against British colonialism and British exploitation of India. But after independence, the basic policy and objectives of India changed on social, political and economic issues. Accordingly, the nominees of the Government of India acquired a new status and prestige in the International Labour Conference.

There is hardly any doubt that the labour policy and labour legislation in India have been influenced by the ILO to a great extent. In progressive countries like India, labour policy and labour legislation are generally based on principles enunciated in provisions laid down in the International Labour Code of the ILO.² By way of Conventions and Recommendations, the ILO has played an active role in evolving a Labour Code and an appropriate labour policy for India. Thus, "many of the labour laws passed in India since 1920 have derived the motive force from discussions at Geneva Conferences. The creation of the International Labour Organisation and the adoption by that body of the Draft Conventions and Recommendations appear to have given an impetus to the development of labour legislation".³

Out of 169 Conventions and 176 Recommendations adopted by the International Labour Organisation till the end of December 1989, India has ratified 34 Conventions. (See Annexure I). Of these, one Convention (No. 2) concerning unemployment which was ratified in 1921 was subsequently denounced.

¹. Dhyani, S.N., Ibid., p. 128.
². See, Bhagoliwal, T.N., Ibid., p. 228.
³. Ibid.
It has been found that there is a close resemblance between the ILO Conventions and Recommendations and labour legislation in India, ratified from 1919 till today. There were direct influences of the Conventions and Recommendations during the early years of labour legislation from 1919 to 1932. After ratifying a convention, legislation on the basis of the provisions of the convention was initiated, e.g., Factory Law of 1922 to implement the provisions of hours of work (Industry Convention of 1919). It also implemented the night work of women (Industry Convention of 1919) and the night work of young persons (Industry Convention of 1919). Various amendments introduced in the Act from time to time reflect the influence of the Conventions. The provisions of minimum age (Industry Convention) were incorporated in the Employment of Children's Act, 1938. The Act was again amended to give effect to the night work of young persons (Industry Convention (Revised) 1948). The Indian Railway Act provides for the application of the hours of work (Industry Convention of 1919) and weekly rest (Industry Convention 1921). In the Mines Act, 1952, night work of mines above ground was also introduced for the application of the night work (Workmen's Convention) which was revised in 1948. The Indian Dock Labour Act, 1934 provides for the protection against accidents (Dockers Convention) as revised in 1932. The Workmen's Compensation Act, 1923 was amended in 1937 to give effect to the workmen's compensation (Occupational Diseased Convention of 1925).

The general Conference adopted Minimum Wage Fixing Machinery Convention 1928 (No. 26) for the creation of minimum wage fixing machinery in certain trades. India ratified the Convention in 1955. The Government also passed the Minimum Wages Act, 1948 which
applies to all employments that are listed in the schedule appended to the Act. Though the Payment of Wages Act was passed in 1936 to protect wages of industrial labour against unauthorised deductions, the Act falls short of the requirement of Protection of Wages Convention 1949 (No. 95). Therefore, the Act was amended in 1957 to give effect to the Convention.

Thus the I.L.O standards have both directly and indirectly influenced Indian labour legislation. Before 1919, the labour legislation in India on employment conditions in factories, mines, ports, docks, shops, etc., was almost either non-existent or primitive. The idea of social justice through law was a misnomer in India. Whatever the law or rules on payment of adequate wages, etc., existed, were half-hearted, inadequate and paper work only. But after the establishment of I.L.O., there began a wind of change in social field. The labour in India found expression of voice in the spirit of I.L.O. to promote social justice. The I.L.O. Conventions have, thus, formed a sheet-anchor of Indian labour legislation specially after 1946 when the Indian national Government assumed office at the Centre and drew up a blue print on labour policy which was essentially based on I.L.O. standards.

5.2.11 Other Sources

Tripartite consultations which have become a regular feature of the independent India to keep a strict yet benevolent eye on the problems arising out of the industrial disputes, have also contributed in moulding our modern labour policy and legislation. These consultations have been about different problems in

different sections, most of the deliberations centring around trade disputes acts, social security, dearness allowance, minimum wages, workmen's compensation, etc.¹

All the commissions, committees and forums set up by the Government of India are based on the promise of social equality and justice made by the framers of our sacred Constitution on the basis of fundamental rights and some of the directive principles of State Policy having particular reference to labour welfare. In fact, the Directive Principles and the fundamental rights have worked as a format for the labour legislation for its implementation in India through the successive Five Year Plans and Tripartite Conferences. There have been a plethora of other committees and the Acts² that have also contributed to the labour policy of the country in their own limited way.

The volume of labour legislation in a country depends upon various factors, such as its constitution, the broad economic and social policies pursued by its Government for developing resources, the state of public consciousness on labour matters, the strength of trade union movement, etc. As regards the labour legislation in India, the observations of the Labour Investigation

1. Dhyani, S.N., Ibid.
2. Report of the Indian Industrial Commission, 1916-18; Report of the Mining Committee, 1895 (Leading to the enactment of the Indian Mines Act (VIII) 1901); Report of the Coal Mining Committees, 1937 (Resulting in the Amendment of the Indian Mines Act of 1923 in 1937); Railway Advisory Committee, 1926 (Leading to the amendment of Indian Railways Act of 1890 in 1930); Report of the Motor Vehicles Insurance Committee and also the Wedgewood Committee (leading to the introduction of a Bill into Central Assembly on March 18, 1938); Labour Movement and the First World War (Leading to the enactment of Indian Trade Union Act, 1926, followed by several amendments later on); The Committee appointed by the Government of Bengal, 1921; the Industrial Disputes Committee appointed by the Government of Bombay in 1922; Principles of the Canadian Industrial Disputes Investigation Act of 1907 and British Trade Disputes and Trade Union Act of 1927. (Leading to enactment of I.T.D Act VII in 1929).
Committee are worth considering though much advance has been made in the field of labour legislation in India, since the Committee reported. The report of the Committee pointed out that though it was more than half a century that the state had interested itself in labour legislation yet the progress achieved had not been very encouraging. Broadly speaking, it was due mainly to three cases — first, conditions of work and wages in different industries varied according to the respective strength of the employers' and the workers' organisations; secondly, the amount of interest evinced by provincial Governments (States) in bettering the lot of working classes varied; and thirdly, the standards adopted for the enforcement of existing labour legislations had differed widely as between various provinces and the States. Many labour laws have no doubt been enacted after the report of the Committee, yet, as pointed out by Sh. V.K.R. Menon in an article on labour legislation, "We have yet to travel a long way on the road to social justice."¹

On the other hand, there are some who point out that there has been a spate of labour legislation in recent years. But as pointed out by Sh. Khandubhai Desai, legislation in a democracy is not so much means of check and control as a blue print for the guidance of the workers and management. It will also check chaotic forces and remove exploitation.²

Conclusion

It is evident from the foregoing account that there have been many direct and many more indirect sources that have been instrumental in framing the modern labour policy and legislation.

¹ Saxena, R.C., Ibid., p. 746.
² Ibid.
of the country. Starting from the Vedic era with the basic fabric of 'Dharma Shastra' to the Eighth Five Year Plan of the free India, it has been a long journey in which different sects, religions, moral teachers, intellectuals; distinguished personalities, various committees and commissions set up by various authorities, the Constitution of the country, Five Year Plans, etc. all have contributed to the formation of or an improvement upon labour laws and policies. However, International Labour Movement and the International Labour Organisation are two of the major sources of modern labour policy. As a matter of fact, these two sources have proved very effective in making the workers conscious of their rights and also in forcing the government to change its indifferent attitude towards the working class and have a suitable labour policy. A number of economists, social reformers and philanthropists also gave their moral support to the cause of working class and advocated international economic agreements by the government to minimise the hardships of the working lot. The period 1830-47 was the formation period for international labour movement. It was during this period that the idea of making common platform emerged among workers in different countries of Western Europe and America. The political revolution in France and America, the industrial revolution in England and the revolutionary activities of secret organisation in France, etc., strengthened the workers in the unified international actions. The Communist Manifesto prepared by Karl Marx in collaboration with Engle gave a stimulus to the movement for further development. The various international organisations and associations were formed and made an important contribution for international or universal action for the suffering lot, i.e., workers. Indian workers were also affected by such activities. They got moral, economic and
social support from this movement. The delegations of Indian workers were sent to attend the meetings of the trade unions of different countries. The delegations of workers from various countries also visited India to study the living and working conditions of the Indian working class. The effect of division of international labour movement into two Internationals, viz., the Socialist International and the Communist International, was also felt on Indian trade union. After independence, the four major trade union centres of the country have been affiliated to different International associations of workers.

The strenuous efforts of a century made by various economists, social reformers and philanthropists established a worldwide body, named International Labour Organisation (I.L.O.). This organisation with the symbol of social justice, universal lasting peace and human dignity, is engaged in building world community through constructive useful measures for establishing international standards for improving the lot of workers all over the world. The I.L.O. is working with mainly three organs, the International Labour Office -- its permanent secretariat, the Governing Body -- its executive; and the International Labour Conference -- the supreme policy making body. The proposals of the International Labour Conference take either the form of a Convention or Recommendation. A Convention has either to be ratified in toto or not at all. But there is no such binding about Recommendations and can be implemented in parts. The I.L.O. has also launched many programmes for the upliftment of workers in different countries in practically all fields. India is the original member of I.L.O. since its inception. It has also become a State of Chief Industrial Importance. India has ratified 34 Conventions of I.L.O. by now.
Right from the inception of the I.L.O., both the labour policy and the labour legislation have drawn heavily from the Conventions and Recommendations adopted by the I.L.O. All important labour legislations like the Workmen's Compensation Act, 1923, the Trade Unions Act, 1926, the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Industrial Disputes Act, 1947, the Factories Act, 1948, the Employees' State Insurance Act, 1948 and so on reflect a clear cut impact of the I.L.O. Conventions and the Recommendations. So has been the case with various amendments that have given effect to the various Acts both before and after independence of the country.

Thus the fact remains that although there have been a number of sources of modern labour policy, yet the sole aim of all these sources has been the amelioration of the lot of the working class and bringing it at par with other sections of the society.