CHAPTER - I

INTRODUCTION

The process of the history of labour legislation in India had been working itself out through all the chaos and conflicts, therefore it reveals slow progress. The early feature of labour legislation in India was that it was intended to meet the requirements of particular industries.\(^1\) In the twenties Indian labour legislation took long strides.\(^2\) As in other countries labour legislation in India began with female and child labour in the factories, and gradually widened its scope to cover wage earners in other types of employment. In England, the United States, France, Italy, Australia, Germany and Scandinavian countries, the growth of labour legislation and administration is clear enough.\(^3\) But much controversy has centred round this problem in India. The labour legislation in India started in 1835 when Indians were sent out to the colonies as indentured labourers.\(^4\)

The Workmen's Breach of Contract Act, 1859, the Employer and Workmen's Act, 1860 and the Indian Penal Code,


\(^4\) Shiva Ram, V. The State in Relation to Labour In India, University of Delhi, Delhi 1939, P. 101.
factory legislation in 1818 and mining legislation in 1901. The steps taken in this field were good enough only in a limited sense, because the labour legislation enacted in the said spheres was not adequate to meet the basic needs of the workers, in the sense that no good administrative machinery was provided for removing the grievances of the workers. They were badly exploited by the employers who secured enormous profits. However, the passing of the aforesaid legislation paved the way for further amplification of labour legislation in India.

**Factory Legislation.**

Till the first two decades of this century, the Government of India did not realise the need to take action for the protection of labour, and even public opinion did not care to agitate for the protection of labour. There were no enthusiastic social reformers who might adequately champion the cause of the labourers, and Indian political leaders were much more attached with the struggle for freedom and other political issues. The need, however, for regulating the Indian factories by law was pointed out for the first time by Major Moor. The evils prevailing in the Bombay Cotton

5. Pillai, PP. Edited : Labour In South East Asia, Indian Council of World Affairs, New Delhi, 1947, PP. 22.
Mills were elaborated in his report on the subject. He drew the attention of the administration of his department mainly to the conditions of the labourers. He mentioned that the hours of labour were unjustly long and women and children were made to work for long hours and without even a weekly day of rest.6

In fact, the origin of labour legislation in India was philanthropic in nature.7 The position of the Indian labour can well be contrasted with those of the Lancashire manufacturers who were far ahead of their contemporaries in India in 1874 and had come to realize the importance which labour was daily gaining. Lancashire was inspired by the Indian agitation to secure a fair field of competition with India.8 The result was that the Lancashire manufacturers also pressed for factory legislation in India, for the absence of it placed the Indian manufacturers at an advantage.9 During the year 1875, the Earl of Shaftesbury, a great philanthropist, and a staunch supporter of labour legislation in his own country took up the cause of Indian Factory legislation in the House of Lords.10 All this led to the appointment of the Bombay Inquiry Commission in 1875 at the proposal of the Secretary of State.11 It was

11. Pillai, PP; Economic Conditions in India; (George Routledge and Sons Ltd. London, 1928), P.252.
to determine whether legislation in India was necessary or not. The report of the Bourn's Inquiry Commission may be summarised thus:—

1. Except some portions of the machinery, as a rule, all the machinery was to be protected;
2. Eight years was to be the general age of the youngest children employed in the mills;
3. The hours of work were stated to be from sun-rise to sunset with half an hour for rest at noon;
4. There were provided no fixed number of holidays for any factory during the year;
5. The health of the operatives was stated to be good. It was also stated that they did not suffer from the long hours, save in some of the Cotton Press factories;
6. The ventilation in some factories was better than in others;
7. Gratuitous schooling was given in a small way in two of the factories but in none of the others;
8. The witnesses were divided so far as the question of the necessity of legislation was concerned. However, these witnesses might be considered as giving their evidence in favour

12. Ibid.
Shortcomings of the recommendations: The Commission failed to suggest a practical solution of the pressing needs of the Indian workers. The enquiries of the Commission were vague. The condition of Indian labourer at that time was even worse than that of a slave. Because no light was reflected on the fact that "labour of every sort is signified."

However, two years later, Mr. Sorabji Shapuri, a prominent Bengali social worker sympathised with the cause of labourers and courageously advocated their case and as such in 1877 a bill was introduced and was passed in 1881. It came to be known as the First Indian Factory Act. Local governments were to be left to take action upon it. This Act being applicable to the whole of British India came into operation on the first day of July 1881. The main provisions of the Act were as follows:

1. The act applied to all manufacturing premises using mechanical power employing a hundred or more persons and working for more than

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15. Shiva Ram, V. : The State In Relation To Labour In India; (University of Delhi, Delhi), 1939, P.10.

four months in the year. 17

2. The employers were prohibited from engaging children below the age of 7 and from making children between 7 and 12 work for more than 9 hours on any day.

3. And workers were also to have four compulsory holidays in every month.

4. It provided for the fencing of dangerous machinery, the reporting of accidents and the appointment of special factory inspectors, if necessary. The district officers being ordinarily expected to enforce the provisions of the Act without any addition to their staff.

5. The Act did not apply to tea and coffee plantations, to factories using power-driven machinery but employing less than hundred persons but using no power machinery, and to ginning and other seasonal factories which did not run more than four months in the year.

6. Adult labour was left at the mercy of free competition and entirely at the mercy of their employers. 19

7. The Act provided for the appointment of inspectors by the local governments. In the

17. Mukhtar, Ahmad: Factory Labour In India, (The Annamalai University), Madras, 1930, P. 19.


19. Shiva Ram V; The State In Relation to Labour In India; (University of Delhi, Delhi), 1939, P. 102.
absence of such appointments, the District Magistrates were to act as inspectors in their respective jurisdictions. It provided for the protection of dangerous machinery laying emphasis that accidents were to be duly reported to the local governments concerned.  

The scope of the Act was recognised as limited in the sense that it did not impose any obligation on mill-owners for the protection of adults, save in so far as it provided for the fencing of machinery and notice of accidents. This Act provided limited protection for children, and the adult labour still continued to suffer. Fencing of dangerous machinery was not done. The accidents were not reported. The Labourers did not even get any time for their meals. The Act remained almost a dead letter. No proper machinery was set up to examine the working of the Act. It was not still in the knowledge of the social and political reformers and the authorities concerned that the worker is a human being who occupies a definite place in society.

However, the circumstances were favourable for the passing of another Act. It was mainly due to the sympathisers of workmen and pressures from Lancashire that


force the Secretary of State in favour of the expeditions
in place of the rigid regulations. So, in 1882 Meade King
one of H.M's Inspectors of Factories was, at the request of
the Government of Bombay, deputed by the Secretary of State
for India to report on the working of the said Act. His
report proved a good starting point for the working of the
Factory Commission. He found out several shortcomings in
the content and operation of the Act and submitted the
following observation on 7th July 1882:—

1. He laid down that there was complete absence
   of sanitary provisions in the Indian Factory
   Act.

2. He emphasised the women and children should not
   be required to work before 6 A.M. or after
   6 P.M., and during this period they should
   have either an interval of one hour for food
   and rest, or two breaks of half an hour each.

3. Children below the age of eight should not
   be employed in factory. Every child should be
   medically examined before employment and
   employed when declared physically fit.

4. He also made it clear that there should be
   created a young persons' class between the
   ages of 13 and 16 and the limitation be
   imposed on their working hour.

22. Jathar, G.B. : Indian Economics; (Geoffrey Comberledge
    Oxford University Press), Madras, 1945, P. 45.


24. Mukhtar, Ahmad, Factory Labour In India (The Annamalai
    University, Madras), 1920, P. 20.
The suggestions of Meade King were circulated to all the Local Governments. Bombay and Madras welcomed them but Bengal expressed strong opposition. Other Local Governments were only partly in favour. However, the Bombay Government stuck fast to its view and appointed a commission in March 1884, to report on the advisability of extending Meade King's suggestions to Textile and other factories, and to take up the whole matter in all its bearings.²⁵ The commission consisted of seven members with Mr. W.D. Mulock, Collector of Bombay as its President. A Medical Committee was appointed in 1884 to enquire into the general condition and health of mill operators, and lay their report before the Mulock Commission. The Bombay Government asked the Commissioner to investigate sanitary conditions of local factories and forward evidence before the Mulock Commission. The personnel of the Mulock Commission consisted mostly of factory owners. Meanwhile N.M. Lokhanday, Chairman of the Mill Hands' Association brought together the workers into two meetings held in September 23, 1884, and September 26, 1884. In these meetings a memorandum was drawn up and signed by more than 5500 labourers. The same was presented to the said Commission.²⁶ It contained the following demands:

²⁵ Ibid P. 21.
²⁶ Ibid.
2. Interval of half an hour at noon on every working day.

3. There should be limitation of working hours.

4. The payment of wages should be on the 15th of every month.

5. There should be adequate provision for industrial accidents.27

And the following were the chief proposals of the Commission:–

1. The Commission suggested all India Legislation.

2. They provided that the factories should be maintained in a satisfactory sanitary condition. The law should be amended to include the following provisions:–

   (a) Factories must be white-washed every fourteenth month.

   (b) They must be painted every seventh year.

   (c) They must be adequately ventilated by means of fans.

   (d) A special Committee should prepare standard plans for the construction of mills, and

27. Ibid.
They unanimously decided that no child should be allowed to work on any day before seven A.M. or after five P.M. They also similarly decided that minimum working hour for women should be fixed at eleven. They should not be employed before 6 A.M. or after 6 P.M. on any day. Both women and children were to enjoy four holidays in every month. They were also to enjoy an hour's interval for food and rest.

Children below the age of nine should not be employed. And an adult labourer should also be employed at the age of fourteen.

Children should not be allowed to work in factory unless and until duly certified by a certifying surgeon to be of the prescribed age and physically fit.

Employees should keep registers of children showing the nature of the work assigned to them.

They maintained that all factories in which ten or more than ten women and children were employed should be brought under the operation of the Act.28

While reviewing the report of the commission, the Governor of Bombay disagreed with their proposal that a child who had got some school education should be allowed to begin work at the age of eight. It was true that the recommendations of this Commission were made in order to improve the working conditions of the women and child labourers. But the Commission did not recommend any legislative interference with the adult male labour. Thereafter, Bengalee, a prominent social worker and Blaney, an Englishman, emphasised that the condition of adult males demanded legislative protection. These two social reformers were supported by the Mill Hands' Association that urged that the law should be applied to all operators alike. Moreover, the Sanitary Commissioner, in his report, mentioned that improvements in ventilation, latrine accommodation should be asked for in many factories. He also recommended that they should be white-washed every twelve months. The Governor in Council, Bombay, was inclined towards the extension of the Act and wanted to go further than the recommendations of the Commission. He said that the Act should be applied to all factories where either 10 women and children were employed or where 20 persons

29. Ibid P. 23.
Central Government indeed suppressed the zeal of the Governor to take any step.  

The unsympathetic attitude of the Central Government was not appreciated by the social reformers here and abroad. The British rule in India already disliked any social, political or economic reform, while England was busy in her own affairs especially relating to labour movement.

However an important event soon changed the attitude of the Central Government. The appointment of James Jones* as the first permanent Special Inspector in Bombay in 1883 was very significant. He prepared a memorandum regarding the conditions of labourers in factories. This memorandum appeared in the report of the Chief Inspectors for 1886-87. His memorandum had the desired effect. Afterwards, on May, 1888, Lord Cross, Secretary of State for India wrote to the Government of India for information on the following points:--

(a) The working of the Factory Act of 1881 with special reference to the plan of placing the work of inspection in the hands of the District Magistrates,


* James Jones was a specialist on labour problems. He returned to England after a service of four years in India.
(c) Submission of the report of Indian factories since the application of the factory Act,

(c) The chief shortcomings pointedly referred to by Jones. 32

In the meanwhile, in a meeting of the House of Commons, Samuel Smith and James Maclean drew the attention of the Secretary of State to the long hours in the Indian factories, the absence of a compulsory weekly holiday and the advisability of applying the English Act to India. Consequently, the Secretary of State in July, 1888 asked the Indian Government if it would be expedient to legislate for the working hours of women and children and to close factories one day weekly. Indian Government solicited the opinions of the local governments but none save Bombay advocated any further legislative interference. 33

On March 5, 1889, the following main proposals of Indian Government for the amendment of the Factory Act, 1881 were sent to the Secretary of State:

1. The Act should be applied to all factories working with 20 or more workers.

2. The women should enjoy the maximum eleven hours per day.

3. The minimum age of children should be raised to 9.


33. Ibid. P. 25.
with powers of enforcing neatness and cleanliness in factories.\textsuperscript{34}

Meanwhile, the Manchester Chamber of Commerce in November, 1888 petitioned to the Secretary of State for uniformity of legislation both in England and in India. In 1889, questions regarding the same issue were put by Messrs. Graham and Mendella in the House of Commons. The reply from the Under-Secretary of State for India was that the proposals for amending the Indian Factories Act had been received and the matter was under consideration. In March 1890, the textile and factory labourers of Lancashire waited on Lord Cross, Secretary of State for India, and asked for legislative interference on behalf of their fellow workers in India. The Secretary of State by this time had already expressed his consent to the amendments of the Government of India and added a proposal of his own for a compulsory weekly holiday. A Bill was accordingly prepared in 1890. But a postponement of the Bill came, which was once again referred to the Local Governments and Administration for a further and fuller consideration.\textsuperscript{35}

Meanwhile, an international Labour Conference was held in Berlin in 1890. As its recommendations were accepted by England, it was thought desirable that they should be put into force in

\textsuperscript{34} Ibid.

\textsuperscript{35} Ibid, P.P. 25-6.
India also. The Secretary of State, however, urged the Government of India for the necessity of passing more stringent legislation. 36

The Secretary of State wrote:—

"Before the Factory Law Amendment is passed, it would be well to obtain, if possible, the views of operatives themselves on the question of hours of labour for women and children, and on the question of holidays." 37

All the said steps taken for the betterment of the workers, though not in vain, yet were not serious. British Imperialism was a great obstacle in the economic development of India. The conditions of the labouring class was worse than a slave and the Indian labour was still labouring in the pangs of sorrow despite great improvement in the condition of labourers of other western countries. All the serious efforts in this regard by the Indian social reformers were relegated to the background.

But the recommendations of International Labour Conference were remarkable in nature and had an impressive influence on labour legislation. Its recommendations included the following proposals:—

1. Weekly holidays.
2. The maximum age for factory children was fixed

36. Shiva Ram V.: State in Relation To Labour In India (University of Delhi, Delhi, 1939), P. 103.

Children were prohibited to work at night and in dangerous industries.

4. It was proposed that women should work only for eleven hours without engaging themselves in night work, having enjoyed an interval of rest for one hour and a half. They were also to be prohibited from doing work for four weeks after childbirth.

5. The hours of work for workers under fourteen years of age were fixed at six and at ten for workers between and sixteen years. Hours were further to be restricted to day time.

The resolution of Berlin Conference in fact, precipitated the atmosphere for agitation by the workers. J.M. Maclean and Holt S. Hallett demanded strongly the enforcement of the Berlin resolutions in India. And similar efforts were made in the House of Commons through a series of questions. At the same time the Bengal Chamber of Commerce, the Calcutta Trades Association, the Indian Jute Workers Association and the Calcutta Hydraulic Press Association were all opposed to the Factory Bill. They all protested against any external influence trying to introduce British Legislation in India. N.M. Lokhandy once again organised the labourers.

The Bombay Mill-owners yielded to their request and decided

38. Mukhtar, Ahmad, Factory Labour In India, (The Annamalai University Madras), 1930, P.P. 28-7.
the Governor of India, appointed a Commission on the 25th September, 1890, with Surgeon Major A.? Lethbridge. Its other members were Raja Peary Mohan Mookerjee, C.S.I., Mr. Sorabjee Bengallee, C.I.E., and Mr. Muhammad Husain, Assistant Director of Land Records and Agriculture, North Western Provinces and Oudh. These Commissioners were to be assisted in their enquiry in each province by a selected representatives of the mill hands of that Province. The Commissioners were advised by the Government of India to report on the following points:

1. Is the limitation of the hours of work for women to 11 per day proper, and do they desire it, if not to what amount should their days' work be limited?

2. Should the law draw a distinction between young persons and adults and if so, then the age of children fixed at from seven to twelve, what should be the definition of a young person and what should be the hours of employment of this class?

3. Is the limitation of the working hours for children to 9 per day and their conditions of

39. Ibid P. 27.

work properly.

(4) Does clause (5) of the Bill now before the Legislative Council sufficiently provide for holidays for women and children, and is any provision needed prescribing an allowance of holidays for adult male operatives?\(^1\)

(5) Do the male workers desire a general working day and if so, of what length should be determined by law save in cases in which men work in shifts or sets, and if this change is not desired by operatives themselves, do the conditions under which they work demand that it should be adopted?

(6) Do the male workers wish that there must be a compulsory stoppage of work at a fixed time of the day, and should there be an exception in the case of men who work by shifts or sets? If the change is not desired by the operatives themselves, do the conditions under which they work demand that there should be a compulsory stoppage of labour, and if so, in what manner should it be provided for?\(^2\)

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41. Clause (5) of the Amending Bill introduced in January, 1880, proposed the substitution of the following for section 8 of the Act of 1881:—

"Every occupier of a factory in which women or children are employed shall, before the beginning of each month, fix according to the castes or classes to which such women or children belong or otherwise, not less than four."

Government of India to report on the said points was a good idea, but it was mainly due to the political pressure exerted by the Indian National Congress.

According to the instructions of the Government of India, the Commission started work without delay. It began their work in Bombay in the first week of October, 1890, and visited Ahmedabad, Kanpur and Calcutta. It held 28 meetings and visited 34 factories on 12th November, 1890, the Commission, 43 in its report, gave the following answers:

(1) Women should work only for eleven hours in any one day.

(2) The maximum limit of age for children should be fourteen years. No separate class of young persons should be created by Law.

(3) Outside the shift system, the hours of work in the case of children should not exceed 6½ in any one day, with the reduction of working hours no fixed interval of rest for them should be required by law.

1* days in such month to be observed as holidays by each woman or child employed in the factory and shall forthwith give notice of the days so fixed to such offices as the Local Government may, from time to time, appoint in this behalf.

"An occupier of a factory may with the previous sanction of the Inspector"  

(4) The workers of both sexes should enjoy a weekly holiday preferably on Sundays. There should be exception in the case of factories which for technical reasons, wanted continuous production.

(5) The labourers should be given a compulsory interval of rest extending to over 1/2 hour in the afternoon.44

The report of this Commission was general in character and mainly directed towards working hours of the workers of both the sexes. It was not sympathetic to the cause of child labour, unlike in the United States, where the hour legislation for children did not result from interest in education but from the efforts of adult male labourers as primary step toward obtaining similar legislation for themselves.45

@ substitute for any day fixed under this section another day in the same month.

"A woman or child shall not be employed in such factory on a day fixed under this section, as a day to be observed as a holiday by the woman or child, unless when another day has been substituted for such day, as herein before provided, in which even the woman or child shall not be employed in such factory on the day so substituted." (Quoted in J.C. Kydd. "A History Of Factory Legislation In India (University of Calcutta, Calcutta, 1920), P. 53.

44. Mukhtar, Ahmad: Factory Labour In India (The Annamesed University, Madras, 1930) P.21.

The report of the Commission was received favourably by the Industrial and Commercial Community in India, but did not satisfy the aspirations of Englishmen in England. Some discussions on the statutory regulation of labour ensured between the Indian Government and the Secretary of State. On March 6, 1891, the report of the select committee on the Indian Factories Amendment Bill was submitted to the Imperial Legislative Council.\(^{46}\) The bill was passed into law on March 19, 1891, and came into force on the 1st January, 1892. This Act, with all its imperfections, remained in operation till 1912. It was far in advance of the Act of 1881.\(^{47}\)

The main provisions of the Act were as follows:

1. The Act was applicable to all factories employing fifty persons or more. The Local Governments were empowered to extend the Act to all factories employing twenty persons or more.

2. Half an hour of interval was given to the workers in all factories.

3. A weekly holiday was made compulsory.

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46. Mukhtar, Ahmad, op. cit; P. 29.

4. Women labourers were to work for eleven hours in any one day, and the rest interval of 12 hours was prescribed for them if they were employed for the maximum hour allowed by law. They were prohibited to work at night.

5. The age limit for the children workers was fixed at nine and fourteen respectively. They were not allowed to work at night. Their working hours were limited to seven. They were not permitted to engage themselves in dangerous work.

6. Rules regarding sanitation and ventilation of factories could be enacted by the Local Governments.

7. There were made extensive provisions for inspection and imposition of penalties for the infringements of the Act.

The Act of 1891 was good enough when we compare it with the preceding Act in the sense that it provided a fixed midday stoppage by determining the working hours of both male and female workers. It also laid emphasis on removing the filthy conditions of factories, providing rules concerning

48. Mukhtar, Ahmad; Factory Labour In India; (The Annamalai University, Madras, 1930), P. 29.
sanitation and ventilation. It also paid attention to children's
employment in factories and industries. This
act was of less general interest being chiefly occupied with
more narrowly defining hours of work. The chief defect of
this Act was that it did not lay down any specific provision for
the protection of labourers from infectious disease and fire.
Moreover, there was provided no method of regulating industrial
conditions. A good deal of progress noticed in the countries
like the United States, where the general and the specific
statutory requirements of the previous years were being supplanted
by scientific standards developed through administrative orders
based on continuing investigators. 49

It is clear from above facts that the cause of
labour was gaining strength day by day. Labour was not
understood as slave. Labour started to be given prime impor-
tance in the economic field for the economic progress of a
country. In fact Industrial Revolution proved a boon for
the improvement of the conditions of the labourers.

For this reason, the provisions of the said Act
did not satisfy either England or India. The chief spokesman
of Manchester, Holt Hallet carried on a regular propaganda
in Britain where he broadcast some mischievous rumours regard-
ing Indian factory conditions. The Indian employers were dis-
agreeable to the restrictions on the employment of women and

49. Commons John, and Andrews John B, : Principles Of Labour
Legislation (Harpper and Brothers, New York 1936), P. 223.
children. The humanitarians urged for the protection of the adult male labour and for compensation to all workers in cases of industrial accidents. A more serious defect of this Act was revealed in 1905 when the Bombay High Court decided that a Manager was not an occupier of an establishment and could not be punished for the breach of the Act. This ruling was alarming and would have been enough to move the Government for an amendment of the Act.

Thus in September, 1905 a Bill for further amendment of the Act of 1891 was introduced in the Central Legislature. Early in September 1905, the Bombay employers passed a resolution in favour of the restriction of working hours to an average of 12 per day throughout the year. The resolution however, remained only an expression of pious opinion. During this time, the condition of workers was very bad; It was the "times of India" which took up the cause of the downtrodden Bombay slaves and revealed their miserable state in a leading article on September 16, 1905.51

Consequently in 1906, the Government of India on the recommendation of the Secretary of State for India took steps for further enquire into the conditions of factory labour in India. Under resolution No.9974-9993-13, Department of Commerce and Industry, "Factories", dated 17th December, 1906, they appointed what was known as the Textile

50. Mukhtar, Ahmad : op. cit; PP. 29-30.
51. Ibid, PP 30-1.
factories called Committee. The specific points referred to
the Committee were as follows:

1. Whether the working hours of adults male

workers should be limited and whether the
physique of operatives was affected by long
hours.

2. Whether before a child was permitted to work

in factories certificates of age and fitness
should be required.

3. Whether the minimum age of children should

be raised beyond nine.

4. Whether the employment, as a result of

employment, as adults, of persons between the
ages of twelve and fourteen had caused physical
deterioration, requiring the creation by law
of a special class of workers known as young
persons.

5. Whether a separate staff of Medical Factory

Inspectors should be maintained.52

The Committee consisted of Commander Sir H.P.

Freer - Smith, R.N., Late Superintending Inspector for

Dangerous Trades in England; President Lieut. Col. J.F.MacLaren,

M.B., I.N.S. Civil Surgeon, Allahabad, and Dr. J.A. Turner,

52. Kydd. J.C. A History of Factory Legislation in India

(University of Calcutta, Calcutta, 1920) P.P.80-2
The Committee Calcutta, Bombay, Delhi, Madras, Ahmedabad, Agra and Nagpur. By visiting all these places they were of view that factory administration required serious consideration. The Textile Factories Labour Committee made the following recommendations:

1. The homes and home surroundings of the mill hands should be improved.
2. The administration of the Factory Act throughout India should be uniform.
3. Inspection work should be improved.
4. Medical Inspectors should be appointed.
5. Certificates of age and physical fitness for employment to be needed first before half time employment and before employment as an adult.
6. There should be provision of education for part-timers.
7. Partime children must be employed in sets.
8. Women should be prohibited of night work.
9. Young children must be prohibited to accompany their parents where there was risk.

53. Ibid, P. 82.
54. Mukhtar, Ahmad: op. cit; P. 31.
11. The period of employment must be between 5-30 a.m. and 6 p.m. and 6-30 p.m. A maximum of twelve hours employment should be fixed for adult males.

11. The names of all persons under sixteen should be entered into register and certificates of age and physical fitness should be required only up to fourteen years.

12. There should be testing of samples of air for ventilation.

13. The records of wet and dry bulbs, the remometers should be kept.

14. There should be a standard of purity for water for moisture.

15. There should be fixed dates for the lime-washing and these should be entered into register.

16. Attention should be paid to remove dust.

17. There should be provision against anthrax in woollen mills.

18. There should be the provision of latrine accommodation with one seat per twenty five employees. And there should be separate urinal accommodation.

19. Doors to be opened outwards - safely in case fire.
Attention should be paid to fencing especially in ginning mills.

But the said factory committee noticed a number of drawbacks and was in favour of certain amendments in the factories Act. This led to the appointment of Factory Labour Commission in 1907 which like its predecessor visited all the important industrial centres and presented its report in 1908. It was as follows:–

1. That no case was made out in favour of applying a principle which was not accepted elsewhere.

2. That direct limitation could have been imposed on all factories, a restriction was only needed in textile mills.

3. That it was not possible to enforce such a restriction as the area over which the factories were spreading was vast, the number of inspectors small and the employers in smaller factories were very improperly educated.

4. That a direct restriction was against a great majority of capitalists, and was to check further investment, thereby impeding the smooth growth of industry.

that is, the working hours are limited to twelve or thirteen per day, there should be made attempts in future to restrict them still further. 56

Although some of the points of the said report were appreciable to the extent that it clearly showed the limitation of the working hours, yet the report was not unanimous, so it could not get the desired result, and however, we lacked the social and political prudence to organize the human relations on the basis of equality of opportunity which is the hallmark of peace and progress.

But the majority of the Commissioners felt keenly that the labourers suffered from the excessive hours and provided for a regulation of the hours of women and children which in their opinion would naturally reduce the hours of males. 57 The Commission finally recommended the following indirect restrictions of their working hours:

1. By creating of a young persons' class to comprise all young adults between the ages of fourteen and seventeen with the working hours confined to twelve in any one day.

2. The reduction of hours of every child from seven to six.

56. Mukhtar, Ahmad: Factory Labour In India (The Annamalai University, Madras), 1930, PP. 33-4.

57. Shiva Ram, V.: The State In Relation To Labour In India, (University of Delhi, Delhi, 1939), P. 104.
1. The employment of women, young persons and children before 5-30 a.m. and after 7 p.m.

4. A compulsory interval after six hours.

5. The assimilation of the restrictions placed upon the employment of women to those suggested for the young persons class. 58

Moreover, the Commission supported Freer Smith's Committee in concluding that no child should be allowed to work without a certificate of age as well as of physical fitness. The statutory ages were to remain as before, but the Commission suggested a reduction of the upper age limit to thirteen in the case of such children as had obtained educational certificate and were certified to be medically fit for work. It was also recommended that all seasonal factories excluded from the operation of the Act on the ground of their working only for four months in the year, should be outright subjected to the Factory Laws. 59

The Factory Labour Commission forwarded their report in 1908, admitting that unduly long hours were being worked out in the mills. 60 But the work of this Commission proved defective because the proposed restriction could not


59. Mukhtar, Ahmad : op. cit; PP. 33-4.

60. Pillai, P. Padmanabha : Economic Conditions In India, (George Routledge and Sons Ltd. London, 1928), P.253.
have the desired result and the government was determined to proceed by the direct method. However, the report of this Commission was referred to the local governments of their opinions were invited. All the local governments, excepting Burma, were in favour of further legislative regulation.

The cumulative effect of all these circumstances was that a Bill to consolidate the law regulating labour in factories was introduced in the Imperial Legislative Council on July 30, 1930. On the same date the Bill of 1905 was withdrawn. It was an entirely new Bill meant to set aside all existing legislation on the subject. The Bill was referred to a select committee which considered it in January 1911. For example one of the series of amendments was moved by Birkmyre whose amendment embodied the following proposals:

1. That clauses twenty one and thirty one of the Bill should be omitted.
2. That clause twenty nine should be amended so as to limit the factory day to thirteen hours.
3. An accompanying proposal was that the hours of children should be extended from six to six and half an hour in these mills which in the shift system should take advantage of the full thirteen hours.

62. Mukhtar, Ahmad, Factory Labour In India (The Annamalai University, Madras, 1950), P. 36.
These proposals were not favoured by the government. The only amendment of interest was made by Gokhale to the effect that to the clause dealing with the employment of children the following sub-clause be added:

1. Every factory shall maintain an elementary school in a proper condition.
2. There should be no fees for the instruction given in such school.

The circumstances did not favour the adoption of the said proposals. Ultimately, the Bill as amended by the select committee and by the Council, was passed. It came into force on July 1, 1912. This Act was the result of the very thorough local investigations made by the Factory Commission, of subsequent enquiries made by the government and its provisions were closely discussed in the Select Committee. This Act was divided into nine chapters. Its principal provisions were as follows:

1. A factory was shortly any place where power was used and where 50 or more persons were employed;
2. The definition could be extended by the local government to any place where power was used, where 20 or more persons were employed;
3. All places, which were left by the previous

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64. Ibid; P. 116.
65. Ibid; P. 117.
Act, were brought under this Act;

4. There was made provision for health and safety, sanitation, ventilation, lighting, latrine accommodation, water supply, safeguards against fire, all these were to be provided to the satisfaction of the Inspector who was given considerable powers under the Act;

5. The half hour's stoppage after 6 hours of work and the weekly holiday were laid down as in the preceding Act;

6. This Act dealt with the hours of work of the protected classes. No change was made in these provisions. The hours of children were in non-textile factories seven hours as before and women 11 hours but the provisions for securing due observance of the law was tightened up;

7. Specified hours had now to be fixed and seconded for the employment of woman and child, and they must be between 6-30 a.m. and 7 p.m.;

8. Children could not be employed unless they had a certificate both of age and of physical fitness. As regards women, it was decided according to the Commission's report that an exception could be made concerning the ginning factories, permission
was given for the employment of women on gins at night provided that so many extra women were employed as to reduce the average of each to 11;

9. The Act dealt with the special limitation of hours in textile factories. The distinction between textile and other factories was a new step in the Indian labour legislation, it was in accordance with English Law;

10. The starting time throughout the year conformed roughly to the time of sunrise and in the cold weather the full 12 hours was made up by the working in the evening with the help of electric light;

11. An elaborate scheme was worked by which all the hands were divided into three or four shifts each of which had generally two spells of work during the course of the day with a three hours' interval between. Concerning the hours of children, they were reduced to 6 with a view to fit in with the 12 hour day. The children were to work into two shifts of which as a rule one worked before the interval and one after it;

12. From the special restrictions of textile factories were excluded bleaching and dyeing works, cotton ginning mills, cotton and jute presses, and parts of textile factories where baling and packing was done;
13. Provision was made for the carrying out of the law;

14. There was also made provision for inspection.  

This Act marked a new phase in the history of labour legislation owing to the following reasons:—

1. It decided the limiting of hours of not only of men and women but also of children.

2. It also laid emphasis on a sound system of inspection.

3. It not only fixed an administrative policy with changing industrial conditions, it also laid down broad out lines for the future of labour legislation.  

There were certain defects in the said Act which posed a serious problem particularly in Bombay and Ahmedabad such as the double certification of children. Moreover the administrative policy of the British Rulers was not determined by philosophers and statesmen, but by the merchants and the citizens of England.  

The aforesaid Act lacked uniformity and co-ordination. That is to say there was no full co-ordination between the centre and the provinces, while it was desirable to have uniformity and coordination in labour legislation and this


67. Ibid P. 91.

principle of uniformity and coordination must have been taken into account when prescribing the respective spheres of central and provincial Legislation affecting labour. 69

The result was that a committee was appointed by the Government of Bombay with the powers to make investigations and provide remedies. The Committee proposed that if the hours of work for children were divided into two periods of three hours each with a sufficiently long interval for their education and thus the abuses of double employment would come to an end. Unfortunately the outbreak of the war in 1914, upset the whole work and led to a temporary suspension of enquiry. 70

The effect of the war was great on labour legislation. According G.B. Jathar, "Thus for the first time in India the desire of the operatives became a potent force in securing improved conditions and more drastic legislation". 71

But the most significant factor during the war period and after it was the confused idea of socialism by which the labourers understood that socialism would promote their well-being as opposed to the universal chaos raised by the war. 72 However, it was certain that in India it was the pragmatic socialism that could bring desired result.


70. Mukhtar, Ahmad,: Factory Labour In India (The Annamalai University, Madras 1930), P. 39.


It is true that steady attention was being paid to the betterment of the labourers as it is indicated by the following report of the Indian Industrial Commission:

"No industrial edifice, can be permanent which is built on such unsound foundations as those offered by Indian labour under its present conditions." 73

After the war, the protection of labour became an international problem. Paris Peace Conference of 1919 led to the establishment of a permanent International Labour Organization at Geneva to give suggestions at the annual conferences. The first international labour conference met at Washington in October 1919. India was the original member of the League of Nations and was represented by four delegates, two of them represented the Indian Government, the third was a representation of employees and the fourth of the labourers. The draft Convention, adopted at Washington with reference to India, restored:

1. A sixty hour week.
2. The prohibition of night work, for women and for labourers under fourteen.

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(3) The exclusion of children under twelve years of age in factories using mechanical power and employing more than ten workers.\(^74\)

In the meanwhile, the Government of India invited the attention of local governments and administration to the recommendations and suggestions of the Indian Industrial Commission of 1918.\(^75\) Concerning the factory hours and other related questions, it was also made clear that these questions would be discussed at the Washington Labour Conference in 1919.\(^76\)

The effect of the association of India with the I.L.O. was that the years from 1917 to 1921 were the most fruitful years for the new labour movement in India. These years following 1920 conventions, supplied a powerful urge in favour of progressive labour legislation. And as a result of an enquiry commission on Industry a ten hour day became the rule in most of the Indian factories.\(^77\) The Report of the Indian Industrial Commission said:

"The present factory hours were laid down after prolonged consideration, and after an enquiry

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\(^{74}\) Mukhtar, Ahmad, : Factory Labour In India (The Annamalai University, Madras, 1930), PP. 41-2.

\(^{75}\) The Indian Industrial Commission was appointed by the Government of India by order conveyed in Resolution No. 3403 (Industries) dated the 19th May, 1916.

\(^{76}\) Mukhtar, Ahmad,: op. cit; PP. 42-3.

\(^{77}\) Shiva Ram V, : The State In Relation To Labour In India, (University of Delhi, 1939) P. 106.
by a Commission, appointed for the special purpose
of examining the conditions under which factory
Labour worked and of devising suitable legislation.\(^{78}\)

After taking into consideration the Convention
concerning the hours of work was unanimously approved by the
Assembly. Despite heated discussion on matters of minimum
age of children, a Bill was ultimately introduced in the
Legislative Assembly in 1921. It consisted of the draft
conventions and recommendations of the Washington Labour
Conference, as approved by the Indian Legislature. There was
very little opposition to the Bill. The Bill was ultimately
passed through both the chambers and came into operation on
July 1, 1922.\(^{79}\)

During the above said period the condition of the
Indian labourers was very pathetic and it was a very slow
period of growth with regard to social and labour legislation.
It was already in the knowledge of the Government of India
that no country could go ahead without the rapid change in
the social and labour legislation. However, basic social
forces might be on the side of gradualism; but the most
radical elements in the elite wanted rapid change, and
condemned as capitalists and tyants. Those who said

(Superintendent Government Printing, India, Calcutta,
1918). P. 190.

\(^{79}\) Mukhtar, Ahmad : Factory Labour In India (The Annamalai
University, Madras, 1930). PP. 44-5.
no haste should be made in the field of labour legislation. So, all the development of labour legislation and administration in India during this period was not at all a step taken consciously in an effective manner by the government, but it was the outcome of the favourable circumstances and their pressure for the advancement of the welfare and cause of the downtrodden people. This series of legislation, slow as it was, pointed to certain tendencies which ultimately favoured the growth of socialism in India. The Commission of Inquiry paved the way for more philanthropic steps. But significantly these Acts covered the women and children and only casually to the working conditions of the menfolk. Reference was made again and again to sanitation, ventilation and protection of machines as well and ruled out the chances of accidents. Labour legislation took big strides during the inter war period and it was supported by political parties, social reformers, freedom fighters and general welfare legislation and was given a boost by international agencies such as ILO and WHO as well as labour movements in India and abroad. No systematic progress was maintained but it was a step in the right direction. It is wrong to assume that labour legislation was due to any ideology. There was no-ism (Communism, Socialism, Marxism-Leninism, liberalism) at the back of it. It was sheer necessity born of labour unrest that very gradually and haltingly brought about labour legislation. It may however be seen from the above description that there was too much of repetition and vagueness in the reports of various Commissions and no remedy was specifically laid down to solve the labour problems particularly with regard to child labour, women labour or hours of work and living conditions.