CHAPTER - III

New Phases of Labour Legislation and Administration.

During this period sustained efforts were made by the Central Legislature and provincial legislations to determine the basic forces that affected human labour and on that basis, to frame an adequate administrative machinery on behalf and for the protection of human labour. Side by side with it, attempt was made to define the nature, scope and future course of this difficult problem.

We must pause to give special attention to this phase as it was of profound significance. Whatever other motives were present, it was believed that the highest expression of workers' awakening was to be found in efforts to provide labour legislation with efficient, competent, and rational administration, while the Government did not want to suppress all the irrationalities, emotionalisms and wildly contending forces in favour of coldly efficient, intelligent, and farsighted management of labour problems.

It was in 1937 that a specific division between agricultural and industrial labour came to be recognized. In 1937, there was introduced the noteworthy system of provincial autonomy. It was provided in the new constitution that the introduction of provincial autonomy should be followed by the institution of a Federal system of government
throughout India. From 1937 to 1948 a number of new labour laws were passed both by the central and provincial legislatures. The working of provincial autonomy revealed the need for a certain measure of uniformity in labour legislation and administration. In 1942 the Government of India inaugurated an extremely important experiment in the field of social policy. It was the setting up of a permanent Tripartite Labour Organization, composed of the representatives of the central, provincial and Indian State Governments and of employers and employees with a constitution drawn in conformity with that of the International Labour Organization. This tripartite machinery easily paved the way for the conditional problems of labour. The years between 1942 and 1948 witnessed a remarkable enlargement in the scope of labour legislation.

So far as the provincial autonomy in regard to labour legislation and administration was concerned it was really large enough as there was a demarcation between provincial and central functions concerning labour legislation and administration. The regulation of labour and safety in mines and oil fields, in the federal railways and, in the major parts were central subjects. And the subjects of

1. Industrial Labour In India: Studies And Reports, Series A, No.41 (United Kingdom: P.S. King and Sons Ltd., 1938), P. 78.

concurrent legislative jurisdiction were (1) factories, (2) labour welfare, (3) conditions of labour (4) provident funds (5) employer's liability and women's compensation, (6) health insurance, (7) old age pensions, (8) unemployment insurance (9) trade unions, (10) industrial and labour disputes, (11) enquiries and statistics for the purpose of any of the subjects mentioned. Thus, both the central legislature and a provincial legislature had the power to make laws in regard to any of these matters of concurrent jurisdiction. There was, however, an important proviso, namely that if the Central Government wanted to enact legislation on any of these matters which involved issuing of directions to a province as to the carrying into execution of such legislation, it was to obtain the previous sanction of the Governor-General. 3

During this period certain steps of general character were taken in regard to labour matters. One of the important steps taken was in February, 1940, for the re-enactment of labour legislation in India. H.A. Sathar H. Easak Sait moved the following resolution in the House which dealt with the industrial development of the country by securing to the industrialists a fair percentage of the profits:

"that this Assembly recommends to the Governor-General in Council to take immediate steps for

3. Ibid; P. 2.
labour legislation providing the following points:—

(a) "A representative of women should sit on the Boards of Directors and Board of Management (if any) of all the public companies.

(b) "No company should be permitted to declare more than 6 percent dividend to be distributed among the share holders. If the dividend falls short from the bank rate of interest in any year it should be treated as a liability to be made good from the profits of the future years.

(c) "The surplus profit after paying the working expenses, depreciation, dividend to share-holders and other taxes should be deposited in Benevolent Fund, which should be available for the benefit of women, other employees, and the share-holders in specified proportion. The Benevolent Fund should be independent of the Provident Fund, if any, and it should be administered by a Committee, which should include a nominee of the government and the representatives of women and of the Board of Directors.

(d) "No person connected with the management of the company should get more than two thousand rupees in salary and allowance with the exception of experts who may be appointed
for a short period.
(e) "The profit should not be spent on capital expenditure without the consent of the Committee of Management of the Benevolent Fund."^4

It is thus clear by the said resolution that it was being moved in the House to improve not only the economic condition of the workers but to make the economic prospects of the country good as well. It was to remove some of the grievances of workmen by providing that a representative of workmen should sit on the Boards of directors and Boards of Management of all the public companies.5 It was a remarkable point that surplus was to be used purely for the benefit of labourers. There were other suggestions such as that there should be no sectional unions of Hindus, Muslims, and others but joint unions so that they might be of a real help to the cause of labourers.6

Let us now, observe the main developments in India in the sphere of labour legislation and administration during the period of 1937 to 1948.

5. cf. P. 88.
Factory Legislation.

Since 1937 the scope of the Factories Act was considerably extended and the rights it conferred on labourers in India factories were substantially enlarged by a series of amendments in 1940, 1941, 1944, 1945, 1946, and 1947. But, the whole of this legislation was recast in a new Act passed in autumn of 1948.7

The Factories (Amendment) Act of 1940 was intended to extend the working of the Factories Act in some respect to small factories. It was designed to prevent the exposure of children to the risks of exploitation and employment under unhealthy and dangerous conditions in the smaller factories using power. This Act dealt with health and safety to power factories employing from 10 to 20 persons.8 It also empowered the provincial governments to declare any premises to be a 'small factory', even though less than 10 workers were employed, if children were employed, (if any of these persons was under seventeen.9

It was now realized in a limited sense that after all workers' health was a profitable commodity. So, the main object of the passing of this Act was to protect labourers from ill-health and danger arising out of industries


8. The Legislative Assembly Debates: (Official Report) Vol.1, 1940 (The Manager of Publications, Delhi, 1940), PP. 566, 568, 569, 582.

in which they were to work. This Act was a small reform. It did not seek to go very far in ameliorating the conditions of the workers. It was, however, a step forward.

The amendment of the said Act in 1940 moved by N.M. Joshi was as follows:

"That in clause 2 of the Bill for the proposed new Sub-section (1) of Section 5, following be substituted:

(1) "The Provincial Government shall, by notification in the official gazette within six months from the passing of this Act, declare that all the provisions of this Act applicable to factories shall apply to any place wherein a manufacturing process is being carried on or is ordinarily carried on with the use of power whenever ten or more workers are working therein or have worked therein on any one day of the twelve months immediately preceding;

(2) "The Provincial Government may, by notification in the official gazette, declare that all or any of the provisions of this Act, applicable to factories shall apply to any place wherein a manufacturing process is being carried on or is ordinarily carried on without the use of power whenever ten or more workers are working therein or have worked therein on any one day of the
twelve months immediately preceding.\textsuperscript{10}

This Act as N.M. Joshi remarked, was a modest change, a change which was overdue.\textsuperscript{11} It definitely empowered the provincial governments to extend all or any of the provisions of the Factories Act to any specified manufacturing establishment or classes of such establishment. It was now possible for the provincial governments to protect the interests of the labourers and to enact laws. Thus, the condition of the labourers was improved, and the personnel management of labour officers was also improved with the passage of time.

The amending Act of 1944 strengthened the powers of inspector. It also strengthened the provisions of original Act regarding washing facilities in factories and, means of escape in case of fire. These three Factories amending Acts had added to the benefits enjoyed by the factory labourers in India securing for them annual holidays with pay and a 48 hour week. These Acts also provided the provisions of cantoons for workmen.

The Act of 1944 made no important addition to the protective provisions of the Factories Act. S. Lall rightly pointed out that the amendments were minor amendments dictated by the administrative necessity.\textsuperscript{12}

\textbf{\textsuperscript{10}} The Legislative Assembly Debates, (Official Report) Vol. IV; 1941; (The Manager, Government of India Press, New Delhi), 1942, P. 514.

\textbf{\textsuperscript{11}} Ibid.; P. 517.

The Factories second amending Bill of 1944 granted to the workers the total holiday of seven consecutive days for a labourer who had put in a continuous service for one year. The Bill, however, dealt with the four points, namely, (1) the length of holiday, (2) qualifying conditions for a right to a holiday, (3) limiting conditions and (4) pay during holiday. The nature of this Bill was rightly assessed by the Labour Secretary, H.C. Prior, in the Council of State in April 1945 in the following words:

"Originally, the Bill as introduced, provided for seven days continuous holidays. That has now been changed to ten days. The reason for the change is obvious. India is a large country. It takes a long time for the worker to get from his work place to his home. We want him in general to have a full week at his home, a week for which he will have something by way of pay over and above his railway fare."

Further, the question of reducing the hours to 48 hours a week was first officially taken up by the Labour Department of the Government of India in a memorandum which

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was presented to the seventh plenary session of the Indian Labour Conference at New Delhi in November 1945. The Conference unanimously accepted the proposal to provide 48 hour week in factories. This led to the passing of Factories Amendment Act (X) in April 1946 by the Government of India. The main provisions of the Act were as follows:

1. It reduced the maximum weekly working hours for adults from 54 to 48 in perennial factories, and, from 60 to 50 in season factories.
2. It fixed the daily limits at 9 hour and 10 hours respectively.
3. The maximum permissible spread over of the working time of an adult labour was likewise reduced from 13 hours in any day to ten and a half hours in the case of perennial and 11 and a half hours in the case of seasonal factories.
4. Workers were paid for the overtime work at twice the ordinary rate of pay.
5. Provincial Governments were empowered to grant exemption from the limitation of hours in exigencies of public need to any industry.15

This Act was really a step in the right direction so far as the hours of work and pay were concerned; but the position of these labourers was like that of the agricultural labourers. There was no sound organisation of the workers that might put forward the grievances of the toiling class.

Another Factories Amendment Act was passed in 1947. This Act granted powers to provincial governments to frame rules in matters of a specified factory in which more than 550 labourers were employed. It also made an adequate provision for canteen for the use of the workers. So far as the provincial factory legislation and administration was concerned, provincial governments were entrusted with the rule-making power under the Factories Act, and with the administration of the Act.\(^{16}\)

Inspite of the series of amendments the general framework of the Factories Act remained unchanged. The experience of the working of the Act, however, had increasingly shown the need for a full revision so as to extend its protective provisions to the large number of smaller industrial establishments which were outside its scope and with a view to strengthen its provisions concerning the welfare and safety of the working class. So, an essential new Act was

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16. Ibid., PP. 10-11.
passed by the Government of India in August 1948. The main changes introduced by the Factories Act of 1948 were as follows:

1. It widened the definition of the term 'factory' to cover all industrial establishments employing 10 or more labourers where power was used, and, 20 or more workers in all other cases,

2. It abolished distinction between seasonal and non-seasonal factories,

3. Chapter third of this Act was divided into three separate chapters which deal with the health, safety and welfare of the labourers,

4. It raised the minimum age for the admission of children to employment from 12 to 14 years and, a reduction in the maximum permissible daily hours of work of children from 5 to 4 and a half,

5. It provided for the licensing and registration of factories and there was the provision for the prior security by the Factories Inspectorate of the plans and specifications of factories buildings,

6. It granted to provincial governments the power of making rules requiring the association of the workers in the management of arrangements
The main purpose of this Act was the safety, health and welfare of the workers by extending it to cover all industrial establishments. This Act, however, could not make any good arrangement for the representation of workers in the management. It could not deal with the administrative aspect of labour problems. The labour was still governed by the whim of the employer. The capitalistic competition dashed all hopes for healthy labour legislation. The interest of the capitalist class clashed with that of labourers. Hence they were not keen to help legislation for reform of labour.

**Workshops Legislation.**

During the years 1937 and 1948 three important legislative enactments were passed to regulate the working conditions in the workshops falling outside the scope of the Factories Act. One of these was Central, concerning the employment of children. The other two were provincial. The latter two were more general in nature.

**Central Legislative Enactment.**

The Employment of Children Amendment Act of 1939 was designated to right the evil of child labour in workshops.

17. Ibid; PP. 11-12.
18. Ibid; P. 14.
It defined a workshop as any premises where any industrial process was carried on, prohibiting the employment of children under 12 years of age. The definition of workshop in clause 2 of the Bill was altered in the Council of State in 1939 so as to carry out more clearly the definition of workshop. The amendment was thus:

"That in clause 2 of the Bill, in proposed clause (b) for the words and figures 'not being a factory to which the Factories Act, 1934, applies or to which the provisions of Section 5 of that Act are for the time being applicable' the following be substituted namely:

'but does not include any premises to which the provisions of Sections 50 of the Factories Act, 1934, for the time being apply.'

Ultimately, the Bill was passed into Act on 9th March, 1939. Moreover, in September 1947, the Government of Madras prohibited the employment of children as cleaners in workshops attached to motor companies. And the U.P. Government had added the brassware and glass industries to the schedule.

19. Ibid.  
22. Ibid; P. 514.  
Provincial Legislation.

The earliest attempt in India to regulate the conditions in workshops by law was in the Central Provinces unregulated Factories Act of 1937, which applied within the specified areas notified by the Government. This Act limited the hours of work to 10 in a day and provided for the grant to each worker of a weekly holiday. It did not allow the employment of children under 10 years of age, by limiting the daily hours of work of children and women to seven and nine respectively. Night work was prohibited by the Act for both women and children. This Act made an adequate provision for health and safety in workshops.

This provincial Act was a very fruitful beginning so far as the conditions of work in workshops regulated by this Act was concerned. By prohibiting the night work both for women and children, this Act not only helped labourers to improve their health but led to the amicable relations between the employer and employees. The hours of work of an adult labourer were still too long, and for that reason the male worker was rather unable to maintain his efficiency while working in the factory.

The Madras Non-power Factories Act of 1947 was more comprehensive than either of the two aforesaid enactments in the sense that it sought to regulate the conditions of the

II. Ibid.
workers and made provision for the welfare of workers in places and premises to which the Factories Act of 1954 did not apply in the Madras Province. It defined a non-power factory "as any place or premises to which the Factories Act did not apply, wherein ten or more workers were employed in which one or more of 83 industries and handicrafts specified in a schedule appended to the Act. The hours of work of adults in non-power factories were limited to 9 in the day and 48 in the week. Night work after 7 p.m. and before 5 a.m. was prohibited in the case of women. No child who was under fourteen years of age might be allowed to work in a non-power factory. Every worker in such factories was to be granted a full day's rest after six days' consecutive work. A striking feature of the Act was the liberal provision it made for holiday with pay. Every worker was entitled to sick leave with wages for a period not exceeding twelve days in a year, and to casual leave with wages up to a maximum of another twelve days in a year. 25

No other province except Central Provinces and Berar and Madras had regulated conditions of labour in workshops by law. Ultimately, the protective provisions of the revised Factories Act of 1948 were automatically extended to workshops to the whole of India. 26

Shops and Office Legislation.

25. Ibid; P. 16.
26. Ibid; P. 17.
kind. So, a remarkable feature of labour legislation in India during the period from 1937 to 1948 was the substantial number of laws placed on the statute book to regulate conditions of work in theatres, shops, restaurants and commercial establishments. The weekly Holidays Act enacted by the Government of India in 1942 was the most elementary of these measures. This Act provided only for the grant of one paid weekly holiday to persons employed in shops-commercial establishments, restaurants and theatres. Provincial Governments were empowered to grant an additional half-days' holiday with pay each week.

The conditions laid down by the said Act for the welfare of labourers were not satisfactory because the Act did not have any provision regarding the pay for the workers, working overtime. The Act was of limited character.

**Provincial Legislation.**

In this matter, to begin with, the initiative was given by the Bombay Government with its Shops and Establishments Act which was soon followed by the Punjab Trade

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27. Ibid; PP. 17-18.


29. A Decade of Labour Legislation In India, 1937-1948; op. cit; P. 18.

Employees Act of 1940, the Bengal Shops and Establishments Act of 1940, and the Sind shops and Establishments Act, 1940. In 1942 the Punjab Act was extended to Delhi. Similar legislation to regulate conditions of work in shops, etc. was enacted in 1947 in the Central Provinces and Berar. The same year the United Provinces, Madras and North-west Frontiers Province enacted legislation to regulate conditions of work in shops etc; In 1948 it was enacted by the Assam Government. The following were the main characteristics of these Acts:—

1. They did not extend to the whole of their respective provinces save in some respects, but in the United Provinces Act went further by empowering the Government to extend all or any of its provisions to any area in respect of all or any specific class of shops or commercial establishments.

2. Inspite of considerable differences regarding definitions, all the Acts covered wage earners employed in shops, commercial establishments.

3. All the Acts contained provisions in regard to opening and closing hours, hours of work, rest intervals, spread over, overtime rates and weekly holidays. But the United Provinces and Punjab Act did make a distinction between summer and winter.
4. A very striking feature of this legislation was the relatively liberal scale on which all the provincial Acts subsequent to the Bombay Act had provided for annual holidays with pay.

5. A large number of these Acts included special provisions for the protection of children and young persons. In Assam, Bombay, the Central and Berar and Sind the minimum age for admission to employment was 12 years, but in Madras and the United Provinces children over 12 might be employed as apprentices. The maximum daily and weekly hours of work of young workers were fixed at eight and forty-eight in Bombay and Sind seven, and forty-two in Madras, and seven and thirty-six in the Central Provinces and Berar. In Punjab young labourers under 14 years of age might not be employed in a shop or commercial establishment for more than seven hours in any day or 42 hours in anyone week. In the United Provinces children might not work more than six hours in any day. 32

So far as the provincial legislation was concerned, there was no uniformity. While in a country like India, the uniformity in provincial legislation was very essential for the social and economic progress and for avoiding the separatist

32. Ibid; PP. 1881.
feelings of the people. The sound economic system of a country is the bulk-work and the solid basis on which depends even the spiritual and all other progress.

Mining Legislation.

The main features of this legislation since 1937 to 1948 were as follows:–

1. An extension of safety measures in collieries;
2. The progressive extension of welfare measures in mines and the introduction of a new principle of financing such measures by the levy of a cess on output;
3. The provision of the grant of maternity benefit to women workers, the setting up of a tripartite committee on coal mining to advise the Government on matters relating to the coal mining industry;
4. The introduction of schemes for the payment of bonus and the establishment of a provident fund for workers in coal mines.\textsuperscript{33}

Regarding the safety measures, the Indian Mines Act was amended in 1937. The Bill designed to carry out three purposes. The two of which formed the subject of a

\textsuperscript{33} Ibid, P. 23.
measure which was discussed in 1936, in which there was added a new sub-section to section 19 of the Mines Act. It was a sub-section which empowered the Inspectorate to pass orders preventing the extraction of pillars where that was attended with danger of collapse or fire and to regulate the dimensions of galleries. Avoiding the temporary nature of the provision, the Coal Mining Committee had reported unanimously in favour of the permanent retention of the provision. And it was found extremely useful. The purpose of clause 2, therefore was to convert that sub-section from a temporary one into a permanent one. The purpose of clause 2 was to remove the proviso which limited the powers of the Mines Inspectorate to a period of two years and made these powers permanent. On the whole, this Bill was intended to make permanent the provisions of the Act passed in 1936 providing for certain measures for maintaining safety and preventing accidents. Clause 3 made certain changes in the section of the Mines Act which dealt with keeping information confidential. A clause 4 was to enable the Government to frame regulations for the establishment and maintenance of central rescue stations. It was also proposed that the temporary nature of the mining committee should be made permanent.

Accordingly, the Bill was referred to the Select

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Committee to give its report. The committee said:

"wages of labour have fallen 45 per cent, under
ground labour 43 per cent and surface labour
by 47 percent."

The Committee also said that the earnings of
miners and colliers labour were already ridiculously low.
Therefore, they recommended that the Government of India
should give up their policy of inaction in these matters.
The Committee further said that the appeals under section
19 (5) of the Indian Mines Act should be heard by an appe-
llate tribunal consisting of a chairman nominated by Govern-
ment, a representative of the Mines Department nominated by
the Chief Inspector of Mines and three mining engineers
nominated by the Government of India one of whom would be
suggested by the appellant.

At last, the following amendments were made,
and the Bill was finally passed on 5th October 1937:

"that in clause 4 of the Bill in the proposed
clause (5) after the word 'authorities' the
following be inserted:

"which shall include representatives of the
owners and managers of, and of the miners
employed in, the mines or groups of mines
concerned."
But still the number of the administrative officers like the inspectorate to issue orders was not quite enough carefully to see the evidence of danger to adjacent mines, and the workers likely to be affected.\textsuperscript{41}

Another Act of 1940 was amended which provided that the salaries of the manager, the supervisory staff and persons employed in relation to the raising and the lowering of the labourers was to be payable by the owner of the mine, not by the coal raising contractors.\textsuperscript{42}

Moreover, the Coal Mines Safety Stowing Act of 1939 was passed with a view to safeguard the miners against the dangers involved in the existing methods of mining in the main coal fields. This Act levied a cess for the creation of a fund to finance stowing measures.\textsuperscript{43} In fact, the importance of stowing in coal fields cannot be over emphasised. The Committee on this Bill made their statement that the advantages of stowing had been known for many years but individual action had not been possible generally because of the competition disadvantage imposed by the additional coast.\textsuperscript{44} It was a good social legislation which safeguarded the miners against the dangers involved in the existing methods

\textsuperscript{41.} A Decade Of Labour Legislation In India, 1937-1948; P.25.
\textsuperscript{42.} Ibid.
\textsuperscript{43.} Ibid.
\textsuperscript{44.} The Legislative Assembly Debates, (Official Report), Vol; II, 1939; (The Manager of Publications, Delhi, 1939), P. 1866.
In March 1940 a Bill was introduced to amend the Coal Mines Safety Stowing Act of 1939. One of the objects of that Act was to see that the danger of fires in coal mines should be minimised as far as possible through spreading sand over the surface of coal mines to stop fissures from which air escaped and fire went on. And the Board had strongly recommended that the original idea which was put forward the Report of the Coal Mines Stowing Committee should be adopted and that provision should be made out right for spending the necessary amount from the fund for such purposes. Afterwards the Bill was passed in March 1940. By this Act a cess was levied for certain purposes namely to find the reasons for the Coal Mines Stowing Board. Another amendment was proposed to the same Bill in the same year. The amendment was as follows:

"that in clause 4 of the Bill, in the proposed clause (KK), for the words 'except persons paid by the owner of the mines' the following be substituted:

'except persons paid by the owner of the mine or his representative or a lessee.'


So far as the qualification of the chairman in the service of the Crown was concerned, it was deleted by the Coal Mines Safety Stowing Amendment Act of 1944 further extended the safety provisions of the Act by empowering the board to execute protective measures under its own supervision where a mine was abandoned, its ownership was in dispute or the owner was not himself in a position to undertake protective measures.49

(A) Welfare Legislation For Miners:

In this regard the Indian Mines Amendment Ordinance of 1945 and the Indian Mines Amendment Act of 1946 empowered the Central Government to make rules concerning the following subjects:

1. Suitable rooms exclusively for the use of the children of women under six years of age;
2. to make rules concerning the maintenance,
3. to make rules requiring the mine owners to provide and maintain bathing places equipped with showerbaths and locker rooms for the use of the male workers employed in the mines, and also to provide similar separate facilities for the use of women miners.50

49. A Decade of Labour Legislation In India; 1939-1948; ap. cit; PP. 23-34.
50. Ibid; P. 34.
The Coal Mines Labour Welfare Fund Ordinance of 1944 which was promulgated by the Central Government on 21st January, 1944, marked a new stage in matters of welfare legislation in India. It introduced the principle of levying a cess on the output of an industry to finance welfare measures for the workers engaged in it. This ordinance created a Coal Mines Labour Welfare Fund to promote the welfare of workers employed in the coal mining industry. It also authorised the Government of India to levy a cess amounting to not less than one and not more than four annas per ton on all coal and soft coke despatched by rail from collieries in British India to finance the activities of the Fund. The Fund could be utilised on the following things:

1. the provision of housing,
2. water supplies,
3. educational facilities,
4. facilities for washing,
5. recreation,
6. transport to and from work,
7. provision for medical facilities.\(^5\)\(^1\)

Moreover, the ordinance authorised the Government to set up an Advisory Committee on which owners and labourers would have equal representation and which would include a women member in order to advise the Government regarding the

\(^5\)\(^1\) Ibid.
administration and working of the Fund. This ordinance was replaced by the Coal Mines Labour Welfare Fund Act of 1947. It came into operation on 14th June 1947. The following were its important changes:

1. The minimum and maximum limits of the cess to be levied on each ton of coal and coke despatched from collieries were raised from 1 and 4 annas to 4 and 8 annas respectively,

2. Special attention was devoted to housing, and it was provided that a minimum of at least 1 annas 4 pies of the cess collected on every ton of coal or coke shall be carried over to a separate Housing Account maintained by the Fund,

3. Where colliery owners maintained dispensary services to the standards prescribed by the Fund, they could now secure from the Fund grants-in-aid not exceeding an amount equivalent to 8 pies per ton of coke or coal despatched from the colliery concerned.\(^52\)

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52. Ibid; PP. 25-6.
(B) Appointment of a Tripartite Committee.

The more significant development in the field of welfare legislation was the setting up by the Government of India of a Tripartite Industrial Committee on Coal Mining in 1948. It approved a number of proposals for substantially revising the Indian Mines Act by providing for (1) a reduction of the maximum permissible hours of work in mines to 48, (2) better water supply and health measures in collieries and, then inspection by a welfare commissioner, (3) compulsory medical examination of young persons, (4) maintenance of proper registers to facilitate the enforcement of conciliation awards, and (5) a higher rate of pay for overtime work. The Coal Mines Provident Fund and Bonus Schemes Ordinances of 1948 and the Coal Mines Provident Fund and Bonus Schemes Act were passed by the Constituent Assembly of India together with the mines maternity benefit legislation introduced in 1941. Thus more and more progressive and liberal sets were passed by the legislature in order to bring about social reform, economic well-being and better working conditions for labourers – males, females and miners.

Communications.

Since 1957, the scope and content of protective

53. Ibid; PP. 87-9.
labour legislation in this regard was greatly extended. During the period from 1937 to 1948, special attention was paid to the minimum age for employment of children in railways and docks, and the principle of statutory regulation of working conditions to labourers engaged in motor transport was also extended and the administrative machinery was greatly improved. The Employment of Children Act of 1938 went much further than the Minimum Age Industry Revised Convention of 1937, adopted by the International Labour Conference. The amendment was as follows:

"That in sub-clause (2) of clause 5 of the Bill the words 'or fourteenth' and the words 'as the case may be' be deleted."

With regard to the Railway Servants Hours of Employment Regulations, they were extended to, with certain minor exceptions, all class I railways in India. In 1947, the Government of India notified Convention No38 regarding the protection of dock labourers against accidents. The Indian Dock Labourers Regulations, 1948, framed under the Indian Dock Labourers Act of 1934, came into operation in the Dominion of India on 19th February 1948. These rules provided the duties of the inspectors to be appointed by

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55. Ibid; P. 89.
57. A Decade of Labour Legislation in India, 1937-1948; op. cit; P. 29.
the Government. It also laid down in detail the various safety measures to be adopted by the authority in charge of the management. 58

The Dock Workers Regulations of Employment Act of 1948 empowered the Government of India in the matter of the major ports, and the provincial governments in respect of other ports, to frame a scheme for the registration of dock labourers from the standpoint of securing greater regularity of employment for them, and for regulating the employment of all dock workmen, registered and non-registered, in ports. The Act also empowered the Government to constitute a tripartite committee, consisting of not more than fifteen members representing Government, dock labourers and their employers in equal proportion, to advise it in the making of administration of schemes formulated under the Act. In 1948, the Central Government set up a committee to frame a scheme for the registration of dock labourers, but none of the provincial governments had got framed any scheme under this Act. 59

The Motor Vehicle Act of 1939 contained provisions regulating the minimum age for employment, hours of work and rest period of motor drivers. This Act prohibited the employment of any person under 18 years as a driver of a motor vehicle and, any person under 20 as a driver of transport

58. Ibid; PP. 89-90.
59. Ibid; PP. 90-1.
vehicle, except in the employment of the Central Government, in which case the minimum age was 18 years. It limited the hours of work in the case of transport vehicles to 9 in the day and 54 in the week and provided for a rest period of at least half an hour for 5 hours of continuous work. 60

Wages.

The achievements in the sphere of wages legislation during the decade 1937-1948 were the progressive extension of the provisions of the payment of Wages Act of 1936 to cover new classes of wage earners employed in industrial establishments. 61

In 1937 the payment of Wages Act was amended "to remedy a small defect". 62 The payment of Wages Act sought merely to ensure the regular payment of wages and to prevent the exploitation of the wage earners by arbitrary deductions and fines. It did little to help the worker with no bargaining power to secure a living wage. But this gap was filled by the Minimum Wages Act of 1948. 63

The Minimum Wages Act of 1948 was the result of the successive sessions of the Tripartite Labour Conference in 1943, 1944 and in 1945. The Minimum Wages Bill was introduced by Dr. B.R. Ambedkar, labour member in the Government of India, in April 1946, but it was delayed for a

60. Ibid; PP. 31-2.
61. Ibid P. 32.
63. Ibid; P. 33.
long time owing to the constitutional changes in India. It came to the statute book after substantial amendment by the Legislature in March 1948. The main provisions of the Act were as follows:

1. This Act covered all the provinces of India.
2. It applied to a number of employments extended by the appropriate Government, Central or provincial as the case might be, to any employment in regard of which it was of opinion that minimum rates of wages should be fixed under the Act.
3. Employment in agriculture constituted part II of the schedule.
4. The Act applied not only to regular employees but also to out workers in the scheduled employment.
5. The Act required the appropriate Government to fix the minimum rates of wages payable to employees employed in all scheduled employments.
6. Regarding the machinery for fixing minimum rates of wages, the appropriate Government could appoint a committee to hold enquiries and advise it, along with sub-committees for different localities.
7. For the revision of such minimum rates the appointment of and prior consultation with
advisory committees and advisory sub-committees was obligatory on the Government.

8. There was required to appoint an advisory board to help in the fixation and revision of minimum rates of wages.

9. A central advisory board was set up to advise the Central and Provincial Governments in matters concerning the fixation and revision of minimum rates of wages and the co-ordination of the work of the advisory boards.

10. In these committees and boards the number of employers and employees was to be equal.

11. Independent persons were also to be nominated, their number not exceeding one third of the total number of members.

12. Regarding any scheduled employment in respect of which minimum rates of wages had been fixed under the Act, the appropriate Government was also authorised to fix the number of hours of work, to provide for a day of rest, and to provide for payment for work on a day of rest at a rate not less than the overtime rate.

13. It empowered the Central Government to give directions to a provincial Government to supervise the enforcement in the province of the provisions of the Act. 64

64. Ibid; PP. 34-6.
To a great extent the demands of the labourers was completed by this Act. The Minimum Wages Act of 1948 might be described as a new landmark in the history of Indian labour legislation since it was passed, it had played a decisive role in upgrading the levels of wages in an unorganised industry, especially in the field of agriculture where woman's bargaining power was weak.

Labour Movement.

In January 1986 a Bill was introduced to provide for the registration of trade unions and to define the law relating to registered trade unions in British India. As a result of discussion on a point of law connected with clause 18 (2) of the Bill a formula of words was drawn up which met the point of law and accordingly the amendments put forward by B.N. Mitra were as follows:—

“For the words 'no suit or other legal proceeding shall be maintainable in any civil court against a registered trade union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the trade union,' the following words shall be substituted, namely:

"A registered trade union shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortuous act done in contemplation or furtherance of a trade dispute by an agent of trade union." 66

After great discussion the Indian Trade Unions Act of 1926 was passed. It was, of course, the first attempt in India to legalize legitimate trade union activity and to protect trade unions. This Act did not impose any obligation on employers to recognize and deal with such registered unions. The Royal Commission on Labour in India deprecated such an obligation and pleaded for the recognition of unions by employers in spirit as well as in the letter. 67

The Indian Trade Unions Amendment Act of 1947 was passed in the mysterious circumstances. From 1934 to 1940 Indian labour movement was a divided house and generally an industrial labour kept himself aloof from the organised action. But as the second World War brought with it high prices, high profits and increased demands on labour and other like problems. Labourers were then, organised in trade unions to fight the cases in courts and on failure to go on strike. The Indian National


67. A Decade of Labour Legislation In India, 1937-1948; op. cit; P. 36.
Congress which before achieving the Independence was busy on the political front; after gaining independence its attention turned to the field of labour organization. Thereafter, the Indian National Trade Union Congress was set up in 1947 under the patronage of the Congress party. All this led to the advisibility of amending the Trade Unions Act to impose on employers a statutory obligation to recognise and deal with trade unions figured on the agenda of successive Labour Ministers' Conferences held in 1940 and meetings of the tripartite organization in 1944. The result was that the Indian Trade Unions Amendment Act of 1947 was passed. The main provisions of the Act were thus:

1. It provided that registered trade union which had applied to an employer for recognition might apply in writing to the labour court for recognition by the employer setting out such particulars as might be prescribed.

2. The Act did confer on the executive of a recognised trade union the right to negotiate with employer in regard to the employment or non-employment, terms of employment and conditions, work of all or any of its members.

3. It defined certain practices as unfair on the party of a recognised trade union and certain other as unfair on the part of an employer. 69

The main purpose of this Act was to provide for compulsory recognition by employers of representative trade unions. It had contributed substantially to the strengthening of the trade union movement in India.

**Conciliation And Arbitration Legislation.**

Since 1937, the scope of trade disputes legislation was considerably extended both at the Centre and in a number of provinces. Substantial progress was made in the setting up of permanent machinery for the speedy and amicable settlement of industrial disputes. 70

**Central Legislation.**

The Trade Disputes Act of 1929 was amended in 1938 with a view to prevent a possible occasion for dispute. The amendment was made by the Government of India. 71

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69. A Decade of Labour Legislation In India, 1937-1948; op. cit; PP. 36-7.

70. A Decade of Labour Legislation In India, 1937-1948; op. cit; P.39.

amending Act also extended the term "trade disputes" to cover differences between employers and employees, including public utility service. It also made the provision regarding illegal strikes and lockouts less restrictive. Ultimately, the imperative necessity to prevent the war effort from being held up by industrial strike forced the government to introduce a more significant way for the settlement of industrial disputes. To check the industrial unrest, the chief provisions of the Defence of India Rule 81-A were retained in the Industrial Disputes Act of 1947 which in April 1947 replaced the Trade Disputes Act of 1929. This new Act introduced two new institutions for the prevention and settlement of industrial disputes, namely, (1) Works Committees consisting of representatives of employers and labourers, (2) Industrial tribunals consisting of one or more members possessing qualifications ordinarily required for appointment as judge of a High Court. Power was given to the appropriate Government to require works committees to be constituted in every industrial establishment employing hundred or more in order to remove causes of friction between employer and labourers. In the course of conciliation if the settlement arrived at, proceedings were
to be binding for such period as might be agreed upon by the parties and, where no period was agreed upon, it was to be binding for a period of six months, and thereafter until revoked by two months' notice given by either party to the dispute. This Act prohibited strikes and lockouts during the course of conciliation proceedings. The Act also empowered the appropriate Government to declare any of the industries to be a public utility service for the purposes of the Act - for a period not exceeding six months. In fact, this Act marked a new era in the history of social legislation. It gave a new strength in the hands of labourers to solve their problems through the course of conciliation proceedings.

Provincial Legislation.

(A) Bombay: The Bombay Trade Disputes Conciliation Act, 1934, was replaced in 1938 by a much more comprehensive Act. The Act was precise and clear in providing the three most important provisions for the welfare of labourers. Following were the three provisions:

(1) to reach a settlement by conciliation before embarking upon a strike,

72. A Decade of Labour Legislation In India, 1937-1948; op. cit.; PP. 39, 40-2.
(2) to settle all disputes by arbitration,
(3) to register unions along with the representation of the workers. 73

During the period from 1938 and 1947, there were passed three amending Acts which modified the provisions of the Act of 1938. The Acts of 1941 and 1942 were passed only having in view the emergency measures which were designed to meet the wartime need for unrestricted production. The Act passed in 1945 gave the labour officer, appointed by the Government, power to convene a meeting of the workers on the premises where they were employed and required the employer to affix a written announcement of the meeting at such conspicuous places in his premises as were specified in the order. 74

The said Act was entirely replaced in 1947 by the Bombay Industrial Relations Act of 1947, The chief changes made by this Act were as below :-

(1) It created a new class of approved unions,
(2) It set up for the first time in India labour courts to ensure quick and impartial decisions in references regarding illegal changes in standing orders.

73. Ibid; PP. 42-3.
74. Ibid; P. 43.
(3) It laid down the provision for the setting up of joint committees consisting of equal members of employer and employee representatives in a number of occupations and undertakings. 75

So far as the protective provisions of the Act were concerned they were further strengthened by an amending Act of 1948. It conferred additional powers on the provincial Government. It also empowered provincial government to set up wage boards for different industries in the province. It also laid down the provision for the speedy settlement of disputes by enabling a registered union which was the representative of the employees and the rules of which provided that it should neither sanction nor resort to a strike unless all the methods available under the Act for the settlement of an industrial disputes were extended to drop the intermediate stage of conciliation altogether and applied directly to the Industrial Court for arbitration. 76

(B) Central Provinces and Berar:

The Industrial Disputes Settlement Act of 1947 of this province was a much less comprehensive measure than the Bombay Industrial Relations Act, but contained the same

75. Ibid; P. 434.
76. Ibid; PP. 44-5.
basic features. The most important feature of this Act was that it made provision for the compulsory framing of standing orders by employers to desist from a strike during the pendency of conciliation proceedings. It provided for the constitution of permanent conciliation machinery.  

(C) United Provinces:

The Industrial Disputes Act of 1947 which came into operation in this province in February 1948 replaced two successive ordinances promulgated earlier in May and October 1947. This Act, unlike the Bombay or the Central Provinces enactments, contained no complex provisions creating special classes of unions. It gave the provincial government power to prohibit strikes and lockouts, to refer industrial disputes to conciliation or adjudication, to enforce adjudication awards on the parties to disputes and to exercise control over any public utility service for achieving one or more of the following aims:

1. to secure public safety or convenience,
2. to maintain public order,
3. maintenance of employment.  

The said Act was of more submissive character than the Bombay Industrial Relations Act in the sense that it dealt with all the disputes in an easy going way, without going into any complexity. And the Central Act was more of a general character because it failed to cater the needs of the labourers. The Central Act was lacking both in unity and uniformity in the principles provided for the conciliation of disputes

77. Ibid; PP. 45-6.
78. Ibid; P. 46.
For this reason, labourers found themselves unable to get justice from the conciliation boards.

Social Security.

During this period, substantial progress in the field of social security was made. There were several factors such as inadequate wages, irregularity in payment, uncertain tenure, arbitrary dismissals, and unemployment insecurity and other factors led to the passing of social security measures. In other countries namely New Zealand, Australia, France, Great Britain and Ireland legislation in this regard was adopted earlier. While the position of India in this regard was very pitiable in the sense that only in the provinces of Bombay, the central provinces, Madras, the Chief Commissioners' provinces of Ajmer-Marwara and Delhi, the statutory provision for the grant of maternity benefits to women labourers existed in 1937. But it was a legislation which applied only to a restricted group of women workers. In the same year, however, Maternity Benefit Acts were enacted in almost all other provinces, plantation and mines were brought within the scope of this legislation. So far as the United Provinces were concerned, they adopted a Maternity Benefit Act in 1938 which was followed by Bengal

The main characteristics of these Acts were the same as those of the earlier provincial Acts, but the principal differences were as follows:

1. The Assam Act applied to plantations and factories.

2. The maximum period for which benefit was available was 30 days preceding and 30 days following confinement in the Punjab, eight weeks in other provinces, except Madras where it was seven weeks.

3. In the United Provinces, Bengal, the Punjab and Bihar the amount of benefit was at the average rate of the women's daily earnings calculated on the basis of the wages earned during a specified period, in Assam on plantations, it was one rupee four annas after the day of delivery but not less than fourteen rupees in all in employments, leaving on plantations, at the average rate of wages, subject to a minimum of two rupees per week before and after the day of delivery. In Assam the qualifying period entitling a woman to claim benefit was one hundred and fifty days of previous service during the 12 months at once preceding the date on which notice of absence was given; the period was six to nine
months of previous service in other provinces. The employment of women, under the Assam Act was forbidden during the 4 weeks immediately preceding the day of delivery and, during the 4 weeks following on the contrary, under the other Acts prohibition from such employment was limited to the four weeks immediately following the birth of a child.  

Maternity protection was extended to plantation labourers in West Bengal by the Bengal Maternity Benefit Bill of 1948 which was passed by the provincial legislature on 8th September 1948. This Act prohibited the employment of women in a tea factory or plantation during the six weeks immediately following child birth. It granted to every woman worker in such a factory or plantation the right to secure from her employer maternity benefit at the rate of five rupees four annas a week for a maximum total period of twelve weeks.  

So far as the regulation of labour in mines was concerned, it was the central subject. The first step in this regard was taken by the Government of India in 1941.  

80. A Decade of Labour Legislation in India, 1939-1948; op. cit; PP. 47-48.  
81. Ibid; PP. 48-9.  
82. Ibid; P. 49.
In the Legislature the Mines Maternity Benefit Bill was introduced by A.R. Mudaliar for the employment of women in mines for a certain period before and after child birth and to provide for payment of maternity benefit to them. The Bill was passed in the same year and came into operation as Act on 28th December 1942. The following were the provisions of the Act:

1. The Act prohibited the employment of women workers in mines during the 4 weeks following the day of delivery of a child; provided for the payment to them of maternity benefit at the rate of one half rupee per day for a period of up to four weeks of absence before and four weeks after delivery.

2. The qualifying period entitling a woman mine worker to claim benefit was fixed at six months' service preceding the day of delivery. Dismissal on the ground of pregnancy was prohibited.

Through the said security measure women workers were relieved of some of their difficulties otherwise the


84. A Decade of Labour Legislation in India; 1937-1948; op. cit; P. 49.
condition of the woman workers was the same. Because the period of four weeks provided for woman worker in mines following the day of delivery of a child was not enough. The benefit provided for a woman mine worker was also meagre. It is a fact that economic progress of a country depends upon the happiness of the workers. Not only this, even the progress of art, literature, culture, civilization, education and the victory in war depends upon the workers. They need a society without bias on the part of the other classes of the society.

But the amending Act of 1945 increased the rate of maternity to twelve annas per day and, provided for the grant of maternity protection on a much more liberal scale. Thus the employment of women below ground in a mine was prohibited during 26 weeks following confinement during the next 10 weeks they could not be employed on work below ground for more than four hours in a day unless and until a 'creche' was provided in the mine. If women workers were employed on work below ground, maternity benefit was to be paid at a special rate of six rupees per week for the 10 weeks immediately preceding, and, 6 weeks following delivery. The chief provisions of the various Maternity Benefit Acts were superseded by the Employees' State Insurance Act of 1948. 85

85. Ibid; PP. 49-50.
The only legislative enactment providing a measure of social security to wage earners in India in force in 1937 was the Women's Compensation Act of 1923. Since 1937, this Act was amended in respect of certain minor details, by a series of amending Acts. They were the Acts of 1937, of 1938, of 1939, of 1942 and of 1946. The first of these was to provide for the transfer of such proceedings between Burma and India after Burma was separated. The second and the third removed certain ambiguities and minor defects which had come to light during the exercise of the Act in the past few years. In order to bring the Act into the line with the Act in Britain and other advanced countries N.M. Joshi pointed that it was a time that the Government of India should revise the whole of the Workmen's Compensation Act. The main object of the Bill of 1939 was to remove the "conflict of interpretation concerning to pending and future cases and permit the re-opening of previous cases in which workmen employed other than on a monthly rate of wage had suffered disqualification." The amending Act of 1942 was being passed in order to relieve the employers of their responsibility under the Act, because seamen

87. The Legislative Assembly Debates; (Official Report), Vol.VII; 1937; (The Manager of Publications, Delhi), P.3204.
89. The Council of State Debates; Vol. I; 1939; (The Manager of Publications, Delhi, 1939), P.714.
were entitled to compensation under Special War Compensation Schemes. In 1946, the amending Act of 1946 extended the scope of the Act to labourers on monthly wages not exceeding four hundred rupees.

**Employees' State Insurance Legislation.**

The various Maternity Benefit Acts and the Workmen's Compensation Act did not introduce the principle of social insurance in India. But progress in regard to social insurance started during the years following 1940. And ultimately the Employees State Insurance Act of 1948 was passed. The principal provisions of the Act were as follows:

1. The Act applied initially to all perennial factories and covered about 2 million industrial labourers.

2. So far as the administration of this scheme was concerned, provision was made for the setting up of an Employees' State Insurance Corporation which consisted of representatives.

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91. A Decade of Labour Legislation in India; 1937-1948; op. cit; P. 50.

92. The provisions of this Act might also be extended to other type of establishments, viz; industrial, Commercial or agriculture, with the approval of the Government of India and with the Employees State Insurance Corporation.
of Government, employers and employees, the affairs of the corporation were to be administered by a Standing Committee.

3. The activities of the Corporation were to be financed by the Employees' State Insurance Fund.

4. Every employer and worker coming under the scope of the Act was required to make weekly contributions to the Fund according to a scale prescribed in the Act.

5. The Act granted to all insured labourers five types of benefits: -

   (a) Sickness benefit,
   (b) Maternity benefit,
   (c) Disablement benefit,
   (d) Dependents' benefit, and
   (e) Medical benefit.

6. Persons whose income was more than four hundred rupees a month were excluded from the provisions of this Act.

7. Lastly, the Act provided that the Provincial Governments should constitute Employees' Insurance Courts to decide disputes and adjudicate on claims. 93

93. Ibid; PP. 51-4.
The Employees Insurance Act of 1948, indeed, introduced a new era in the field of social insurance of a specified class of wage-earners against the risks of sickness, maternity, and employment injury. Unfortunately, social insurance provided by the Act was limited to a certain class of workers, and that was a great drawback of the Act.

Behind this wave of legislation lay years of gathering moral revolt and active discontent with some of the social and human consequences and costs of mature industrialization; the impact of the Gandhian ideas and others; the independence of the country; and the political weight of virtually universal manhood suffrage in an urbanizing age. The worker turned from the economic to the political market for redress.

However, a joint report on this subject—published in 1947—was to outline a scheme of social insurance for seamen. In another field, there was a proposal of social security which was to institute a compulsory provident fund for colliery labourers from the standpoint to provide for the worker in his old age. Ultimately, the Coal Mines Provident Fund, and Bonus Scheme Act of 1948 were passed. It was an important landmark in the evolution of statutory...
provision for the wage earner in his old age.\textsuperscript{94} Still there was not a comprehensive law which might cover all the workers working in several fields. Therefore, all these measures passed or taken into consideration were half-hearted.

\textbf{War Time Labour Legislation.}

Legislation during the war had been valuminous, but the Defence of India Rule 81 (A), the Essential Services (Maintenance) Ordinance and the National Service (Technical Personnel) Ordinance might be regarded as typical. These latter measures had imposed certain restrictions on the workers. For example, in all cases in which a strike was contemplated a fortnight’s notice was necessary while the rule had formerly been concerned to public utilities, but now the rule enunciated the important principle of compulsory arbitration and of the enforcement of the arbitrator’s award. Labour welfare advisers were also appointed. The main wish of labour was to have fair conditions of life also. It wanted freedom and, government by the people both in name and in fact.\textsuperscript{95}

\textbf{Labour Administration.}

Under the Government of India Act of 1933, which came into force in the provinces in 1937, the regulation of labour and safety in mines and oil fields, in railways and in ports, was a central subject. But on the following subjects

\textsuperscript{94} Ibid; PP. 54-6.

\textsuperscript{95} Wartime Labour Conditions And Reconstruction Planning in India : (International Office, Canada, 1946),PP. 63-5.
both the central and provincial legislatures had concurrent jurisdiction:

1. Factories,
2. Welfare of labour,
3. Conditions of labour,
4. Provident Funds,
5. Employers,
6. Liability and workmen's compensation,
7. Health insurance,
8. Old age pension,
9. Unemployment insurance,
10. Trade Unions,
11. Industrial and labour disputes,
12. Enquiries and statistics,
13. The administration of labour laws. 96

Thus, both the central and provincial governments had their own independent administrative machinery for the enforcement of labour laws. 97

In the Government of India labour questions were dealt with by the Department of labour created in November, 1937.

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96. Labour In South East Asia : A symposium; Edited by Pillai, P.P., (Indian Council of World Affairs, New Delhi, 1947), PP. 29-30.
97. Ibid; P. 30.
This Department was put in charge of labour in docks and railways, public works and irrigation, mines, technical education, various items of safety regulation and administration, like boilers, electricity, explosives and petroleum. In the years following 1942, the Department was extended rapidly. 98

In the provinces, the labour questions were handled by a department of the secretariat in charge of a Minister. Most of the labour laws were enforced by the provincial governments and, eight of the eleven provinces had wholetime Commissioners. Labour administration, however, in the more advanced Indian States was modelled on the British Indian Provinces. 99

It can be remarked that at time there was adopted no uniform labour policy so far as the labour legislation and administration was concerned. To quote one authority, "one cannot resist the conclusion that, though there has been commendable progress in British India, there has been no corresponding improvement in the administration of labour laws." 100

With the take off and drive to the independence

98. Ibid; P. 31.
99. Ibid; P. 38.
of India from the British rule and due to technological maturity, the process of labour legislation and administration itself became the centre of politics; and democratic socialism found its way even though it did not achieve stability or the ideological fervour which is characteristic feature of labour movement in an Industrial country.

The defects which were observed and were found prevailing during this period was that women labour force was sometimes reluctant to undertake the training required for various occupations in the industries in which they were already employed. They also could not readily take the advantage of available facilities of vocational guidance and employment counselling under public auspices. It was all due to the lack of encouragement on the part of Government.