

**ROLE OF THE STATE IN DETERMINING THE CONDITIONS  
OF LIFE OF CASUAL LABOUR, CONTRACT LABOUR AND  
CHILD LABOUR IN INDUSTRY IN  
POST-INDEPENDENT INDIA**

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MASTER OF PHILOSOPHY*

**ROBERT KR. DASPATTANAYAK**

**CENTRE OF SOCIAL MEDICINE AND COMMUNITY HEALTH  
SCHOOL OF SOCIAL SCIENCES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI - 110067,  
1991**



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SCHOOL OF SOCIAL SCIENCES  
JAWAHARLAL NEHRU UNIVERSITY

New Delhi-110067

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DECLARATION

Certified that the dissertation entitled 'ROLE OF THE STATE IN DETERMINING THE CONDITIONS OF LIFE OF CASUAL LABOUR, CONTRACT LABOUR AND CHILD LABOUR IN INDUSTRY IN POST-INDEPENDENT INDIA', submitted by Robert Kumar Daspattanayak, in partial fulfilment of the requirements for the award of the degree of MASTER OF PHILOSOPHY, has not been previously submitted for any other degree of this or any other University and is his own work.

We recommend that this dissertation may be placed before the examiners for evaluation.

DR. IMRANA QADEER  
(SUPERVISOR)

DR. S.K. SAHU  
(CHAIRPERSON)

TO

MY BELOVED

MAA & BABA

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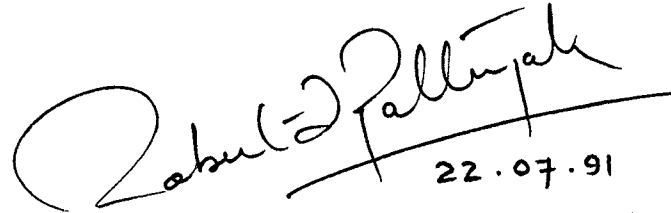
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## INTRODUCTION



Two hundred years after the process of industrialization began, the exploitation of the working class and their drudgery have been camouflaged in the west by the rise in the standards of living of the workers. This has been often projected as a model for the Third World. It was assumed that within the framework of welfarism it would not only be possible to improve the standard of living of the workers but also to save them from the extremes of oppression and drudgery which the nineteenth century working class experienced in the West. The Indian experience of industrialization, however, has not validated such an assumption. The Indian industries over the past more than forty-years of independence have evolved forms of organization and management which seem to be promoting drudgery and opperssion rather than reducing it. There have been government reports as well as independent studies which reported high rates of mortality and morbidity among industrial workers, stagnation of wages and insecurity of jobs under constant fear of retrenchments.

All these are relevant for the health of workers which is our main conern here. The health of the worker is closely dependent upon the dual environment in which they work and live which are in turn determined by many other socio-economic factors, like:

- (i) nature of the process of industrialization,
- (ii) technology used in production,
- (iii) terms and conditions of work,
- (iv) welfare inputs,
- (v) social background of the workers
- (vi) the role of the legal processes, and
- (vii) the trade union movement etc.

An examination of the historical evolution of industrial work houses reveals that work in them has become more dangerous as a whole for everybody, depending upon who is employed to work where and how, some workers are more exposed to hazards than others.<sup>1</sup>

In India, 78 per cent of the population live in rural areas where as 22 per cent live in urban centres. It is worth pointing out that almost 45 per cent of the GNP is contributed by the industrial workers. Here, we do not intend to put an economic value to human life, rather the point we want to make is how and why, a section of workers - producing such a significant proportion of the GNP - are forced to live and work in such inhuman and undesirable conditions.

While industrialization as a complex proces of social change - brought about a very rapid expansion of output and national income, it also resulted in exposure of a significant proportion of workers and

their families to serious hazards arising out of industry. Large number of accidents - fatal and non-fatal have been reported every year. Not only this, but also it is responsible for various occupational diseases such as silicosis, pneumoconiosis & byssinosis.

The Indian industry could be broadly, classified in two sectors, i.e., organised and unorganised on the basis of certain empirical facts of the size, nature of market and in relation with the State.

The organised sector comprises:

- a) all the public sector establishments, i.e., all services under central, state and local governments and occupation in public undertakings in the field of industry credit, financing, public utilities, etc., and
- b) non-agricultural private sectors with ten or more workers (or twenty without power) which should be registered and inspected under the <sup>2</sup> Factories Act.

The unorganised sector is often known as the 'unregulated' or 'unprotected' or 'traditional' or 'household' or 'informal' sector because of its diversified definitions in the dichotomous model of the modern <sup>3</sup> economy. The informal sector as its name suggests

is not formal in its character and operations.<sup>4</sup> It is estimated that the share of unorganised segment in National Income is quite significant, though its share has been declining over the years. Whereas 73.4% of National Income was generated by the informal sector in 1960-61 and it declined to 66.1% in 1979-80.<sup>5</sup>

The unorganised sector firms are not registered under the Factories Act, rather come under another Act which is enforced, if at all, by local authorities. Though there were many small firms in India, there was no 'small-scale sector' before Independence, and hence no organised sector:

The idea of small-scale industries as a distinct sector emerged after Independence, to mean firms which escaped a whole range of laws about dismissals, social security, taxes, union recognition and labour disputes; offering a new kind of employment, worse paid and less secure but easier to get; and with its own needs and problems, to be remedied by special policies, government agencies and assistance.

Even now, when the two sectors are thought of as separate compartments in the economy, there is no one clear dividing line, but several lines based on at least three criteria. Firstly, whether a firm comes under the Factory Act and

is therefore, in the 'organised industry' depends on the number employed (ten, if the factory uses power, with similar limits for purposes like Provident Fund and Employees' State insurance). Secondly, it is a small (- scale) industry entitled to special help and privileges, if its investment is below a certain amount: but a very small firm may prefer to remain unregistered and invisible, especially to tax inspectors. Thirdly, an individual worker's position, even in an organized sector firm, depends on whether he is permanently employed, or is a 'temporary', 'casual' or 'contract' worker not protected by the same laws.<sup>6</sup>

Studies conducted in several parts of the country reveal that many people also work in organised sector firms without enjoying the benefits of organised sector employment, because they are temporary or casual or contract workers. Since there are no reliable figures, it is not possible to say what proportion of work force is casual or contract workers. Although employment of children below 14 years was prohibited under the Factories Act, 1948, "in India, child labour is common in organised and unorganised sectors in all the States and Union territories".<sup>7</sup>

A number of firms employ a large 'casual' workforce who are regularly laid off and taken by, since a casual worker is entitled to permanent status after 180 days of continuous work. These workers are hired for a few days but continue to work for longer periods in many cases. In the brick fields and on construction sites, workers are forced to work as long as the contractors may want. An increasing amount of work is done by contract labour: construction almost always, often cleaning and canteen works, sometimes maintenance and ordinary production. Both casual labour and contract labour have no leave with pay, D.A. or other benefits or amenities. Industries employ contract labour so that they may not be required to implement the provision of various labour laws. Contract worker's pay is generally much lower, working hours are irregular, and without paid leave. There is no security of employment since the job ends with contract. It may be said that in some organised as well as unorganised sectors, children are given light work as compared to adult workers, but in most of the unorganised industries they have to work under very unsatisfactory, ill-ventilated and unhygienic working conditions for a longer working hours with less pay.

To understand this kind of growth of organisation within the industry, it is important to explore various sections of the society and its institutions that participate in the process of evolution of its industry.

Much has been written about Indian bourgeoisie and its working class. It is the intention of this dissertation to attempt an investigation into the role of state in shaping the conditions of work and life of industrial workers, specially those working as casual, contract and child labour.

It is the first and foremost duty of any Welfare State to provide social security to its individual members against common risks of life which lead to an interruption in their income and in their earning capacity. A Welfare State, therefore, gives high priority to the provision for social security for its entire population India being a Welfare State, extends social security to its industrial workers. The government as one of the most critical organs of the State has been concerned with the condition of the industrial workers. Labour policies have been a matter of concern for the development planners, and policy makers since independence.

To study the role of the State, therefore, we have used the following basic sources -

(i) the parliamentary debates for the period of 1947-1986 and (ii) the five year plans of Government of India and the report of Labour Commission. While the latter gives an insight into the intent of the government, the former reflects how much of it could really be materialised, and how serious was the government regarding actualization of its own plans in face of pressures from the different interest groups.

Since the focus of dissertation is on casual, contract and child labour, we have specially concentrated on debates around these categories of labour.

In brief, therefore, the main objectives of the study can be listed as given below -

1. to examine the role of the State in determining the conditions of work and life of casual, contract and child labour in post - independent India through an analysis of its policies towards them as made explicit in the five year plans and the Legislative Debates, and



2. to focus on conditions of life of casual, contract and child labour through review of published as well as unpublished studies.

With the above objectives in mind we have attempted to study three main industries - railway, coalmines and bidi-manufacturing. In addition to it we have studied child labour in general. Though our review often spills over other areas as well we have tried to concentrate on the above areas.

The contrast between the conditions of contract casual and child labour and the plans set for them in the *five year* plans focusses on the conflict between the planning objectives and the reality. The legislative debates and their analysis helps locate the actual steps taken by the government, the positions it took on different issues at different points of time and the forces it sided with when the interests of this section of workers were at stake. In other words, it helps us understand the real nature of the state and the basis of its autonomy and 'political will'.

It needs to be said right away that the scope of our analysis is limited by the time constraints and availability of source material. We have also

not analysed the various programmes adopted and Acts implemented by the government from time to time for the betterment of these unorganised industrial workers. Again, only a selected number of industries viz. railways, mines and quarries and bidi-making have been dealt with.

Despite its limits, we hope the dissertation will throw some light on the limitations and scope of state intervention in improving the conditions of life of unorganised industrial workers.

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CHAPTER - II

AN INQUIRY INTO CONDITIONS OF LIFE AND WORK OF  
UNORGANISED INDUSTRIAL WORKERS

This chapter provides a resume of the existing literature on unorganised workers, such as contract, casual and child labour. An attempt has been made to describe their working and living conditions. Though there is a paucity of detailed information at the macro level, studies and surveys conducted in several parts of the country highlight the awful conditions of these workers in both the formal and informal sectors.

Working conditions - health and safety precautions, space, ventilation, working hours, access to medical care, leave and weekly rest days, are all regulated by laws which apply to factories but not small workshops. "Conditions in many of the small workshops are appalling by any standards: the cramped dirty rooms on the private multi-story 'industrial estates' of Bombay, or worse conditions in many slums or back street workshops. There is no trade-off here: only because they cannot get anything better, though they might get something worse - casual building work; making bidis at home until their fingers are too numb to continue; or the walled and guarded stone quarries outside Bangalore:

Thirty five families, all in debt to the contractor, worked in a quarry. A mother of five who escaped to another quarry was hunted down, brought

back and branded on the breast. At one quarry, whole families were never allowed out together, in case they should escape. (Based on Indian Express, 7Nov. 1975)" <sup>1</sup>

Holmstrom describes:

In Bangalore, men earning Rs. 7 a day are in danger from the belts connecting their lathes to one overhead drive shaft, which saves electricity and the cost of separate motors. Presses, polishing wheels and machines to cutout tin cans have no guards. Welders and lathe operators work without goggles; men handle hot metal without protective clothing. Workers with burns, lost or injured fingures or splinters in the eye camplain they have been sacked, or laid off without compensation until their injuries heal. <sup>2</sup>

Holmstrom found that big factories in the 'Thana-Belapur belt' paid their cleaners atleast Rs. 600 (1977 rates) to work with contract cleaners earning Rs. 150-200. In the same area contract workers doing ordinary production jobs - mostly local people who lost their land to factories get Rs. 80-130; permanent production workers at least Rs. 650. "A Chemical factory here employs 400 permanent and

1200 contract or 'temporary workers'. In a big 'industrial house', with firms all over India, some 5 per cent of the work force are long term 'casual' or 'temporary' workers; up to 10 percent of the workforce are contract labourers who do loading, unloading, cleaning, building, salt pan work etc., at wages varying between one half and one-sixth of the rate for comparable permanent workers. The proportion of contract workers is often much higher".<sup>3</sup>

While studying the nature of exploitation of contract labour in the Ahmedabad textile industry Sujata Patel<sup>4</sup> observes that except in those families where there are permanent mill employees (about 28 percent of the total additional earners were permanent employees) most of the families do not have an adequate and permanent source of livelihood as most of the other employments (barring government service which relates to only 2 per cent of earners) do not give adequate wages and sufficient social welfare facilities. Most males and females were unemployed before they joined contract work. So far as the hours of work are concerned, only about 9 per cent of the workers clock the legally authorised time (48 hours a week) About 41 per cent work for nine hours and another 33 per cent for 10 hours, 10 per cent for 11 hours and 7 per cent for 12 hours. Wages of the contract workers are abysmally low.

There is also discrimination against women. Women contract workers work for more than specified hours and get lesser wages. These workers are usually engaged in the departments like bobbin cleaning (Where bobbins cleaned out for rewinding) engineering (includes construction workers), falatu (really means doing any work assigned to the worker, but could mean replacing a regular worker, sweeping, cleaning or carrying load), mending (e.g. in some cases, as in Arvind Mill, which produces a particular variety of saree to cut buttas), reeling (to reel and wind the bobbins which are cleaned out), coal (usually unloading, crushing and carrying it to engine room), ring spinning (which is a more skilled work and their number is very small), folding (to fold the processed cloth and to stamp every metre length) and Kharaba (where they are employed to pick up the waste both yarn and cloth and in chindi). That is accumulated in the mill premises. In addition, contract workers are employed for both canteen work and sweeping. The sweepers have to clean machines as well. They have to work specially on rest days as that is the time when the machines are not in use. Most of the workers do not have identity cards as stipulated by the Factories Act. They don't even know of medical leave, maternity benefits, provident fund or gratuity, ESI, medical aid and creche service. Most of the workers live in Kachha houses.



Kunj Patel <sup>5</sup> describes conditions in the crowded 'chawls' or tenements of Bombay, typical of older working class neighbourhoods around the big textile mills. A chawl is a block of small tenements with shared lavatories and washing places, built by private landlords, mill managements or the pre-war Bombay Development Department. Some are tolerable but many being old, are rat-infested, filthy and dilapidated. From time to time they burn down or collapse, killing whole families.

The textile industries appear to be the most hazardous. Importantly, the frequency of injury in textiles metal production and non-metallic mine product industries has increased over the years. However, the point we want to make is, though work has been becoming more dangerous as a whole for everybody, depending upon who is employed to work where and how, some workers, are more exposed to hazards than others.<sup>6</sup> Studies conducted by Qadeer and Roy in Shahdol and its neighbourhood make this point amply clear.

In a Caustic Soda Factory, since the technique, chosen at the danger points involved manual operations, none of the permanent workers were required to handle the stuff, and once given a permanent position workers even refused to do it. So all such operations were done by manual labourers hired under contractors.

There were no protective devices whatsoever. Boots, clothes, goggles, masks, gloves were not provided indicating the nature of the hazards. Consequently, it was contract labourers who were directly exposed to the greatest hazards. It is unbelievable to note that in this factory, of the total of 400 workers, over half were contract workers.<sup>7</sup>

The case of a new paper mill in southern Madhya Pradesh highlights the same problem. Since the the Mill has opted for agricultural crop residues and textile wastes as the raw material, unlike bamboo, this material has to be sorted out from pieces of metal dirt and stones before it can be fed into the production process. This is unhealthy work and this technology option creates a new hazards for the scores of women and children to whom this is contracted out.<sup>8</sup>

The same phenomenon is observed in the yellow-ochre factory at Anuppur and the paper mill at Amlai. At Anuppur the workers are given no protective devices and no medical check-ups. Except for those responsible for the machine, all other workers are casual or on contract.<sup>9</sup>

The paper mill at Amlai employ 1,700 permanent worker and double that number of casual and contract workers. The casual and contract workers look after all the dirty work.<sup>10</sup> In Firozabad Neera Burra<sup>11</sup> found

that workers have been pushed to a corner and their circumstances are akin to those of the labourers of nineteenth century. The local mafia are hired by factory owners to prevent these workers from claiming their rights of minimum wages and better conditions of work. They have no option but to work 12-14 hours a day. The working conditions are notably unsafe. The heat, noise and dust obviously have serious ill effects on the health of the workers. If a worker produces less than the required quantity, he is dismissed without wage or with only half the wage. Surprisingly, there have been no minimum wages fixed for glass bangle workers. The report of 'the Task Force on Health' describes the poor working conditions and insecurity of labour in mines:

.....but that the working conditions for all, men and women, were and continue to be inhuman. Mining continues to be a death trap for workers. Men and women workers continue to work in these death - traps, for not working would mean death by starvation.<sup>12</sup>

According to the report:

"On the other hand, many mines are declared 'dangerous and closed' by the Union Labour Ministry. However 'political connections and

corrupt officials enable the hazardous operations to continue unchecked' (Business Standard, 1983). Unemployment and starvation forces the workers to continue to work in the illegal mines. Working by gas lanterns and truck headlights, thousands of workers, including women, mine till early morning in pits 60 to 90 feet deep. Since these mines, quarries and pits do not legally exist, the workers are paid 'illegal' wages and often deaths and accidents, which are more frequent than in the 'legal' mines are not even reported. Compensation to the victims is an absolute far-cry:

.....In the completely unorganised sector of the mining and quarrying industry, like the 'illegal' mines at Haryana, near Delhi and other places,.....and thousands of mines and quarries all over the country, there are no facilities for clean drinking water, rest-shades, toilets, creches, medical or leave facilities. Protective equipments like masks, protective gear for head, hands, feet, nose are rare. <sup>13</sup>

However, in the unorganised kilns, quarries and mines, women and children form a majority of the workforce. In north eastern Madhya Pradesh, 70 to 80 per cent of the workers are women and children.

They are "engaged in brick breaking work, carving out chunks of stone from the earth, breaking them and then carrying them up in tokris (baskets) to the edge of the pit - a gruelling climb of 70 to 100 feet". For each climb, the women are given 10 paise. Thus the women and children have to work continuously for 11 to 12 hours a day in order not to starve.<sup>14</sup>

....The quarters provided are usually far from the mines and have to travel to and fro on foot. They also spend a lot of time fetching water, as most employers ignore the law which requires them to provide clean drinking water supply....located far away from the dwelling place. Water is drawn from wells, tanks, rivers, ponds and mine pits. Such water is obviously unfit for consumption and very dangerous to health. In some units, there is an acute shortage of drinking water (Manushi, 1980, p. 59).<sup>15</sup>

As for beedi making a majority of lower caste people including women and children work at home on a contract or piece-rate basis<sup>16</sup> although the industry has a system of men and women working in the factories. The occupational stresses associated with long hours of work, continuous work in the sitting posture, exposure to tobacco and poor physical working conditions, are superimposed on the handicaps

of poor socio-economic and nutritional status.

Neerja Chowdhury<sup>17</sup> observed that in the state of Madhya Pradesh a large number of beedi workers face conditions of near starvations. There is not enough work for them. A beedi worker is lucky if he/she gets three day's work in a week. Many are consequently ready to work at a rate lower than the established one." For every 1,000 bidis rolled, the workers get a mere Rs. 4 if in a rural areas; Rs. 4.75 in a semi-urban and Rs. 5.50 in an urban areas (1980 rates).

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The report of the Commission members after their visit to Madhya Pradesh confirms the problem as it states:

The workers are exploited by middle men. Poverty forces them into this poorly paid occupation..... Although the government minimum wages is Rs. 12.50 most of them earned only Rs. 5/- to Rs. 7/- as deductions were made on pretext of badly made beedis and the middleman's Commission.<sup>18</sup>

In vellore, in the state of Tamil Nadu, Mehta<sup>19</sup> finds that though most of the beedi workers have been working in the industry for more than 15 to 20 years without any break, as in other parts of the country, they do not get any paid leave, sickness benefits, bonus or minimum wages. They do not get any regular work either. They are

tightly controlled by the employers or contractors, who may refuse them work on any day of the week.

While visiting a small workshop in the house of a contractor in Kurnool, in the state of Andhra Pradesh, the Committee on the Status of Women<sup>20</sup> observes that the workers consist of families of men and women and small girls between the ages of 5 and 15. All the workers look undernourished. The children particularly, are extremely small for their age. The working hours are from 6 a.m. to 6 p.m. Even the pregnant women work till the last day of their pregnancy.

A more recent survey by Mathur<sup>21</sup> of contract labourers in the major industries (like textile, tyre, glass, cement, chemicals fertilizers, mineral smelting, sugar, engineering etc.) in the state of Rajasthan reveals the appalling conditions in most of these industries. These workers are employed on jobs of a perennial nature but are treated as casual. There is no security of employment. They are not entitled to lay-off compensation, gratuity or medical facilities. Weekly off-days, leave and holidays with pay are not allowed to most of these workers. Maternity benefits are not available to the women contract workers. There is a wide disparity between the working conditions of direct and contract workers. Since a majority of the contract workers

are appointed for loading, unloading, civil construction and security work, these workers have to work in the open disregarding the climatic conditions. The working hours for them are irregular and longer. It varies between 8 to 15 hrs. per day and 48 to 60 hrs. per week. Most of them have to work for longer hours without overtime payments. Since these workers have to do work at various places, sometimes they have to go to distant places for work. The wages are low in comparison to direct workers. The contractors have no records of their employment or workmen have no employment cards. Many labourers do not know even the name of their contractors.

Girija<sup>22</sup> in his study of construction workers in Madras finds that construction labour force is engaged almost invariably on a casual/temporary basis, wandering from place to place and site to site. They work for 8 to 10 hours a day. At times, a day's work may stretch to 12 hours duration; in such cases they may be paid a little more or merely provided with a cup of tea. During the summer, the maistris usually do not start the work till late noon and keep working late into the evening. Though this is more convenient from the point of view of weather, it causes great hardship, particularly to the women workers who may sometimes reach home



as late as midnight, and especially in cases where workers have travelled long distances to the construction site. Often these workers are engaged for a night shift by the contractors without overtime payments. 'These long hours of work, involving continuous handling of cement or lime and other construction materials, leaves the workers completely exhausted, with their palm and soles of their feet, bruised and burnt or eaten away.' He observes that fatal injuries are often caused to workers by falling from (i) great heights, (ii) scaffoldings, ironrods, stones or other heavy materials falling on them, (iii) workers getting trapped inside foundation holes, especially after heavy rains etc. He finds that the workers who are in service on the same project for more than two years at time, are retrenched before they complete two years of service and rehired to get around the law.

As he observes, the workers who reside in the city live in slums in and around Madras. These slums are usually situated in lowlying areas with ill-ventillated mud huts lacking water, sanitation, electricity etc. As the construction activity comes to a virtual standstill during the monsoon period, they are forced to borrow from money lenders. Living conditions of migrant workers in general are much worse than the city-dwelling workers. They usually live in make-shift shacks at the construction site itself. They often do not even have a proper shelter

to protect them from the sun and rain.

While Deshpande's <sup>23</sup> labour market study regarding casual labour in Bombay shows how many get jobs and their backgrounds, how many had friends or relatives to help them, changes in jobs and earnings over a lifetime and so on, it says:

He migrates alone and has very few friends and relations to help him find a job and to support him till he finds one of his choice. These circumstances force him to take up any work he can find....The casual worker continues to be employed at the lowest rung of the socio-economic ladder in Bombay just as he was in the villages.(144)

Deshpande finds that though migrant casual workers earn much more than they did in the villages, their real wages have remained almost unchanged. Clearly casual workers, with few exceptions, stay at the bottom.

In the study of living and working conditions of casual labour in Kanpur, Agrawal <sup>24</sup> observes that except for badli workers, who are also given proper training, no casual labour, gets a proper wage. The laws like Equal Remmueration Act, Factories Act, etc. are circumvented even by public bodies. Women casual labour do not get equal wage. The

casual workers are not provided maternity benefits. They are even thrown out if injured. There are hardly protective devices for the casual workers though all the hazardous jobs are done by them. No medical benefit is available to the casual labour. They have no holidays, DA, or other benefits or amenities.

According to Agrawal very few casual labourers keep their families with them in Kanpur. They are pushed out from the villages due to lack of full employment and mostly come on their own in search of employment. Very few among casual labourers do skilled jobs. Even for getting a job they used to pay money to the middle men. As Agrawal finds, about 70 percent of casual labour have no hope of gaining a permanent job.

Child labourers, who are a part of the unorganised sector in the urban areas, are in a more unfavourable situation. However, a number of studies have been conducted to reveal the shocking about the exploitation of children in different occupations and its impact on the physical, moral and mental development.

A study conducted by Kothari <sup>25</sup> stated that in Sivakasi, the largest single concentration of child labour in the world, the age employed children ranges from three and a half years to fifteen years

and they work for twelve hours a day in cramped environments handling dangerous and poisonous chemicals with lack of proper ventilation. Hence, it is obvious that children are prone to various kinds of respiratory and other diseases. These children from the neighbouring villages are carried in packed buses to the factories between 3 to 5 am, five to thirty kilometrys away from Sivakasi. They are dropped back by the same transport between 6 to 9 pm. Kothari writes:

Most of this activity is on a piece-rate basis. As the piece-rate system is prevalent in Sivakasi, the children work feverishly to ensure maximum output. Their own requirement of food, relaxation, etc., are completely neglected, and in many factories children looked unhealthy and weak. In spite of an over twelve hour work day and this feverish activity, the younger children between four and ten years earn an average of Rs. 2/- a day. (:1192)

Firozabad is agin one of the largest concentrations of child labour in India. According to factory owners and government officials children are employed only to serve water to adult workers.<sup>26</sup> But as N. Burra<sup>27</sup> writes this goes against the facts. She writes:

The judai addas, where bangles are joined together, also have very large number of child workers..... The room was so dark that only their eyes could be seen starting out of the inky blackness. It was lunch-time and the kerosene lamps had been switched off. The room was full of soot and there was no ventilation as the acetelyne flames could be extinguished by the breeze.(:2034)

According to her, a visit to any glass unit shows at a glance that at least 25 per cent of the workers present are children. In one of the glass factories Neera Burra visited, atleast 30-40 percent of the labour force was constituted of children between 8-13 years. The whole factory, she says, was strewn with broken glass and naked electric wires and the noise was deafening in this small crowded place.

As a whole these details testify to the fact that the inhuman state in which children were placed in the glass industry of Firozabad is no different from the conditions of children working in the glass factories of early nineteenth century England.

In contrast to the humanist explanations rendered by factory owners Sheela Barse <sup>28</sup> was told by some adult workers that victims of fatal accidents are thrown into furnaces in order to destroy evidence.

Juyal's<sup>29</sup> study of child labour in the carpet industry reveals that nearly one and half lakh children work in miserable conditions in the carpet industry of vast Mirzapur Bhadohi belt in U.P. and are engaged in various types of work, like opening yarn, sorting, knotting, carving weaving, pre-processing, finishing tasks etc. The children here are treated as bonded labour and their working hours begin at 5 am and go on till 7 p.m in the evening with a half hour break for lunch. Their work place is unhygienic and lacks proper ventilation resulting in various types of diseases like swelling of the lower limbs, boils, aching of joints etc. Besides, constant exposure to chemicals and dyes have been adversely affecting the health of these children. However, these workers are ill-treated and tortured by the management.

As Mohandas<sup>30</sup> observes, Children in bidi industry basically work as helpers to the adult workers for which they are paid the low wage of Rs. 1.5/- to Rs. 5/-. As they are exposed to the tobacco fumes throughout the day the incidence of TB and asthma is very high among them. Lack of ventilation, overcrowding and uncongenial work conditions are the major factors responsible for the occupational diseases.

In the powerloom industry of Bhiwandi, Sheela Barse <sup>31</sup> finds that five per cent of an estimated three lakh workers are child labourers. These children are engaged in the preparatory processes of weaving in the powerlooms with a very low wage rate. Barse asserts that the health status of these children is such that even when they were not working it would require a special health programme to bring them back to normal. Children in the powerlooms sit and work in a set position for several hours at a stretch. This leads to abnormalities in bone formations and physical deformities. Due to poor ventilation in the loom sheds, these workers are bound to inhale cotton dust, fibres and fungi which cause various occupational diseases. The children very often get injured while working on the Kandi machine. Because of the absence of first-aid hospital facilities, it takes a pretty long time for the injuries to heal.

#### SUMMARY

The condition of life of contract, casual and child labourer indicated in the Review of Literature is no way different from the appalling conditions of the workers of early nineteenth century England.

Various aspects of the work situation of labourers in the three categories have been highlighted. They are exposure to dangerous machinery or chemical products or airborne contaminants due to poor lighting and inadequate ventilation, longer working hours, insufficient rest breaks (especially for child workers), denial of weekly rest and annual holidays with pay, and job insecurity.

Adequate and proper safeguards have not been taken by the employers for the safety of these workers who always work in dangerous conditions. Further, no proper medical assistance is provided to them. Even in the event of greater casualty such as temporary or permanent disability and demise no compensation is paid by the employers to either the disable or the dependents of the deceased.

To most of the outside world the contract workers simply do not exist as no records about them are maintained either by the industry or by government. Both contract workers and casual workers seldom get permanent jobs in the same industry. Instead employers turn regular workers into contract workers to cut costs and reduce their long-term liability to workers, to evade laws on working conditions or to break strikes and keep the unions out. Casual workers are constantly threatened by job insecurity



engaged as they are in jobs of an intermittent nature or seasonal or casual work. This ensures that they are easily controlled by their employers. This lack of security of employment extends to contract workers too since their employment terminates with the contract. In almost all cases the working children are subjected to inhuman behaviour and continuous physical and mental torture. They are punished, abused, humiliated and neglected on the slightest pretext.

The living conditions of these vulnerable sections, of the labour force are also dismal. They live in Kachha houses, slums, night shelters and footpaths, all of which lack adequate drinking water supply and sanitation.

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CHAPTER - III

LABOUR IN THE NEWPERSPECTIVE - 1947 ONWARDS

REVIEW OF FIVE YEAR PLANS

Since independence, the Government of India has been actively pursuing a policy professedly aimed at overcoming backwardness, poverty and inequality. The transformation into a 'prosperous', 'developed' and 'socialistic' society is to come through the implementation of the Industrial Policy Resolution and a series of Five Year Plans based on the postulates of mixed-economy indicative of capitalist planning.

A review of Labour Policies under the Five Year Plans is of vital importance to make critical evaluation of Government's approach to 'Labour' since independence. The section attempts to highlight the general approach of the Labour Policies which are related to general workers, in addition to those applicable only to unorganised industrial workers; i.e., contract worker, casual workers, and child labour.

First Five Year Plan

The labour section of First Five Year Plan spelled out the government's concern with labour and labour problems in the context of economic planning and development. Considerations of planned economic development were assigned an important place in

the shaping of government labour policy in the plans. The general approach may be summed up best in the following passages of the First Plan, a final draft of which was made public in December, 1952:

Our approach to labour problems rests on considerations which are related on the one hand to the requirements of the well being of the working class and on the other to its vital contribution to the economic stability and progress of the country. The worker is the principal instrument in the fulfilment of the targets of the plan and in the achievement of economic progress, generally. His cooperation will be an essential factor in creating an economic organisation in the country which will best subserve the needs of social justice. Certain rights and obligations are associated with this distinctive role.

.....On the side of labour, there should be a keen realisation of the fact that in an undeveloped economy it cannot build for itself and the community a better life except on the firm foundations of the higher level of productivity to which it has itself to make a substantial contribution. The role of labour in promoting better standards of living for the community involves acceptance of greater regularity in

attendance, disciplined behaviour and meticulous care in discharge of duties. To ensure this, much greater attention has to be paid to the spread of literacy and the healthy development of trade unions so that workers are not exposed to exploitation and can act with greater sense of responsibility".<sup>1</sup>

In regard to wage increases, labour section of First Five Year Plan recommended the following:-

On the side of wages, any upward movement, at this juncture, will further jeopardise the economic stability of the country if it is reflected in costs of production and consequently raises the price of the product. For workers too, such gains will prove illusory because in all likelihood they will soon be cancelled by a rise in the general price level, and in the long run the volume of employment may be adversely affected. Such an increase in wages should, therefore, be avoided....Any steps to restrict wage increases should, therefore, be preceded by similar restrictions on the distribution of profits. Subject to this, wage increases should be granted under the following circumstances:-

- (i) To remove anomalies or where the existing rates are abnormally low;



(ii) To restore the pre-war real wage, as a first step towards the living wage, through increased productivity resulting from rationalisation and the renewal or modernisation of plant." <sup>2</sup>

The concern with conditions of work is also evident in the final draft:

The condition of work should be such as to safeguard the worker's health and protect him against occupational hazards. The work place should provide reasonable amenities for his essential needs. The worker should also be equipped with the necessary technical training and a certain level of general education. Having placed his assets, labour and skill at the disposal of the community, he should be assured of a reasonable measure of security against the various natural and other risks to which he is exposed. In his relations with the management, it is necessary that he should be treated with consideration. When he feels he cannot get a fair deal from his employer, he should have access to an impartial machinery set up for the purpose. The worker must be free to organize and to take lawful action in furtherance of his rights and interests. The community has recognised most of these rights, which have found a place in the constitution." <sup>3</sup>

In the discussion over the issue on protective labour legislation, a very clear statement is found on the 'working condition'. In order to get the best out of a worker in the matter of production, working conditions require to be improved to a large extent".<sup>4</sup> However in the following section the plan referred to existing legislation as 'sufficient for the purpose' of improving conditions, of the workers. It states "The Factories Act, 1948, the Indian Mines Act, the Plantation Labour Act, 1951, and the proposed Central Legislation for regulating the conditions of work in shops, establishments, and motor transport services, have this common object and are sufficient for the purposes".<sup>5</sup> The plan concluded: "The emphasis in the next five years should, therefore, be on the administrative measures needed for the implementation of such legislation."<sup>6</sup>

#### SECOND FIVE YEAR PLAN

The most basic essentials of the statement on labour policy as outlined in the First Plan was retained in the Second Plan although some modifications were made. A very clear statement is to be found in the Second Five Year Plan: "Much of what has been said in regard to labour policy in the First Five Year Plan holds good as a basis for the future."<sup>7</sup>

The plan stated that the importance of better working conditions had been progressively recognised. Realising the achievements of Coal and Mica Mines Labour Welfare Funds the Second Plan also suggested an institution with a similar fund for the manganese industry.

An important suggestion was given by the Second Five Year Plan for providing welfare measures to workers employed in smaller establishments. It also recommended legislation to regulate working conditions for workers employed in the construction industry and transport services. Special attention had been paid to the contract labour, agricultural labour and women workers

With respect to contract labour greater stress was laid on the regulation of their working conditions and ensuring continuous employment for them. It proposed to undertake studies to ascertain the extent and the nature of the problem involved in different industries and to examine where contract labour could be progressively eliminated.

However, the importance of planned economic development is evident in the labour policy of Second Five Year Plan:

'Whether it is the public sector or the private sector the goal of progressively speeding up production

would mean that indiscipline, stoppage of production and indifferent quality of work will have to be guarded against, and the labour policy has to be directed towards this end." <sup>8</sup> Again on the issue of wages it is very clear as it states: "Improvement in wages can result mainly from increased productivity."<sup>9</sup>

### THIRD FIVE YEAR PLAN

The Third Plan stressed the need for a more effective implementation of statutory welfare provisions. The Plan called upon the state government to strengthen the inspectorates provided for the administration of Factory Laws. It also highlighted the need for taking preventive steps and for conducting regular surveys against exposure to occupational diseases, which in the opinion of the planning commission, were on the increase.

The Plan suggested the need for providing better living and working conditions in the case of agricultural labour and workers in unorganised industry. Greater emphasis was placed on collective bargaining and on mutual agreements for improving industrial relations as well as worker's well-being.

Considerations of planned economic development were again assigned an important place in the shaping

of government labour policy in the Third Five Year Plan. The general approach may be summed up best in the following words of Third Plan:

Labour policy in India has been evolving in responses to the specific needs of the situation in relation to industry and the working class and has to suit the requirements of a planned economy.

.....the Third Five Year Plan has to make its own contribution towards the evolution of labour policy and the realisation of its basic aims. It has always to be kept in view that measures that are adopted must serve adequately the immediate and longterm ends of planned economic development.....In the implementation of these objectives the working class has an important role and a great responsibility, and these will grow with the rising tempo of industrialisation." <sup>10</sup>

Again, the concern with the requirements of a developing economy had become evident from the discussion on the issue on 'Productivity': " The vicious circle of poverty and unemployment and low productivity can be broken only by a tremendous stress on the maximum possible contribution being made by all participants in the process of production.

For the workers no real advance in their standard of living is possible without a steady increase in productivity, because any increase in wages generally, beyond narrow limits, would otherwise be nullified by a rise in prices. Workers have therefore, to insist on and not resist the progress of rationalisation in their own interest and in the larger interest of the country."<sup>11</sup>

Government's concern with working condition in the context of economic development is also evident, from the statement, "The improvement of working condition can result in greater productive efficiency on the part of the workers....."<sup>12</sup>

#### FOURTH FIVE YEAR PLAN

Three institutes for training special categories of craftsmen for industry and supervisory staff were proposed to be established in the early years of the Fourth Plan. Greater emphasis was placed on the apprenticeship programme including provision for basic training facilities.

The employment service was also proposed to be expanded by strengthening the employment exchange machinery, university employment information and guidance bureau, vocational guidance and counselling

centres, and employment market information programme for the collection of employment data.

The Plan suggested the need for the expansion of Employee's State insurance activities to provide hospitalization to families of all insured workers and to cover shops and commercial establishments in selected centres as also non-power factories employing ten or more persons. It mentioned that programmes for welfare centres, holiday homes and recreational centres had been included in State Plans.

The Plan also stressed the need for strengthening labour administration for a better enforcement of labour laws. A provision of Rs. 37.11 crore was made in the plan for labour welfare programmes.

#### FIFTH FIVE YEAR PLAN

In Craftsman Training and Labour Welfare Section of the Fifth Five Year Plan there was not much discussion on labour. The Plan only mentioned the amount provided in the Central Plan for states and union Territories.

An amount of Rs. 14.57 crore was provided in the Central Plan to cover (i) the requirements of the major on going training institutions such

as the Central Staff Training and Research Institute, the Foreman Training Institute, and the Central Training Institutes for instructors, (ii) the strengthening/extension of the Advanced Training Institute, (iii) the expansion of the Apprenticeship Training programme, (iv) vocational training in Women's occupations, and (v) schemes relating to research surveys and studies to be undertaken by various institutes.

It also mentioned that an amount of Rs. 42.37 crores was provided for states and Union Territories Keeping in view requirements of (i) the Industrial Training Institutes, (ii) the expansion of the Apprenticeship Training Programmes in the establishments, (iii) the strengthening of the employment service organisations, (iv) the setting up of labour welfare centres and promoting safety measures, and (v) the Employees State Insurance Scheme.

#### ✓ SIXTH FIVE YEAR PLAN

During the Sixth Five Year Plan, the labour policy was extended to <sup>§</sup>classes of workers who were outside the organised sector. The policy was more or less concerned with the unorganised workers such as rural labour, bonded labour, contract labour, female labour and child labour.



In order to give some protection to contract labour, the coverage of the Factories Act, the Mines Act and the Plantation labour Act was extended to contract labour. The plan also enumerated measures already undertaken by the government without suggesting any major alteration. Since the working of Contract Labour (Regulation and Abolition) Act, 1970 had brought to light some legal and operational loopholes, the plan proposed:

....to amend the Act...to enhance the penalties for engaging contract labour without proper licence. It is also considered necessary to provide for preference being given in recruitment, to former contract workers in establishments where contract agreements are abolished or otherwise terminated. <sup>13</sup>

On female labour, the plan again enumerated the steps taken by the government to eliminate discrimination against women. Special attention was also devoted to bonded labour.

The labour section of the Draft Sixth Plan also stressed the prevalence of child labour. It confessed that although under the employment of Children Act, 1938, the employment of children below a certain age (the age limit varies from 12 to 15)

was prohibited in factories, mines, plantations, shipping, motor transport, bidi and cigar making, shops and commercial establishments and some other sectors the provisions were being violated on a large scale since the legislative action had not been effective. It proposed:

The basic long-run solution to the problem will come only as employment and anti-poverty programmes, raise the incomes of the families to a level which permits them to release their children for regular education. But, in the meantime, the existing laws prohibiting child labour in certain sectors and activities should be more rigorously enforced. In some handicrafts, such as carpet weaving, the necessary skills can only be acquired at an early age. For such activities, age minima may have to be suitably lowered and skill training organised under non-exploitative conditions.<sup>14</sup>

However with respect to industrial relations, the plan stated:

Industrial relations policy in a developing economy like India has to meet two conflicting requirements. It must protect the rights of the working class to organise and to struggle

for its economic and social betterment by all legal and democratic means. At the same time, it must ensure the steady growth of investment and production at a satisfactory rate. The workers themselves have an abiding interest in a high and steady growth. Without such growth, they would find that employment opportunities do not grow at a rate rapid enough to absorb the large and growing mass of unemployment and shortages would be generating inflation which in turn would be reducing their real income. <sup>15</sup>

On wages, the Plan recommended:

First, the real wages of workers in the lower income brackets should not be allowed to fall..... Second, real wages should also change in some relation to the change in real productivity per worker....Third, the benefit of minimum wage legislation should be gradually extended to classes of workers not yet covered by it..... It is essential that the coverage of minimum wage legislation be extended to all sizeable units which can afford to pay minimum wages.

.....Fourth, it must be the long-term aim of wage policy that workers doing similar

wages...Finally, the large spread of earnings between the lowest paid and the highest paid workers should be sought to be reduced. But again, this reduction can only be achieved over a considerable period of time.<sup>16</sup>

In regard to safety, the plan hardly called for improvements in the existing legislation. It just proposed to strengthen further the organisation and activities of Directorate-General of Factory Advice Service, the Directorate-General of mines Safety and the Dock Labour Inspectorate.

#### SEVENTH FIVE YEAR PLAN

Considerations of planned economic development again found expression in the labour policies of the Seventh Five Year Plan. At the outset of the labour policy, the plan stated:

The thrust of the Seventh Plan is on improvement in capacity utilisation, efficiency and productivity. Labour enters the production process from the supply side as well as from the demand side... The focal point for both aspects is higher productivity because it is through higher productivity that higher real wage can be ensured, cost of production can be brought down and

higher demand for products can be generated, which would lead to further growth. The role of labour has to be perceived in this broad perspective. The success of labour policy has to be adjudged on the basis of the productivity standard that it helps the economy to achieve.<sup>17</sup>

This concern with the requirements of a developing economy was further evident in the discussion on most substantive issues such as industrial sickness, wage policy, abolition of child labour.

A very clear statement is to be found in the labour policy:

A sound policy of tackling industrial sickness in future has to be evolved which while protecting the interests of labour would also take into account the fact that government cannot bear the huge burden of losses.<sup>18</sup>

On wage policy, the plan simply stated:

The basic objectives of wage policy are a rise in the levels of real incomes in consonance with increase in productivity, the promotion of productive employment, improvements in skills, sectoral shift in desired directions and reduction in disparities.<sup>19</sup>

Special attention was also devoted to improve working and living conditions of unorganised labour. The plan stated:

The effective implementation of the existing legislation, particularly the Contract Labour (Regulation and Abolition) Act, 1970, the Minimum Wages Act, 1948 and the Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979, would greatly improve matters for the unorganised urban workers.<sup>20</sup>

On bonded labour, the policy statement of Seventh Plan suggested some measures. However, improved legislation coupled with better enforcement machinery were called for. Association of voluntary organisations and agencies with the tasks of providing child workers with health care, nutrition and education was given importance. It also laid stress on the improvement in the conditions of the families whose children were compelled to work.

In concluding this review of labour policy in Seventh Five Year Plan, Special mention must be made of the plan's conception to abolish child labour in a planned economy:

.....Which deserves immediate attention is child labour. Since it is not feasible to eradicate the

problem of child labour at the present stage of economic development, attention has to be focussed on making the working conditions of child labour better and more acceptable socially.<sup>21</sup>

REVIEW OF THE REPORT OF THE NATIONAL COMMISSION  
ON LABOUR-1969

This section is concerned only with the commission's study, report and recommendations on Contract Labour, Casual Labour, Bidi Workers, and Child Labour. It is important to quote the commission's definition on unorganised labour since there is a certain measure of overlap between them.

We...the issues connected with another group of workers, who can not be identified by a definition but could be described as those who have not been able to organise in pursuit of a common objective because of constraints such as (a) casual nature of employment, (b) ignorance and illiteracy, (c) small size of establishments with low capital investment per person employed (d) scattered nature of establishments, and (e) superior strength of the employer operating singly or in combination. We do not propose to cover every sector of such employment...These are: (i) contract labour including construction workers, (ii) casual labour, (iii) labour employed in small scale industry, (iv) handloom/powerloom workers, (v) bidi and cigar workers, (vi) employees in shops and commercial establishments,



(vii) sweepers and scavengers, (viii) workers in tanneries, (ix) tribal labour, and (x) other unprotected labour. There will be a certain measure of overlap between them. For instance, bidi and cigar establishments can fall under (iii), (v) and (vi); contract labour will be found in (iii); and so will casual labour and so on...." <sup>22</sup>

#### CONTRACT LABOUR

The report of the commission defined contract labour as follows:

Contract labour can be distinguished from 'direct labour' in terms of employment relationship with the principal establishment and method of wage payment....The establishment which farms out work to a contractor(s) does not owe any direct responsibility in regard to his/their labour. In several contracts the wage rates to be paid to labour are stipulated but whether payment is made on that basis or not is hardly the concern of the contractor himself or of the person/organisation for whom the contractor works....Contract labour can broadly be divided into two set categories: those employed on job contracts, and others

on labour contracts. Large establishments give out contracts of jobs or of particular operations, e.g. loading and unloading, to contractors on lump-sum payment. The contractor engages his own workers....The protection received by the contract labour varies according to the situation.<sup>23</sup>

The report highlighted the recommendations made by the Whitley Commission, the Bombay Textile Labour Enquiry Committee, the Bihar Labour Enquiry Committee, the Rege Committee and the Industrial Committee on Coal Mines on the abolition of contract labour. It has also mentioned that though the practice of employing contract labour prevailed in varying degrees in almost all industries and services, it was more prevalent in mining and in the construction industry. With the expansion of construction activity following substantial investment in the plans, the size of contract labour had been significantly expanded in the post-independence period. It stated:

The Central and State Public Works Departments and Railways are major employers of contract labour; in the public sector, such agencies as the National Building Construction Corporation and the National Projects Construction Corporation

also employ contract labour. There are in addition many building and construction agencies in private hands...." <sup>24</sup>

The report pointed out:

Occupations on which contract labour is employed range from purely unskilled work categories as loader, unloader, cleaner, sweeper and Khalasi, to skilled employment as polishers, turner, gas cutter and rivetter in oil distribution and driller, blaster, blacksmith, carpenter and fitter in the mining industry. Apart from these, there are certain regular processes such as nickel polishing and electro-plating in engineering establishments, dyeing, bleaching and printing in some units in textiles, and designing and 'raising' work ... in almost all carpet manufacturing units, where contract labour is common. <sup>25</sup>

The report brought to light that though Wage Boards constituted for different industries had recommended extension of uniform wage rates for both direct and contract labour, in the absence of an effective implementation machinery, contract labour was generally paid wages below the rates prescribed for regular workers in the industry.

The report also mentioned that:

Conditions of work are far from satisfactory working hours were irregular and longer...There is no security of employment; the job ends with contract. Leave with wages is not available to contract labour. In the matter of housing facilities, contract labour is not treated on par with direct labour. It is entitled to benefits under ESI Scheme, but a few establishments extend this facility....In some areas, where the practice of the contractor making advance payments to his labour obtains, contractors are reported to take advantage of the illiteracy and ignorance of workers and manipulate accounts so that at the end of the season the worker still owes to the contractor almost the same amount as initially advanced.<sup>26</sup>

#### BIDI WORKERS

Working conditions prevailing in the bidi and cigar establishments were found to be unsatisfactory for the reason that although the labour laws, like the Factory Act, 1948, apply to such establishments, some employers, particularly bigger ones, circumvented the provisions of the Act by splitting their concerns into smaller units. The report added that most

of these units were ill-ventilated and workers were crowded into dark and dingy rooms. There were also no fixed hours of work or any permanency of benefits for workers, victimisation in small units was common.

The report also brought to the light that apart from workshop or factory system of production, manufacture of bidis was organised through contractors or by distributing work in private dwellings where workers take raw materials given by the employer or his contractor and hand over the finished product at the stipulated place. The system of payment in the bidi industry is mainly on piece - rate basis, except in the case of workers like wrappers, labellers, and sorters who are normally employed on a monthly basis. Deductions from wages in the industry were frequent and on various counts. It also mentioned that a complaint voiced by workers was that no payment is made for rejected bidis.

It pointed out that since the employer - employee relationship was not well defined, the application of the Factories Act had run into difficulties in this industry. Although some State Governments had passed special laws to regulate the conditions of work in bidi establishments but were unable to enforce the law owing to mobility of the industry.

CASUAL LABOUR

According to the Report, the incidence of casual labour was determined by the nature of the task to be performed. To quote the Report:

In engineering industry, casual labour is employed to fill vacancies caused by absenteeism and temporary pressure of work. Employment of casual labour is a common feature in the Railways, the Public Works Department, both Central and State Electricity Corporations and employments in the private sector where the nature of work is similar.<sup>27</sup>

It had also mentioned that there was still a large volume of casual labour which is engaged for varying lengths of time and not in all cases are they kept casual for bonafide reasons. It pointed out that casual labour was deprived of the advantages accruing from legislation related to wages and regulation, hours of work and conditions of service, leave with wages, maternity and sickness benefits etc., since legislation stipulates continuous employment for being eligible. To quote the Report:

During the course of our inquiries many unions complained that employers arbitrarily terminated the services of casual workers to prevent them

from completing the prescribed period of service and thus deprived them of the benefits. We have come across cases particularly in smaller establishments where within a week of termination of service, the same person is engaged afresh for the same job, making the employer's intention obvious.<sup>28</sup>

It did mention that in Central Government establishments and a few State Electricity Boards interests of casual labour in the matter of payment of wages and other benefits such as weekly holidays, hours of work, night shift, payment of overtime, had been somewhat protected.

#### CHILD LABOUR

The report highlighted the recommendations made by the Whitley Commission and the observations made by the Labour Investigation Committee, 1946. It also mentioned that in the later years, the situation regarding child labour comparatively eased in factory industries though it persisted to give anxiety in the unorganised small industry. It again highlighted the conclusions from an enquiry conducted on the subject by the Labour Bureau in the early fifties.

The report dwelt in detail on the legislative provisions of child labour. The commission observed:

Our evidence reveals that employment of children is almost non-existent in organised industries. It persists in varying degrees in the unorganised sector such as small plantations, Resturants and hotels, cotton ginning and weaving, carpet weaving, stone breaking, brick-kiln handicrafts, and road building. Employment of Child Workers below the prescribed age is also reported to be continuing in far off and in rural areas where enforcement of statutory provisions is more difficult.<sup>29</sup>

#### GENERAL RECOMMENDATIONS ABOUT UNORGANISED LABOUR

A number of recommendations about unorganised labour were made by the commission keeping in mind the difficulties in assessing the magnitude of the task, inadequacy of legislative support and implementation machinery.

The commission had emphasised a better understanding of the problems of different categories of unorganised labour for the formulation of suitable ameliorative measures. It suggested the state play an increasingly



important role in providing legislative protection for unorganised unprotected labour.

It was recommended that legislative and administrative procedures applicable to small establishments should be simplified to facilitate their understanding and implementation.

The commission also stressed the difficulties involved in the enforcement of law and welfare measures by administrative agencies. It also pointed out the difficulties of small employers for whom it was difficult to employ separate staff to look after various formalities and keep accounts. The commission found these difficulties genuine and hence, it recommended that these should be looked into sympathetically and that government should take appropriate measures to mitigate the problem.

#### RECOMMENDATIONS ABOUT CONTRACT LABOUR

However the recommendations about contract labour were as follows:

A stricter regulation of contract work than at present is called for. The general direction of policy should be towards abolition of contract

labour in due course. The Central Bill providing for regulation and abolition of contract labour currently under consideration should be enacted soon. 30

#### RECOMMENDATION ABOUT BIDI WORKERS

It recommended that formation of cooperatives of bidi and cigar workers should be encouraged. It also recommended that all bidi workers irrespective of their place of work should be covered by the Minimum Wages Act. At last the report stressed the appropriate steps should be taken to safeguard the interests of the workers in cases where bidis were rejected during inspection and the cost of materials used in the rejected stuff is deducted from their wages.

#### RECOMMENDATIONS ABOUT CASUAL LABOUR

The recommendation were as follows:

The complete decasualisation of labour is not a practicable proposition in the immediate future and may entail a large measure of idleness and render the operations inconvenient and uneconomic, but....we recommend in the meanwhile

a better regulation of conditions of work of casual labour. A beginning should be made in this direction in all undertakings public and private, through periodic review and consultations among representatives of employers, Government and workers.

....We recommend that if employment is discontinued for a short period and the worker is re-employed, this short period should not be treated as a break in service. We also recommend that after a casual worker has completed a stipulated period of service he should be allowed the same benefits which a permanent worker enjoy.<sup>31</sup>

#### RECOMMENDATION ABOUT CHILD LABOUR

A number of recommendations were made by the commission. The Commission went to the extent of stressing that the employment of children was indeed more of an economic problem than anything else. It recommended that,

While the economic difficulties are real, a way has to be found to give the child the necessary education in his more receptive years. We feel this can be ensured by fixing the employment

hours of children so as to enable them to attend to schooling. Where the number of children is adequate, the employers, with assistance of the State Government, should make arrangements to combine work with education.<sup>32</sup>

REVIEW OF THE REPORT OF THE NATIONAL COMMISSION  
ON SELF EMPLOYED WOMEN - 1988

Another report available to us is that of the 'National Commission on Self Employed Women - 1988'. Though the Commission was concerned mainly with the problems of self-employed women, it sheds ample light on the working conditions of the workers in general as well. Thus in the ongoing sections, a brief review of the findings on the general working conditions of labourers in industries like beedi making, quarries and mines is being presented.

The Commission found that the workers constituted mainly the lower cast people. A large majority of them were below poverty line. Since they have not alternative jobs, they are forced to work against lowest possible wages, and they generally carry out their work on piece - rate basis. They are further exploited by the 'middlemen'. The lack of medical and other facilities further worsens their pathetic conditions.

The Commission recommended the fixation of wage rates and provision of regular medical check ups and treatment. It also suggested the development of suitable implements to avoid postural problems.

The report discovered that the workers are forced to work in extreme inhuman conditions in mines and quarries, better termed as death traps. The political connections enable the owners to continue operations. Quite often, there are no protective measures available to the workers and they work with gas lantern or truck headlight. They are very rarely provided with such facilities as water, toilets, creches, medical and leave facilities, and restings sheds. Since most of these units are 'illegal', wages paid to the workers are very low.

It was recommended that in order to protect the interest of the workers in mines quarries, the existing laws should immediately be implemented and the workers should have the right to decide the safety of the mine and act on it. It stressed on regulation of working hours and wage rates, provision of health and medical services.

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29. Ibid.,p. 386.
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CHAPTER - IV

LEGISLATIVE DEBATES : A FEW SELECTED INDUSTRIES  
AND MINES



CONTRACT AND CASUAL LABOUR IN RAILWAYS

The major issues that appear in Legislative Debates over the period 1966-86 were

1. Improvement in the condition of services
  - a) Continuity of service
  - b) Right of absorption of permanent service
  - c) Guarantee against termination of service in cases where they have put in certain number of months/years
  - d) Retrenchment
2. Flouting of Legislation by the Department
3. Wages
4. Welfare Facilities.

Improvement in the Condition of Services

The issue of condition of services has been raised repeatedly since 1966. Members of Parliament V.N. Pandey and A.P. Sharma on behalf of labour highlighted the condition of service of the casual labourers, the total number of skilled, unskilled and semiskilled, and other categories of labour employed by the railways, the issue of continuance of service, absorption and guarantee against the unceremonious termination of service, particularly in cases when the length of service is more than three months.

In answers to these queries the Minister of State Dr. Ram Subhag Singh informed the members that there were 16149 unskilled workers and that, "their continuance in service depends on the availability of works. Such of casual labourers as get themselves duly selected for recruitment to regular railway service are absorbed in regular vacancies".<sup>1</sup> He added that there was no guarantee for providing against the termination of services in cases where the length of service is more than 3 months. However, he did not elaborate any steps that the government was taking to improve the condition of service but said, "The information is being collected".<sup>2</sup>

When in 1972, Sri Mohan Swarup on behalf of labour demanded whether the Government proposed to absorb such of the employees as had put in long periods of service; the Railway Minister Sri K. Hanumanthaiya replied, "All casual labourers who have completed six months' service, are eligible for absorption against regular class IV posts after screening".<sup>3</sup>

In 1978, Sri Bhausahab Thorat brought up the issue once again when he demanded information on the total number of casual labour working in Central Railway and the regularisation of these workers. Minister Sri Sheo Narain gave a statistical break up in answer:

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Division	Number
BOMBAY	8,479
BHUSAVAL	6,176
JHANSI	9,245
JABALPUR	5,109
NAGPUR	2,319
SHOLAPUR	1,663

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It is critical to note that over a period of 12 years the ministers' responses to these questions remained unverified indicating that virtually no norms had been evolved for the absorption of casual labour into the permanent setup. This may be substantiated by the following quotation:

The casual labourers will be considered for absorption on regular basis on being declared suitable by the Screening Committee, as and when vacancies occur.<sup>4</sup>

In 1983 Shri Basudeb Acharya demanded information on total number of casual labourers, their zonewise regularisation and the plan to regularise them. The Minister of State in the Ministry of Railways

Shri C.K. Jaffer Sharief replied that there were about 2.08 lakhs of casual labourers working in Indian Railways. The number of casual labour regularised during the 1981-82 is given below:

5

Railways	No. of casual labour regularized during 1981-82
Central	2615
Eastern	1488
Northern	6179
North Eastern	2655
Northeast Frontier	400
Southern	471
South Central	3633
South Eastern	2773
Western	3305
Total	23519

The Minister while placing the information made it very clear that:

It is not possible to formulate any time bound plan for regularisation of casual workers. Firstly, their absorption in class IV depends upon the availability of vacancies for this

purpose; secondly, casual labour is employed seasonally at varying places, and for limited duration. Railways will therefore, always have to carry a number of casual labourers in a countrywise set up.<sup>6</sup>

Raising the same questions Sri Chintamani Jena in 1984 demanded the information regarding (i) the total number of casual labour working in Indian railways, in South Eastern Railway Zone, and in Kharagpur Division of South Eastern Railway, (ii) the number of casual workers regularised in each of the above sectors (iii) the issues of continuance of service, absorption; and (iv) the criteria adopted for regularisation. Responding to these queries, the minister of Railways said, "At present, virtually all vacancies in class IV posts, with a few exceptions like workshops and appointments on compassionate grounds and against sports quota, are being filled from amongst screened casual labour/substitutes only on the basis of their relative length of service. It is not, however, possible to indicate the point of time by which all the casual labour with many years of service will be absorbed in regular employment on the railways."<sup>7</sup> However, the Minister of Railways gave no information about the total number of casual labour in Indian railways, or the number

that had been regularised, instead he stated that "The information is being collected from the zonal railways and the same will be laid on the Table of the Sabha."<sup>8</sup>

When in 1986, Shri C. Janga Reddy and Dr. A.K. Patel again raised the same questions regarding (i) the number of casual workers in each Zonal Railway, (ii) the continuance of service, absorption, and regularisation, the Minister of state in the department of railways, Shri Madhavrao Scindia also said that, "The information is being collected and will be laid on the Table of the Sabha".<sup>9</sup>

Apart from the general issues being raised in the parliament, same specific issues have been raised between the period 1966-1986. In 1978, Shri Padmacharan Samanta Sinhers asked the Minister of Railways to state the Government's awareness regarding the retrenchment notices to several labourers in Sikakulama Road, S.E. Railway, the number of labourers employed, the date when the notices were served, whether the new labourers were appointed and about the Government's proposal to give work to retrenched labourers. The Minister of State in the Ministry of Railways Shri Sheo Narain while justifying it, said that retrenched casual labourers were re-engaged according to their seniority and requirements of any new work to be taken in hand in the area.<sup>10</sup>

Dr C.N. Visvanathan, Dr. Bijoy Mondal and Shri Sudhir Ghosal again in 1978, drew attention to the retrenchment issue. As C.N. Visvanathan pointed out, a large number of casual labourers who were working under the District Singral and Telecommunication Engineer, Tambaram, Madras for more than 9 years, were working without any hope of permanancy, and had actually been rendered jobless in many cases. It was also a fact that these labourers had been handling sophisticated equipment and were of vital use in Railway Undertakings. Therefore, Shri Visvanathan wanted to know the action proposed to be taken to employ such labourers on a regular footing, giving them the advantages of their previous service. Shri Sheo Narain replied,

Casual labourers are considered for regular absorpction depending upon the number of regular vacancies available, length of service rendered by them and their being found medically fit: 72 junior-most casual labourers have been reternched for want of work. These labourers have been handling Signal and Telecommunication equipment in Construction works under the supervision and guidance of regular staff. 11

The same year, Dr Bijoy Mandal focussed attention on the issue again with the case in which 170 casual labour under DEN/D&DBK/S. Rly/WAT, were retrenched despite having put in 10-15 years of continuous service. The Minister's reponse to these questions remained same,

.....It is not possible to continue such a large labour force in service without any specific work. The retrenched workers were asked to get themselves enrolled with the labour cooperative contract society at Jakhapura so that they could be reengaged in some other railway works in the Jakhapura - Daitari Construction project.<sup>12</sup>

However the Minister added that the screening conducted for filling up vacancies in construction reserve had no bearing on retrenchment of casual staff of individual units. The result of the screening would be known on completion of the whole process for the entire construction organisation.<sup>13</sup>

When again the same questions were repeated by Shri Sudhir Ghosal on the issue of retrenchment of 800 casual labourers of Kharagpur Division during the emergency. The minister's response to those questions remained unchanged.



In 1985 Shri Saifuddin Choudhary and Sri Narayan Choubey raised queries regarding the retrenchment of casual workers in the Eastern South Eastern Railways. They pertained to

- (i) the number of such workers
- (ii) how the government was going to redress their grievances and
- (iii) the procedure adopted for their appointment.

Answering these questions, the minister of Railways Shri Bansilal Stated, "Casual labour is engaged on railway for work of seasonal, casual or intermittent nature as also for the execution of railway projects. They are engaged and discharged in accordance with the requirement of work arising from time to time. Thus engagement of such labour when work requires their engagement and their retrenchment when work is not available, is a continuous process".

Justifying the retrenchment of casual labour in the Malda Division of Eastern Railway, the Minister added, "There has been no such large scale retrenchment in the recent past on the South Eastern Railway." 14

Notably, the Minister did not detail the policy and procedure adopted to appoint them, stating that,

Casual labour are engaged for work of casual, intermittent or seasonal nature and also for execution of railway projects...Generally such labour is engaged locally but where the circumstances so warrant, labour from outside is also so engaged. Detailed instructions have been issued by the Ministry of Railways regarding the engagement, terms of employment, retrenchment and absorption in regular employment of casual labour.

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Flouting of Legislation by the Department:

Another important controversy between the govt. and the opposition has been over the violation of section 10 of Contract labour (Regulation and Abolition) Act, 1970. In 1972 for example, Shri Mohammed ismail (MP) asked,

Whether the work of loading and unloading of coal at loco sheds, removal of coal ash, loading and unloading of parcels and goods at Railway Stations and goods sheds is of a permanent nature and if so, the reasons why contract or casual labour are being employed in violation of section 10 of contract labour (Regulation and Abolition) Act, 1970; whether any representation has been received for

abolishing contract labour for these jobs and if so, the decision taken thereon?<sup>16</sup>

The Minister of Railways Shri T.S. Pai replied saying,

Under section 10 of the contract labour (Regulation and Abolition) Act, 1970, the appropriate Government, viz. the Central Government in so far as the Central Government undertakings including the Railways are concerned, may, after consultation with the Central Advisory Contract Labour Board, prohibit the employment of contract labour in any process, operation or other work in any establishment, having regard to the conditions of work and benefits provided for the contract labour in that establishment and other relevant factors as laid down in this section where the contract system is not abolished, the employment of contract labour is to be regulated under the other provisions of this Act and the rules framed by the central Government in this connection. Since no such notification in respect of the Railway establishments are required under section 10 of the Act, has been issued by the ministry of Labour so far, the question of abolition of contract system in these operation on Railways does

not arise at this stage. Casual labour is engaged by the Railways on works of a casual nature and the employment of such labour has not been prohibited under any statute.<sup>17</sup>

After the above statement he attempted to justify the casual nature of work by adding that,

The receipt of coal traffic at all the Loco Sheds depends on its demand and availability and is not regular on the days but intermittent and spasmodic. Removal of coal ash also is done occasionally at smaller sheds and somewhat more frequently at bigger sheds. While the work of loading and unloading of parcels at big Railway stations and big goods sheds is more or less of a regular nature, the quantum of traffic fluctuates considerably from day to day at each station or goods shed. Thus although the nature of work is not wholly intermittent the quantum fluctuates considerably.<sup>18</sup>

In connection with the question pertaining to the representation received for abolishing contract labour or casual labour, the minister again stated,

Some representations have been received for the abolition of contract system or against the employment of casual labour on such work at certain loco Sheds, stations and goods sheds. Pending Government's decision in consultation with and after examination by the statutory, Advisory Board and issue of necessary notification under Section 10 of the Act by the Ministry of labour specifying the particular areas/installations/locations in which contract system should be actually eliminated, a directive was issued to the Railways in July 1968 advising them not to change over to contract working any items which had been traditionally handled departmentally on Railways. At many places the handling contracts have been awarded to Labour Cooperative Societies also.<sup>19</sup>

In 1973 Shri robin Sen referred again to the issue when he asked the minister of Railway to state, "Whether Government had taken steps to implement contract labour (Regulation and Abolition) Act, 1970 in the Railway and if not when it proposed to do so. If it had, whether the labour engaged in coal and ash handling, loading and unloading of parcels in trains, had been made regular employees; and if not, why. The Deputy Minister in the ministry

of Railways Shri Mohd. Shafi Qureshi replied, "Orders have been issued to the Railway Administrations in October 1971 requiring strict compliance with the various provisions of contract labour (Regulation and Abolition) Act 1970 and the Rules framed there under." <sup>20</sup> He justified employment of casual labour in Railways saying,

The contract labour (Regulation and Abolition) Act, 1970 does not specify the areas where contract labour should be abolished. On the Railway the work of coal and ash handling and also of loading and unloading of parcels in trains has been traditionally done through contract system and the labour engaged on the work are contractor's' employees and can not be treated as regular Railway employees. However the question of abolition of Contract System in coal and ash handling work and in loading and unloading parcels in trains, is under consideration of the Central Contract Labour Advisory Board. <sup>21</sup>

In 1976, Shri Biren Dutta raised strong questions regarding (i) the position of implementation of Act, (ii) the issue of setting up a board under this Act for the Railways (iii) the total number of workers departmentalised, (iv) the reasons for shifting the work (which was carried on by

departmental labour) to the contractors in 1975 and (v) the issue of representation received by Government in this regard and the action taken there on.

The Deputy Minister in the Ministry of Railways Shri Buta Singh in his reply had informed the members that railway establishments employing contract labour had secured registration under the contract labour (Regulation and Abolition) Act, 1970 and the employment of contract labour on Railways was regulated by the provisions of this Act.

Regarding setting up a board under the contract labour (Regulation and Abolition) Act he said, "A committee appointed by the Central Advisory Contract Labour Board set up under the contract labour (Regulation and Abolition) Act, 1970 is presently studying the various aspects of the question regarding abolition of contract labour in coal handling and ash pit cleaning work of Railway Loco Sheds."<sup>22</sup>

He added, "Government has not decided to departmentalise the work at present handled by the contract labour on Railways."<sup>23</sup> He attempted to justify retrenchment saying that since there were agitations after the casual labour had been engaged

on certain purely seasonal nature of works, such works were made over to contractors. However he did not elaborate on any action that the Government had taken about the representation in this regard. Instead he stated that, "The representations received were given due consideration."<sup>24</sup>

In 1978, we again find the same questions repeated by Shri Samar Makherjee regarding the steps taken to implement the Contract Labour (Regulation and Abolition) Act of 1970, and the action taken in regard to any representation received from the Coal and Ash Handling Workers, Loading and Unloading Workers etc. employed in the railways as contract labour.

At last, the Minister of Parliamentary Affairs and labour, Shri Ravindra Varma informed all the members that the Board had accepted the recommendation of the Committee for abolition of contract labour system in coal and ash handling work in Loco Sheds of Indian Railways and had referred the matter to the Government which was under examination."<sup>25</sup>

In connection, with the question regarding the Government's action, the Minister Stated that, ".....the Memorandum dated the 25th September 1977 from the President Indian Railway coal and Ash Handling Mazdoor Union, West Bengal regarding



abolition of contract labour system in loco sheds in Indian Railways.....is being examined in consultation with the Ministry of Railways." <sup>26</sup>

Again in 1978, Shri Krishna Chandra Haldar raised a question regarding the consideration of the Advisory board for the abolition of contract labour in the works of perennial nature in railways. There was no difference in the Minister's response, as he stated, ".....However, the Central Advisory Contract Labour Board recommended the abolition of contract labour system of coal handling and Cinder picking in all Railway Loco Sheds. The recommendations made by the Central Advisory Board are under Government's Consideration." <sup>27</sup>

### Wages

As evident in the ongoing discussion the issue of wages for casual and contract labourers, have been raised since 1966. For instance in 1966 A.P. Sharma on behalf of labour raised questions regarding (i) the rate of wages for day, (ii) the basis on which the rates were fixed, and (iii) the rate of wage for similar categories of workers in other central Government Departments and establishments. He enquired into whether it was a fact that the daily rate of the casual worker

in other Central Government establishments and departments was higher than that in the Indian Railways. The answers to these critical questions by the Minister of Railways Dr. Ram Subhag Singh was evasive: "The information is being collected and will be laid on the Table of the Sabha."<sup>28</sup>

In 1972, Prof. Narain Chand Parashar enquired about the charter of demands presented to the authorities of the Northern Railway on behalf of the five thousand casual labourers working on Kathua - Jammu Rail Link Project. The demand was related to (i) the payment of wages at higher rates, (ii) absorption against regular posts, (iii) payment of wages on regular scales to store issues, (iv) recovery of rent on Railway quarters at uniform rates as for regular staff, and (v) absorption of one injured casual labourer against a regular post.

Shri T.A. Pai the Railway Ministers responded saying that, "The last two demands have already been fully met. Their first demand is under consideration and steps have been taken to come to an early decision....It is however, not possible to meet the rest of their demands,"<sup>29</sup> Questions were further raised by Prof. Narain Chand Parashar. When he enquired about, "...the rates of wages paid at present and the rates demanded by the

workers? How do they compare with the rates paid to local labour?"<sup>30</sup> The Minister replied, "The casual labourers are normally entitled to the rates of wages fixed for corresponding categories of labourers by the local authorities. The Kathua Jammu link passes through Gurdaspur Kathua and Jammu civil district. The rates of wages payable to these workers should be on par with what are locally applicable"<sup>31</sup> Since the Minister did not mention the exact figure Prof. Narain Chand asked another related question. Again the Minister gave no reply.

In 1978, Shri Ishwar Chaudhry had raised the questions regarding the casual labour rate in Aligarh district during the year 1974, the details of rates fixed for individual items of the schedule the relevant facts and factors taken into consideration by the Rate Fixing Committee, while fixing rates for individual items of work, and other relevant questions.

Shri Sheo Narain in reply to the first question, said that the casual labour rate at Aligarh in 1974 was Rs. 6/- per day. He elaborated further by giving the details of rates fixed for individual items of the schedule, and stated, "The rates are as fixed by the Rate Fixing Committee, duly

taking into account the instructions issued by the Railway Board. The rates were fixed taking into account the local conditions, the wages prevalent in the area and the volume of work." <sup>32</sup>

Shri A.K. Roy raised the issue of minimum wages thrice on June 26, 1980. When he asked whether the labourers engaged in parcel and goods handling at Dhanbad Station were getting the minimum wage on the basis of work done by them, the Deputy Minister in the ministry of Railways Shri Mallikarjun stated,

These labourers have been engaged on part time basis as and when required by the Chief Goods clerk and commercial supervisor who work ex-officio as handling contractors. The payment is done strictly on the basis of traffic handled. The average monthly payments made per labourer on this account comes to Rs. 35.63 and Rs. 40.00 approximately for handling parcels and goods traffic respectively during last 3 months. These labourers are working only on a part time basis with the Railways when required and they normally work for the private parties at Dhanbad Station. <sup>33</sup>

Shri A.K. Roy, again asked the Minister of Labour to state whether the labourers engaged in Parcel and goods handling contracts in Dhanbad Station were paid the minimum wages or not, and wanted information on the action taken by the RLC (c), Dhanbad to ensure the payment of minimum wages, weekly leave and other benefits of these labourers as admissible under the law. In reply, the Minister of state in the ministry of labour Shri T. Anjiah simply said, "Employment in Parcel and Goods handling is not yet covered under the Minimum wages Act, 1948. The RLC (c) can not take any action under the Minimum Wages Act." <sup>34</sup>Further enquiries were made by A.K. Roy on behalf of the labourer working under coal and Ash handling contractors in different sheds of Dhanbad Division E. Railway, regarding the minimum wage, weekly rest, leave and other facilities. However, the Minister's response was unvaried as he stated that the minimum wages under the Minimum Wage Act, 1948 had not been fixed for these categories of workers.

Again in 1983, Shri A.K. Roy raised the issue of minimum wages. He observed that the contractors engaged in construction of Talgaria - Tupkadih line specially its earth work were not paying the workers the minimum wage thereby creating great resentment amongst them. The Minister of

Railways Shri A.B.A Ghani Khan Choudhury's response was, "The contractors engaged in the construction of Talgaria Tupkadih lines specially its earth work, are paying the minimum wages to the workers as fixed by the state Government from time to time and there have been no complaints regarding less payment to workers. The workers are being paid Rs. 10.73 per day."<sup>35</sup>

#### Welfare Facilities

The important issue of welfare facilities was first raised by Shri Amar Roypradhan in 1981 when he sought information regarding the minimum basic amenities provided to casual labourers in the Railways. The Deputy Minister in the Ministry of Railways and in the Department of Parliamentary Affairs Shri Mallikarjun replied with the information that,

Casual labourers are not regular railway employees. They are therefore not entitled to all amenities admissible to regular Railway employees. On absorption in regular class IV, however, they become eligible for the conditions of employment admissible to regular staff.<sup>36</sup>

In 1983, Shri K.A. Rajan had enquired about privilege passes, leave facilities, house rent allowances, annual increments for the casual labourers working on the projects of the railways whose status and conditions of service had been improved by granting them monthly rate of wages as per Railway Board's order No. E(NG)11-82/CG-5/4 dated 6th June, 1983. The Minister of Railways Shri A.B.A. Ghani Khan Chaudhuri briefly replied, "At present there is no such proposal under consideration."<sup>37</sup>

#### GENERAL TREND

It is apparent from all the available evidence that over a long period of time, casual and contract labourers have been increasingly employed by the Indian railways. Yet, they are without the security of a guarantee against the unceremonious termination of their services. Instead of initiating steps to evolve norms for the absorption of casual labour, their retrenchment has become a common and continuous process. This situation prevails despite the fact that in some cases, skilled work is done by these low-paid workers. The contract labour (Regulation and Abolition) Act, 1970, is frequently violated and instead of being abolished, the system

of contract labour has been institutionalised in the Indian Railways. Contract labourers are treated as employees of the contractors and are thus at their mercy. While the casual labourer receives low wages sometimes, contract labourers are regularly paid low wages, and there is no system of checks. Workers in both these categories, have no leave with pay, D.A., or other benefits and amenities because they are not regular railway employees. This situation is compounded by the attitude of ministers who hold back information and delay taking up issues on various grounds. While siding with the management, the ministers justify the employment of contract labour and casual labour in the Indian Railways.

#### BIDI WORKERS

The following are the major issues that recur in Legislative Debates over the period 1955-1986:

1. Working conditions, occupational diseases and medical facilities provided.
2. Fulfilling of Legislation
  - Non-implementation of Act
  - Steps taken for effective implementation
  - Prohibition of Child Labour



3. Number of Bidi Workers
4. Wages
5. Welfare

Working Conditions, Occupational Disease, and Medical Facilities Provided

Queries on the issues of working conditions, occupational diseases and medical facilities have been raised frequently since 1955 when Shri D.C. Sharmam enquired whether any pilot survey regarding occupational diseases was carried out among the bidi workers. In response to this, the Deputy Minister of Labour Shri Abid Ali replied that no such survey had been conducted under the auspices of the Government of India, though investigations into the health of children employed in bidi factories had been conducted by State Government some time ago at the instance of the Ministry. When Shri Sharma asked, "From the report supplied to me I find that the conditions in the work places of these workers are deplorable: they are ill-ventilated, ill-lighted and congested. Is the Government going to take any action on that?"; the Minister replied that, "it was a matter primarily concerning the state governments. We have written to them and they are doing the needful in the matter".<sup>38</sup>

When it was pointed out that according to the report the hours of work required of these Bidi Workers were too long, the Minister simply said, "As I have already submitted, the State Governments have to attend to it and we have their attention to this matter."<sup>39</sup>

In 1981, Shri H.R. Parmar raised question regarding the general deterioration in the health of the Bidi Workers, inadequate medical facilities provided and growing incidence of T.B. The Deputy Minister of Labour Shri P. Venkata Reddy replied stating that,

the Government is aware of the need for better health care of the Bidi workers. Development of programmes for medical and health care of bidi workers is being given the top most priority in the activities financed out of the Bidi workers' welfare Fund. Fifty five dispensaries, a ten bedded hospital and a chest clinic have been so far established. Fourteen new dispensaries are likely to be set up shortly. Beds have also been reserved in the hospitals at some places for the treatment of such workers suffering from tuberculosis. The intention presently is to extend the dispensary service in all areas where there

is a concentration of 5,000 bidi workers or more. <sup>40</sup>

The reply in regard to the survey was as follows:

some studies have been made by voluntary agencies and others, on incidence of tuberculosis among bidi workers. The incidence of this disease amongst bidi workers in these studies has been assessed as more than average. This is ascribed mainly to various socio-economic factors including unhygienic living and working conditions of these workers. <sup>41</sup>

In 1986, referring to the survey conducted to find out what diseases were prevalent among bidi workers; Shri Amarsingh Rathawa enquired what steps the Government had taken to provide special medical facilities to them. The Minister of State of the Ministry of Labour, Shri P.A. Sangma informed the member that in the Survey on the working and living conditions of workers in bidi industry was conducted by Labour Bureau from November 1978 to February, 1979, it was found that out of a sample of 1134 families, 222 (i.e. 19.75%) were suffering from one disease or the other. His statement on special medical facilities was that,

130 static/mobile/static-cum mobile dispensaries, one 10 - bedded hospital, two 50 - bedded hospital and one Chest Clinic have been sanctioned/ established for the bidi workers. Besides, beds have also been reserved in some T.B. Hospitals and General Hospitals.<sup>42</sup>

#### Flouting of Legislation:

Another important controversy that has been discussed in the Legislative Assembly is the violation of Section 29 of the Bidi and Cigar Workers (Conditions of Employment) Act, 1966.

In 1982, Shri K.A. Rajan asked, "Whether Government are aware that section 29 of the Bidi and Cigar Workers (Conditions of Employment) Act, 1966 is not implemented by the Beedi manufacturers and not enforced by the Labour Departments of the State", the Deputy Minister in the Ministry of Labour Shri Dharamavir responded with a brief, "Yes, sir,"<sup>43</sup> When further questioned about the steps taken by the Union Government for strict and effective implementation the Minister replied, "As the state Governments are responsible for the implementation of the Bidi and Cigar Workers (Conditions of Employment) Act, 1966, their attention has been drawn to this complaint for necessary action."<sup>44</sup>

In 1983, again the same Minister was asked to state the steps the Government proposed to take to check exploitation and give the bidi labourers their due. He placed a statement which merely referred to the Bidi & Cigar workers (Conditions of Employment) Act, 1966,<sup>45</sup> knowing fully that the Act was neither being implemented by the bidi manufacturers nor enforced by the Labour Department of the state.

Number of bidi workers

The information regarding the size of bidi labour force in the country, State wise as given by the Deputy Minister in the Ministry of Labour and Rehabilitation in, 1982, was as follows.<sup>46</sup>

The approximate number of bidi workers (including Gharkhata) in different States

States	Number of bid workers (in lakhs)
1. A.P.	2.50
2. BIHAR	3.50
3. GUJARAT	0.12
4. KARNATAKA	3.00
5. KERALA	1.50
6. M.P.	5.00
7. MAHARASHTRA	2.50
8. ORISSA	1.60
9. RAJASTHAN	0.22
10. TAMILNADU	2.00

11.	U.P.	4.50
12.	WEST BENGAL	4.50

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In 1984, when issue regarding the number of Bidi workers was raised again by Shri Ajoy biswas, a statement showing the Statewise breakup of Beedi Workers was given by the Minister of Labour and Rehabilitation, Shri Verendra Patil.<sup>47</sup>

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States	Total No. of Bidi Worker including Gharkhata (in Lakhs)
1. A.P.	2.50
2. BIHAR	3.50
3. GUJRAT	0.22
4. KERALA	1.50
5. KARNATAKA	3.50
6. M.P.	5.00
7. MAHARASHTRA	2.50
8. RAJASTHAN	0.35
9. ORISSA	1.60
10. U.P.	4.50
11. TAMILNADU	2.00
12. WEST BENGAL	4.50
TOTAL	31.17

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Wages

"Wages" is another issue which has received considerable attention since 1955. Shri Darsaratha Deb in 1955 had raised some important questions regarding the minimum wages for the Bidi workers of Agartala (Tripura), the implementation of a fixed rate and the steps, proposed in case of violation. Responding, the Deputy Minister of Labour Shri Abid Ali informed the House that the wages fixed for these workers was Rs. 1/ 12/- per 1000 bidis. However, he agreed that the fixed rate had not been implemented, and then outlined the steps, that Government proposed to take. He concluded by saying that, "The difficulty is that the workers and employer concerned have reached an agreement for a lower rate. I am considering what can be done in this situation."<sup>48</sup>

When another member Shri Biren Dutt placed a question,

....this dispute, when settled, again arose and the owners did not agree to this solution and so the workers were not given their dues and their employment? Is it not a fact that the Conciliation Officer had to write for adjudication, but it was not referred?" Shri Abid Ali replied," No. According to our

information under the settlement, the workers were to be re-employed, but they did not wish to be re-employed. So they did not join duty.<sup>49</sup>

The same questions regarding minimum wages recur in the years 1983 and 1984. In 1984, Shrimati Usha Prakash Chowdhary had demanded information regarding wages paid to bidi workers in various parts of the country. The Minister of State in the Ministry of Labour and Rehabilitation, Shri Dharmavir replied with the detailed information regarding the statewise wages paid to bid labour force:<sup>50</sup>

STATEMENT

(Position regarding fixation/.revision of minimum wages for employment in Bidi Industry)

Sl.	Name of State/ Union Territory	Rates of wages for rolling of 1000 beedis	Date from which revised	Remarks
1	2	3	4	5
1.	Andhra Pradesh	Rs. 7.05 to 7.70 (according to size and type of beedis and according to areas).	1,8,92	-
2.	Assam	Rs. 5.00	1.8.77	Steps have been taken to revise the minimum wages.



1	2	3	4	5
3.	Gujarat	Rs. 7.20 to Rs. 7.45 according to areas and type of bidis	15.7.81	The rates are linked with the special allowance based on cost living index.
4.	Bihar	Rs. 800	24.9.81	-
5.	Karnataka	Rs.7.40	1.1.82	-
6.	Kerala	Rs. 9.15+DA at the rate of 3 paise for each point above 1950 in the C.P.I. series.	20.10.80	A Committee has been constituted on 16.5.81 for revision of minimum rates of wages.
7.	Madhya Pradesh	Rs. 7.50	1.1.82	Guaranteed minimum wages at the rate of Rs. 42 per week.
8.	Maharashtra	Rs. 7.50 to 10.00 according to areas	15.1.82	Guaranteed minimum wages of Rs. 4.75 per day subject to certain conditions.
9.	Orissa	Rs. 7.45	31.3.82	-
10.	Rajasthan	Rs. 7.10 (sada bidi) Rs. 8.75 (Special Bidi)	1.4.82	The question of linking the minimum rates of wages with C.P.I. is under consideration.
11.	Tamil Nadu	Rs. 7.20 (jadi bidi) Rs. 7.00 (Special bidi)	12.3.81	Dearness allowance is linked with average for the Madras City for the year 1981. Proposal for further revision of wages has been notified on 15.6.83.
12.	Tripura	Rs. 6.35	18.5.82	-
13.	Uttar Pradesh	Rs. 7.50	1.4.82	Guaranteed wages Rs. 42 per week subject to certain conditions.
14.	West Bengal	Rs. 13.35 to 16.74	3.7.82	-

Welfare

The Parliamentary discussions make it evident that the welfare issue has been raised several times. In 1981, when the question in regard to special measures proposed for the welfare of bidi workers was raised, the Deputy Minister, in the Ministry of Labour Shri P. Venkata Reddy replied,

The programmes which are being financed out of the Bidi workers Welfare Fund presently relate to the following:-

- (i) Setting up of facilities for medical care including reservation of beds in hospitals;
- (ii) Subsidised schemes for housing;
- (iii) Grant of education scholarship to the dependents, etc.

51

Again in the same year, a question regarding the schemes for construction of housing colonies for Bidi workers was raised. The information given in reponse was:

....However for providing housing facilities to bidi workers, two schemes have been introduced, namely:-

## (i) BUILD YOUR OWN HOUSE SCHEME

Under this cheme, an amount of Rs. 600/- is paid as subsidy and Rs. 900/- as interest

free loan to each worker. The financial assistance is given to such worker who own land.

(ii) HOUSING SCHEME FOR ECONOMICALLY WEAKER SECTION OF BEEDI WORKERS:

This scheme envisages grant of subsidy to state Governemnt @ Rs. 1500/- per tenement for bidi workers. Arrangement for the land has to be made by State Government. The cost of each house is not to eceed Rs. 8000/-. The arrangement for balance amount is to be made by state Governemnt or Housing Boards by raising loan. After the entrie amount of loan has been paid by the worker,<sup>52</sup> he becomes the owner of the house.

In 1985, question regarding any other future scheme was raised by Shri D. Jain. In response, the Minister of labour Shri T. Anjiah said that

the following welfare schemes were implemented.

1. Setting up static and static-cum Mobile Dispensaries.
2. Build your own House Scheme.
3. Housing Scheme for economically weaker sections of bidi workers.
4. Grant of scholarships to children of bidi workers.

5. Reservation of beds in T.B. hospitals.
6. Grant of financial assistance to co-operative societies of bidi workers for construction of sheds and godowns.
7. Reimbursement of actual treatment charges to workers suffering from cancer.
8. Financial assistance to school going children for supply of one set of dress
9. Schemes for organising sports, games, and cultural activities.
10. Scheme for supply of spectacles to bidi workers (including Gharkhata workers) free of cost. <sup>53</sup>

#### GENERAL TREND

The conditions of the bidi worker has remained unchanged since 1955 despite the government evolving welfare programmes for them. The reason for this status quo is that no strict steps have been taken by the Union Government to ensure effective implementation and to check exploitation and give the bidi labour their due. In most of the cases the bidi workers continue to be employed on a contract basis, and Section 29 of the beedi and cigar workers (Conditions of Employment) is frequently violated. Despite the fact that a uniform rate of wages for bidi workers in the country was introduced in 1981 (minimum wages were fixed between Rs. 7/- and Rs. 8/- per day with

reference to all India Consumer Price Index Number of 415), and most of the states had revised the rate subject to certain conditions the minimum wages provision was consistently flouted. There has been a general deterioration in health of the bidi workers who often suffer from T.B. and other occupational diseases. No adequate medical facilities exist even in those places where a large number of bidi workers are concentrated.

#### CONTRACT AND CASUAL LABOUR IN COAL MINES

Issues regarding the abolition of contract labour and the regularisation of casual workmen in the collieries have been raised repeatedly in parliament since 1952.

In that very year when Shri Morarka asked, "Whether the system of recruitment of labour through contractors still continues in Indian collieries" Shri V.V. Giri who was the Minister of Labour stated,

Extensive steps have been taken by the private sector of the industry to eliminate the contract labour system. The system has also been abolished in 9 out of 11 railway collieries and steps are being taken to abolish it from the remaining 2 collieries as well. <sup>54</sup>

However, ten years later, when shrimati Renu Chakravartty took up issues regarding the stoppage of the contract system in coal mines, the Deputy Minister of Labour and Employment Shri R.K. Malviya had replied that,

The Court of Enquiry (coal Mining Industry), appointed for the purpose, accepted the bipartite agreement arrived at between the Central Organisations of employers and workers, and the Central Industrial Relations Machinery and the employers' and workers' organisations have been persuading the collieries and their affiliates to abolish the contract system on that basis.<sup>55</sup>

In response to the question regarding permanency of Central Recruiting Organisation (Gorakhpur) labour of New Ghusick colliery chaperi Khas, Shri Amrit nagar Selected colliery, Adjai Second Colliery in West Bengal Shri Malviya stated, "...it is very clear that the workers have not been made permanent, although a direction has been issued to all the employing collieries and their organisations that it should be left to the workers themselves if they want to continue for more than 12 months and they should be allowed to do so without any restriction."<sup>56</sup>

Again the then Minister of labour and Employment Shri D. Sanjivayya added, "....Gorakhpur labour themselves do not want that they should be made permanent. They want to go back after 12 months and then come again."<sup>57</sup>

Finding that position unacceptable, shrimati Chakravartty recalled that there had been an enquiry committee and a bipartite agreement between the workers organisations representing the Gorakhpur labour and the management as a result of which it was clearly decided that the contract system would be ended and the workers would be made permanent. Shri Malviya specified that the agreement on the abolition of contract so far as production of coal was concerned, was restricted to raising of coal from the colliery to the loading in wagons point; and as far as coke was concerned, from manufacture to loading. He added, "Out of 227 collieries where this system prevailed,.....only 24 collieries remain where contract system has not been abolished. We have written to the employers' organisation to see that this system is abolished from those collieries also."<sup>58</sup>

Shrimati Chakravatty further enquired "What steps do Government propose to take to see that this labour in these collieries which have been mentioned here is given permanency of service?

It has not at all proceeded well according to the figures given. So, besides just persuasion, will Government see that permanency is given to them?<sup>59</sup>

Shri Malviya answered that,

It is very clear. The position is that those who want to become permanent will be made permanent. Now it is for the workers and also for the hon. friend to see that they remain there. If they want to remain there and there is any obstruction, the hon. Member may point that out and we will look into the matter.<sup>60</sup>

In 1966, Sri Warior raised questions regarding the recommendation for abolishing the Central Recruiting Organisation system by 9th Session of Industrial Committee on coal mining, and the reasons for non-implementation of the recommendations of the Committee. The Deputy Minister in the Ministry of Labour, Employment and Rehabilitation Shri Shahnawaz Khan, gave the following reply.

....the Coal Fields Recruiting Organisation is an employers' organisation. The control exercised by the Organisation over the Gorakhpuri labour have led to certain undersirable practices. In the light of the recommendation of the Industrial Committee on Coal Mining (Aug. 1964) the Government have given careful consideration to the matter and have decided that these practices which



have led to discrimination between Gorakhpuri labour and other labour employed in mines in the matters of admissions to miners' hostels, conditions of work and supervisory control should be stopped. The measures chalked out in this connection are under implementation by the authorities concerned.<sup>61</sup>

The issues arose again in 1970, when opposition leader demanded information regarding the total number of contract workers in each colliery in Jharia Coal Belt, in Dhanbad District, Bihar State, and the number of contract workers who were working on jobs of a permanent nature.

The Ministry of Labour and Rehabilitation, Shri D. Sanjivayya informed the concerned members that there were 6841 contract workers in Jharia Coal Belt in Dhanbad district and, gave a numerical break-up of the various collieries under the Jharia Coal Belt, adding that there were 1960 contract workers who were working on jobs of permanent nature.<sup>62</sup>

In 1971 Shri Modak questioned the government about the demands of the workers of the Indian Iron and steel company's Chasnala Colliery at Chasnala, and enquired about the steps being taken to meet the demands of the workers. According to the Minister of State in the Ministry of steel and Mines, Shri

Shah Nawaz Khan the demand of the workers was "...the workmen previously employed by contractors for shaft Furnishing Work in Chasnala Colliery and who were retrenched but later re-employed by the Management of IISCO for a temporary period should be made permanent, on the existing selaries." <sup>63</sup> He added that,

the issues regarding preference in absorption of workers who were previously employed by contractors against future vacancies in IISCO as also question of wages during the strike period etc. were to be referred to the arbitration of the Chief labour Commission (central). The arbitration agreement in this regard is awaited from the parties. <sup>64</sup>

In 1972 the minister of Labour and Rehabilitation, Shri R.K. Khadiljar attempting to elucidate, the issue pertaining to the minimum wage prescribed for the coal miners of Kedla, Jharkhand region Bihar and the wage actually received, said:

There is no minimum rate prescribed under law for workmen in coal mines. The prevailing basic rates for quarry miners and pick miners in these mines are Rs. 5/- and Rs. 6/- per 50 Cft. respectively...The managing contractors pay wages to the workers employed for removal of overburden at Rs. 5.40 for earth cutting, Rs. 7.50 for

earth fire clay and soft stone cutting and Rs. 10.80 for hard stone cutting for 100 Cft. in both the collieries.<sup>65</sup>

In the same year, Sri R.K. Khadilkar replying to queries about the abolition of the contract system in the coking coal mines, had stated that on the date of take over by the Government all the raising and managing contracts were abolished and workers engaged in such jobs were taken over departmentally. Further, "The contract labour is at present employed in a few jobs of specialised and intermittent nature where it has to continue. The employment is regulated under the contract labour ('Regulation and Abolition) Act, 1970. The question of abolition of contract labour system in coal mines is under consideration of the Government."<sup>66</sup>

When the question of abolition of Contract Labour in Nationalised Coal Mine was raised again in 1973, by Dr. Ranen Sen, the Minister of Labour and Rehabilitation Shri Raghunath Reddy merely said, "The question of abolition of certain categories of contract labour in coal mines is receiving attention."<sup>67</sup>

In 1974, Prof Madhu Dandavate raised strong questions about (i) complains received by the Govt. regarding the regulation of the casual workmen of Bhurkunda Colliery, Hazaribagh (Bihar) (ii) the

steps taken to discontinue the casual labour in the Coal Mines, (iii) regularisation of their service conditions and (iv) payment according to Coal Wage Board award. The brief reply given by the Deputy Minister in the Ministry of Steel and Mines Shri Subodh Hansda was "Information is being collected and will be laid on the Table of the House."<sup>68</sup>

In 1978, Shri Sukhendra Singh demanded information regarding (i) the number and names of coal mines, both in the public and private sector, where an illegal contract labour system continued despite the Government direction of Feb. 1975 to the contrary; and (ii) whether any action had been taken against the management responsible for the violation. The Minister of State in the Ministry of Labour and Parliamentary Affairs Shri Larang Sai responded saying that according to the information made available by the Central Industrial Relations Machinery (on Aug. 5, 1978), contract labour system was continuing in 21 coal mining establishments in Asansol and 12 in Dhanbad Region in violation of the Government of India Notification date Feb. 1, 1975, which prohibited the employment of contract labour in certain categories of jobs in coal mines, under section 10 of the Contract Labour (Regulation and Abolition) Act. However the Minister gave the names of the coal mines, and detail of the actions taken against the concerned managements:

Prosecution Cases have already been filed by the Central Industrial Relations Machinery against some and proposals for prosecution against others are being processed as detailed below:-

Asansol Region: Complaints have been filed against the managements of East Nimcha and Bhanora Collieries of M/s. Eastern Coal fields Limited, Rannagore Colliery of IISCO and Damagoria Colliery of Bharat Cooking Coal Limited. The managements of East Nimcha and Bhanora Collieries have been convicted and the remaining cases are pending in courts.

Dhanbad Region: Complaints have been filed against the management of Loyabad colliery, Ram Kanali, Sendra Bansjora Colliery, Kooridih (of BCCI) Ranisati, Kedla North, Kedla South and Tapin North Collieries of Central Coalfields Limited and Chasnala Colliery of IISCO.

Legal action against the remaining collieries in both the regions is being processed by the Central Industrial Relations Machinery.<sup>69</sup>

In 1984, yet another enquiry was made in connection with a press report which appeared in the 15th March 1984 in the Telegraph regarding the continuing system of contract labour in Bharat Coling Coal Limited

despite Government's assertion that no contract labourers are involved in coal production. The Minister of State in the Department of Coal in the Ministry of Energy, Dalbir Singh's stand was, "The main allegation in the press report is that contract labour is continuing in some mines in BCCL. Facts are being ascertained."<sup>70</sup>

#### GENERAL TREND

Despite the fact that in Coal mines the principle (abolition of contract labour system) was accepted right in 1952, till 1972 contract labour continued unabated. Several number of contract workers and casual workers in coal mines work on jobs of permanent nature. Even after nationalisation the problem of contract labour continues and the government finds itself helpless. Though the stated position was that contract labour is abolished, the flouting of it is no exception. Despite nationalisation there is no system of checks to control contract labour or system. There is no minimum rate prescribed under law for work in coalmines. There was no initiative for a plan for the absorption of contract labour and casual labour as obvious from perpetual delay in information and government lack of awareness of the state of affairs. These workers only depend

upon the good sense of the owners. There was never sufficient pressure on mine owners and managers. As owner of a public sector enterprise the govt. inherits the traits of managers in general.

### CHILD LABOUR

The major issues that emerge in the Legislative Debates, over the period 1951-1986, on the subject to child labour, may be classified into two broad Categories:

1. Employment of Child Labour: and their legal protection.
2. Wages

#### Empolyment of Child Labour; and Legal Protection:

Since 1951, the issue of the employment and the legal protection of Child Labour, has been raised frequently. In 1951 Shri Sanjivayya pointed out a number of cases in contravention of Article 24 of the Constitution that had been brought to the notice of Government and enquired what action had been taken in those cases The Minister of Labour, Shri Jagjivan Ram replied,

.....children below the prescribed age are being employed generally in small establishments not covered by the Factories Act...Government have since decided to amend the employment of children Act, 1938, so as completely to prohibit the employment of children below 15 years of age in any occupation in port areas. Necessary legislation is expected

to be introduced for the purpose in the current session of Parliament.<sup>71</sup>

When Shri Rathnaswamy asked, "Is the hon. Minister aware that children are employed in several manufacturing industries?" the Minister simply replied with the statement,

There are a large number of children employed in industries or establishments not covered by the Factory Act.<sup>72</sup>

In 1969, Shri. J.H. Patel and Shri J.K. Choudhury had raised the same issue and demanded the names of sectors where such child labour still continues; and the steps taken by Government for preventing child labour in the country. The Minister of State in the Ministry of Law and in the Department of Social Welfare Dr. (Shrimati) Phulrenu Guha gave an unsatisfactory response:

Children continue to be employed in agriculture and such other setors where employment of children is not prohibited by law. Employment of Children is prohibited under the Employment of Children Act 1938, the Factories Act 1948, the mines Act 1952, and also other enactments regulating employment of labour in motor transport undertaking plantations, beedi and cigar industrial premises, etc.<sup>73</sup>



Further inquiries were made by Shri Patel in connection with (i) unorganised sectors like bidi industry, the agarbathi industry, agricultural labour in rural areas and such other sectors where children were employed in millions throughout the country (ii) whether the Government had done anything to prevent such employment and evolve any comprehensive law to provide educational and health facilities to these children. In response to this, the Minister of law and Social Selfare and Railways, Shri Govinda Menon replied,

This is a matter really for the labour Ministry, but I do not raise that objection...What the hon. member has been saying is that although it is prohibited, millions of children are being employed in the bidi industry. I think it is an exaggeration. It may be there are violations of the law, if that is brought to the notice of appropriate authority, steps will be taken.<sup>74</sup>

Immediately after this statement provoked another member Shri A. Sheedharan to respond with the following statement,

In...constituency of chalakkudi a number of children are employed, and he says it is not correct.<sup>75</sup>

After this additional information was supplied, Shri Patel again said,

.....According to statistics supplied by this Government, nearly 12 million beggars are in this country and eithy percent of them are children. I'm not asking for another law; but I want to enforce it more vigorously. However this Government is incapable of enforcing any law. There is a law already; they are not implementing it. If the law can not be implemented, why can not they recognise the hard fact that children cannot live? why should they not amend the Act and allow part time labour and allow compulsory education system to those who are employed and give them some insurance facilities, medical facilities and so on? He is denying the existence of child labour.<sup>76</sup>

The Minister's inadequate reply was,

I donot deny it and I said that there were violations of law and the figures that he gave must be somewhat exaggerated. I am thankful to him for the suggestion and also for his information about my ignorance.<sup>77</sup>

In 1974, in response to the question pertaining to the number of child labour in the country, raised by Shri S.A. Muruganantham, the Deputy Minister in the Ministry of Labour Shri Balgovind Verma informed

the house that according to the annual reports received from working factories submitting returns during 1972, the provisional total number of children employed was 6134, and according to the annual report on the working of the Act for the year 1971 received from the state governments, the average daily employment of children in the plantation was 51,982.<sup>78</sup>

In 1980, the question regarding the Government's proposal to bring in legislation to check the exploitation of child labour and safeguard their rights was raised by Shri G.M. Banatwallia. Responding, the minister of Tourism and Civil Aviation and Labour Shri J.B. Patnaik stated,

....The question whether the existing legislation was adequate to protect children from exploitation, was examined recently by a committee. The report of the committee was submitted to Government in December, 1979. The recommendations of the Committee are under consideration.<sup>79</sup>

In 1983, Shri S. Chakraborty had raised the question on the subject of the statewise number of working children and the concrete steps taken by State Government for the abolition of child labour. In regard to the statewise number, Shri Dharamavir merely said that "Information is being collected."<sup>80</sup> Pertaining to the concrete steps proposed, he stated, that

Regulation of employment of children in certain industrial establishments is governed by the Employment of Children Act, 1938 and except in major port and railways, the Act is administered by the State Governments. In pursuance of the recommendations of the Gurupadaswamy Committee on child labour all State Government have been requested to set up State/District Level Advisory Board on Child Labour to deal with the problem of child labour.<sup>81</sup>

Again in the same year another enquiry was made about whether the Government was aware that the number of bonded child labour is on the increase in different states of the country. Replying the Minister of State in the Ministry of Labour and Rehabilitation, Shri Dharmavir said

According to the reports received from the state Governments, the total number of bonded labourers identified and freed as on 28th February, 1983 was 1,52,401. The number of child bonded labours among the total number of bonded labourers identified and freed is not available.<sup>82</sup>

In the same year when Shri ananda Pathak asked, "whether government are aware that thousands of children in Delhi are employed in 'dhabas' (eating places)

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but they are made to work more than the working hours and no rest intervals are granted and they are subjected to worst service condition in violation of the Delhi shops and Establishment Act and the Minimum Wages Act," Shri Dharmavir replied,

Government is aware of children being employed in small dhabas (eating houses) in Delhi. Under the Delhi Shops and Establishment Act, 1954, a Child has been defined as a person who has not attained 12 years of age. No complaint of violation of hours of work regarding child labour has been reported to Delhi Administration.<sup>83</sup>

And again when the minister was asked to state that whether the similar conditions were prevailing in other sectors as well as in other parts of the country; he simply replied,

information is being collected from state government/  
Union Territories.<sup>84</sup>

In 1983, again Child Labour under various labour laws was raised by Shri Indrajit Gupta. In response to his queries, the Minister of Labour and Rehabilitation Shri V. Patil gave the following information.<sup>85</sup>

Plantations Labour Act, 1951 defines a child as one under 12 years of age Shops and Establishments Acts 12 to 15 years Depending on the State Concerned

Motor Transport 15 yrs  
 Workers Act, 1961 15 yers  
 Mines Act, 1952 15 years  
 Employment of Children Act 14 years  
 in certain processes subject to certain exceptions  
 and 15 years in certain occupation.

When the Minister was asked to state whether Government was considering the need for uniformity in this matter he replied that,

The question of presecribing the minimum age for entry into employment is under consideration.<sup>86</sup>

In 1984, when a strong question regarding the employment of child labour in violation of Article 24 of the constitution, was raised, Shri Dharmavir responded with the information that the minimum age for entry into employment by children had been prescribed in various labour laws, and action was being taken when instances of violation of provisions of law were brought to the notice of the Government. However, he clearly mentioned that in the then prevailing socio-economic conditions, it was not practicable to eliminate child labour completely.<sup>87</sup>

#### Wages:

Another important issue that has been discussed in the Legislative Assembly is minimum wages payable

to child labour. In 1974, when the Deputy minister in the Ministry of Labour, Shri Bal Govind Verma was asked to state the rates of wages that were paid to the child labour, he merely replied,

Information regarding the rates of wages paid to the children is not available. The wage rates of children in various scheduled employments in the central and states sphere fixed under the Minimum Wages Act, 1948 vary.<sup>88</sup>

Again in 1982, when the question whether government propose to extend the Minimum Wages Act to children in the unorganised sector in order to prevent their exploitation had been raised by Shrimati Usha Prakash Choudhari, the Minister of State in the Ministry of Labour Shri Bhagwat Jha Azad replied,

The Act does provide for the fixation of minimum rates of wages in respect of children employed in the scheduled employments. Such wages have already been fixed in several cases.<sup>89</sup>

When again in 1983, Shri Indrajit Gupta asked whether in the interests of children's health, piece rate payment would be replaced by a statutory minimum wage, the reply given by the minister of labour and Rehabilitation Shri Veerendra Patil, was as follows:-

Minimum wages are prescribed for various scheduled employments by the appropriate governments. The Minimum Wages Act provides for fixation of minimum wages either on piece rate basis or on time rate basis. It is open to the appropriate Government to fix minimum wages for children for any specific employment on time rate basis if it is considered necessary.<sup>90</sup>

#### GENERAL TREND

The issue of child labour had been raised right from 1951 when the government pointed out that it was mostly prevalent in small establishments not covered by Factory's Act. The data indicate the trends of increases in number of child labour.

In fact as early as 1951 the suggestion for amendment of Child Labour Act instead of abolition had already been made a few binding conditions on the employers were suggested. However, nothing was done by the government except for setting up a special committee. Their usual answer is either the limitation of the Child Labour Act 1938 and its inapplicability to the unorganised sector or the fact that no "formal" complaints are lodged by the children or their guardians.



Thus we see that from a ready committment to the abolition of child labour the shift is to an acceptance, self defence and their brazen aggression to cover up the official inability to intervence in favour of the victims. Even the age of a child has not been uniformly defined. Given such trends of Government's attitude, it is not suprising that wages for children have not even been considered as a serious issue to be taken up with the minimum wage. The data points out that since the Minimum Wages Act provides for fixation of minimum wages either on piece rate basis or on time rate basis, it enables the employers to fix minimum wages for children on piece rate basis where children work for long hours, at times without rest intervals.

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**CHAPTER - V**

**DISCUSSION AND CONCLUSION**

From all the available evidence it seems that the conditions of the industrial workers in general have been a matter of concern for the Government for a long time. The Government has over a period of time made efforts to understand the problems of these workers. Various Committees have been set up from time to time to look into the extent, distribution, working and living conditions and the related problems of these workers, and to suggest measures for their betterment. It has been claimed by the government that, since independence a sound labour policy has been actively pursued to protect the interest of industrial workers in general.

It is, important to note that a more systematic approach to the unorganised industrial labour began with formulation of the Second Five Year Plan which stressed the need for improvement in the working conditions of contract labour and ensuring their continuous employment. The Third Five Year Plan stressed the need for providing better living and working conditions in the case of workers in the unorganised industry.

The review of the report of National Commission on Labour (1969) reveals the fact that while suggesting the need for effective implementation of statutory



welfare provision, the Commission made some special recommendations for the improvement of the conditions of these unprotected workers.

Again under the Sixth Five Year Plan, the Planning Commission decided to pay more attention to the interests of the vast masses of unorganised workers. As the working of Contract Labour (Regulation and Abolition) Act, 1970 had brought to light some legal and operational loopholes, a proposal to amend the Act was considered by the Planning Commission. It was proposed to enhance the penalties for engaging contract labour without proper licence. It was also considered necessary to provide for preferential recruitment, to former contract workers in establishments where contract agreements were abolished or otherwise terminated. In order to stop child labour and to release them for regular education the Plan had proposed to raise the income of the families through employment and anti-poverty programmes. During the Seventh Five Year Plan improved legislation coupled with a better enforcement machinery were called for. Association of Voluntary Organisations and agencies with the tasks of providing childworkers with health care, nutrition and education was given importance. The plan had also stressed on steps for the improvement in the conditions of the families whose children were compelled to work.

The labour policies thus, seem to the concerned with the interest of unorganised workers while taking care of the interests of the industrial workers in general. On the basis of the Plan documents and committee reports has been pursuing a sound policy for a steady improvement in the conditions of these workers.

If the question, has the labour policy pursued so far since Independence resulted in improved living and working conditions of these unorganised industrial workers is posed, the answer would niether be a simple 'no' nor a categorilal 'yes'. In the present situation while the labour policy talks of the well being of contract, casual and child labour, their working and living conditions as reflected in literative are awful, whether in the formal or the informal sectors. It paints a picture of conditions of life of these workers which in no way differ from the appalling conditions of workers of early nineteenth century England.

From all the available evidence (the review of Legislative Debates between 1947-1986) we find that in railways and coal mines, both casual labour and contract labour have been employed in place of premanent workers. The bidi workers mostly work on the basis of contract. Children are found to

be working in both organised and unorganised industries such as cotton textile and hosiery industries, tea factories, match and fire works, handlooms, bidi, glass factories, shops and commercial establishments.

As evident in the ongoing debates, a large number of casual and contract labourers, unskilled, semi-skilled, skilled and those other categories are employed by the Indian Railways till today. During the year 1978 in Central Railway the number of casual labourers was 32,991, out of which only 2615 were regularised by the year 1981-82. However, the total number of casual labourers regularised during the above year were 23,519. The total number of these workers working in Indian railways as in the year 1983 was about 2.08 lakhs, indicating an increase in numbers. Since records are often ill-maintained, the number of contract labour is not available.

The records reveal that though the casual labourers are supposed to be engaged against the works of a seasonal, intermittent and sporadic nature, and also on projects, in reality in many cases they continue to work for long periods and ultimately their employment is generally terminated. There is no guarantee provided against the unceremonious termination of service though all casual labourers who have completed six months service, are eligible for absorption against

regular class IV posts after screening. The reasons for this is that their continuance in service depends on the availability of works, fitness and the length of casual service. The service cards though required to be provided to all casual labourers are not always given and how far this practice extends needs to be established. However it must be mentioned that the engagement of casual labour when work requires their engagement, and their retrenchment is a continuously on going process.

The data indicate that no steps have been taken to evolve norms for the absorption of casual labour into the permanent set up, but that they have to stand in the queue with the rest of the applicants since there exists no time bound programme to regularise the casual labourers.

The data also reveal that these casual labourers have been handling sophisticated equipment such as Signal and Telecommunication equipment in some of cases which makes it further clear that skilled work is done by these lowpaid workers. Instead of abolishing contract labour system in railways the system has rather been institutionalised. Railway authorities have been encouraging 'Hamals' for loading the unloading of things. Though the work of loading and unloading of coal at Loco Sheds, removal of coal ash, loading and unloading of parcels and goods at Railway stations

and goods sheds is of a permanent nature, the contract/casual labour are being employed in violation of section 10 of contract labour (Regulation and Abolition) Act, 1970. These works have been traditionally done through contract system as the Act does not specify the areas where contract labour should be abolished by the Railways.

In 1984, the Union Ministry of Labour had initiated an amendment to the Industrial Employment (Standing Order) Central Rules 1946 for regularization of casual labour on certain specific terms and conditions. It was stipulated that those not covered under Minimum Wages Act should be paid daily wages as per the directions of the State government or the local authority keeping in mind the prevailing rate in the local labour market. This also indicates that the official concern is less with defining minimum subsistence and more with getting away by making the lowest possible payments. It is evident that in several cases that the casual labourer in railways receives low wages.

Though according to the Contract Labour (Regulation and Abolition) Act and Rules the wages shall be paid in the presence of the authorised representative of the principal employers who shall record under his signature a certificate at the end of the entries in the register that the wages have been paid to the workers in his presence, but it is found that

generally this rule is not followed. There is also no system of checks. The wages are paid directly to the workers since contract workers engaged on various jobs in railways are treated as contractors' employees, and in several cases they are paid low wages. The Railway authorities do not take any action against them on the plea that these works are not covered by the Minimum Wages Act.

It is not surprising that casual labourers are at the mercy of railway managements. They have no leave with pay, DA or other benefits or amenities merely because they are not regular railway employees.

The condition of contract labour in railways is even worse. Since they are treated as the contractors' employees, it is the ultimate responsibility of the contractors to provide some welfare facilities. It is evident in most of the cases that they often flout this law.

As evident in Legislative Debates, despite the fact that in Coal mines the principle was accepted right in 1952, till 1972 contract labour continued unabated. We find that several number of contract workers and casual workers in coal mines work on jobs of a permanent nature. Even after nationalisation the problems of contract labour continues and the government finds itself helpless. Though the stated position was that contract labour is abolished, the

flouting of it is no exception. No system is evolved for systematic absorption of contract labour and casual labour and it only depend upon the good sense of the owners. The data indicates that there is no minimum rate prescribed under law for workmen in coal mines.

Legislative Debates evidence the fact that, the total number of bidi workers as in the year 1984, was 31.17 lakhs. The sources that reveal that conditions in the work place of the bidi workers who work on the basis of contract are deplorable: they are ill ventilated, ill-lit and congested which results in the general deterioration in the health of the Bidi workers. Due to inadequate medical facilities, there is a growing incidence of occupational disease like T.B.

The Bidi and cigar workers (conditions of Employment) Act, 1966 is often ignored by the Bidi manufactures and is not enforced by the Labour Departments of the State. Although there has been a fixed rate for the bidi workers, that has not been implemented. The data makes it very clear that no proper steps have been taken to check exploitation and give the bidi workers their due.

The issue of child labour has been raised right from 1951 when the government pointed out that it was mostly prevalent in small establishments not

covered by a factory's act. The data indicates the trends of increase in child labour. No system has been evolved for abolition of child labour though there has been the enactment of some laws to regulate this. It is surprising to note that even the age of a child has not been uniformly defined. The data points out that since the Minimum Wages Act provides for fixation of minimum wages for children either on a piece-rate basis or on time-rate basis, it enables the employers to fix minimum wages on piece rate basis so children work for long hours, at time without a rest interval.

Hence, from the foregoing discussions it is apparent that there is an obvious contradiction in labour policies and the realities in the conditions of unorganised industrial workers. Rather the use of contract labour and casual labour has dramatically increased and the conditions of the working class have deteriorated drastically. After 40 years of independence, child labour in India remains a common sight to every one in all its inhuman forms.

Now the question confronting us is: why has the labour policy followed over the last 40 years led in practice, to results opposite to the objective repeatedly proclaimed?



The causes may be seen as a consequence of poor implementation of the policies. In other words the successive governments have failed in keeping their promises to these workers. Thus, it ultimately appears that Government has good intentions but lacks 'political will, because of the nature of state, defined as the "soft state."<sup>1</sup>

Such a frame for analysis however limits itself to implementation agencies alone and does not examine labour policies in the larger context of economic development of which it is an integral part. It is our submission therefore that the causes can be comprehended only if we adopt a broader perspective.

For the labour policies have to be examined in the context of the totality of economic measures adopted by the Government.

When India achieved independence in 1946-47, the economy was underdeveloped, and there were adverse pressures on it. Industrial growth was particularly vulnerable. Cotton and jute industries suffered due to the British competition.<sup>2</sup> "Industrial production dropped substantially from the war time peak of 1944. Additional problems were also presented by inflationary pressures, by bottlenecks in transportation, in foreign exchange, and in critical area of food supplies."<sup>3</sup> The simultaneous partition of the country which had resulted

in uneven distribution of industrial establishments between the two parts, imposed another serious strain on its economy as although major commodity producing industries remained with India, Pakistan had a greater share in seasonal factories and raw material supplying areas.<sup>4</sup>

On April 6 1948, the Government of India made a categorical declaration of its industrial policy. This policy statement called attention to the imperative need for raising the living standards of the people through increased production and by creating greater employment opportunities. The 'Policy Resolution' envisaged a mixed economy with an overall responsibility of the Government of the planned development of industries and their regulation in the national interest. While it reiterated the right of the state to acquire an industrial undertaking in public interest it reserved an appropriate sphere for private enterprise. However, the objective of the plan emphasised the need for increasing the national wealth.<sup>5</sup>

Although the industrial policy emphasised modernisation of its units and the building of heavy industry to lay out the basic infrastructure, under the influence of the Gandhian approach protection was offered to cottage and small scale industries.<sup>6</sup> The private sector was to play an active role in nation building under the guidance of the public sector.

The 60's the 70's saw an uncontrolled growth of the private sector at the cost of the public sector along with the growth of another kind of small scale unorganised industry. These were not the handicraft or Khadi based units but manufacturing units of electronic, chemical, metal and tools which were either ancillaries of large industries or independent units that supplied them intermediary produce to big manufactures.

The private sector not only made full use of these smaller units which premitted low costs of production, high profits and easy labour management but also acquired the benefits given by the government to small scale in the name of protecting these units, and providing employment. This sector did attract small entreprenur also who set up small production units in marketable goods required by the growing middle class.

It was under these circumstances that the labour policy evolved, and the five-year-plans gradually made explicit the place of industrial labour in the national economy.

The government is the machinery of the State and as has been earlier shown the dominant sections within the State, had already asserted their priorities over those professed by the government policy. The issue of implementation of the government's labour

policy therefore was essentially the issue of the degree of autonomy of the government. It is well known that even as a state machinery, government exercises its autonomy to maintain the political balance sometimes at the cost of short term interests of its ruling classes. For example, numerous measures of land form were adopted by Government after Independence which took over estates of intermediaries (Zamindars, talukdars and others), initiated land ceiling and land consolidation measures and designed tenancy reforms to give security to tenants against eviction.

In the following paragraphs we attempt to show that contract, casual and child labour in unorganised small scale industries and organised industries were perhaps too critical a section of labour for those interested in profits alone. That is why the state was not permitted to exercise its autonomy to the extent of its public commitments.

The Government evolved a two-pronged strategy for the fulfilment of its industrial policy. Ultimately the approach to labour policy rested on considerations which are related on the one hand to the well being of industrial working class and on the other to the achievement of planned economic development.

The review of five-year plans makes it very clear that the considerations of planned economic development

were assigned an important place in the shaping of government labour policy through which the well being of the industrial workers was to be achieved.

As is evident in the review of the five-year plans, the labour sections spelled out government's concern with labour and labour problems in the context of economic planning and development. At the outset the First Five Year Plan (1951-56) stated that the approach to labour problems rested on considerations which were related on the one hand to the requirements of the well being of the working class and on the other to its vital contribution to the economic stability and progress of the country and since the worker was the principal instrument in the fulfilment of the targets of the plan and in the achievement of economic progress, certain rights and obligations should be associated with this distinctive role. Again in the discussion over the issue on protective labour legislation, a very clear statement was to be found on the 'working condition':

In order to get the best out of a worker in the matter of production, working conditions require to be improved to a large extent.<sup>7</sup>

This concern with the requirements of a developing economy is further evident in the discussion on the issue of wage.<sup>8</sup>

In the Second Five Year Plan (56-61) the importance of planned economic development is evident in the labour policy. It states:

Whether it is the public sector or the private sector the goal of progressively speeding up production would mean that indiscipline, stoppage of production and indifferent quality of work will have to be guarded against, and the labour policy has to be directed towards this end".<sup>9</sup>

Again on the issue of wages it is very clear as it states: "Improvement in wages can result mainly from increased productivity".<sup>10</sup>

Considerations of planned economic development were assigned an important place in the shaping of government labour policy in the Third Five Year Plan. The general approach may be summed up best in the following words of Third Plan:

Labour policy in India has been evolving in response to the specific needs of the situation in relation to industry and the working class and has to suit the requirements of a planned economy.... the Third Five Year Plan has to make its own contribution towards the evolution of labour policy and the realisation of its basic aims. It has always to be kept in view that measures

that are adopted must serve adequately the immediate and long term ends of planned economic development... in the implementation of these objectives the working class has an important role and a greater responsibility, and these will grow with the rising tempo of industrialisation.<sup>11</sup>

Again, the concern with the requirement of a developing economy had become evident in the discussion on the issue on 'Productivity'.<sup>12</sup> Government's concern with working condition in the context of economic development was further evident, as the plan states,

The improvement of working condition can result in greater productive efficiency on the part of the workers....<sup>13</sup>

It is however important to note that the adverse economic situation in the country occasioned largely by the severe drought of 1966 and 1967 made the government declare a 'Plan Holiday' in the place of five year plans India had three Annual Plans for 1966-67, 1967-68 and 1968-69. It is important to note that the Fourth and Fifth Five Year Plans (1969-74 and 1974-79 respectively) hardly enunciated the issues of labour welfare.

In 1977, when Janata Party come to power, it terminated the Fifth Five Year Plan two years early and drafted its own Sixth Five Year Plan (1978-83).

Though during this Sixth Five Year plan the labour policy had been extended to unorganised workers, it did not continue for more than 2 years. The Congress party again returned to power with a massive majority in 1980 and it abrogated the Janata government's Sixth Five Year Plan introduced its own Sixth Five Year Plan (1980-85).

However, it is worth pointing out that considerations of planned economic development again found expression in the labour policies of the Seventh Five Year Plan (1985-90). At the outset of the labour policy, the plan stated:

The thrust of the Seventh Plan is on improvement in capacity utilisation, efficiency and productivity. Labour enters the production process from the supply side as well as from the demand side. The focal point for both aspects is higher productivity because it is through higher productivity that higher real wages can be ensured, cost of production can be brought down, and higher demand for products can be generated, which would lead to further growth. The role of labour has to be perceived in this broad perspective. The success of labour policy has to be adjudged on the basis of the productivity standard that it helps the economy to achieve.<sup>14</sup>



The concern with the requirements of a developing economy was further evident in the discussions on most substantive issues such as industrial sickness, wage policy, abolition of child labour. A very clear statement is to be found in the labour policy:

A sound policy of tackling industrial sickness in future has to be evolved which while protecting the interests of labour would also take into account the fact that Government can not bear the huge burden of losses.<sup>15</sup>

On wage policy, the plan simply stated:

The basic objectives of wage policy are a rise in the levels of real incomes in consonance with increase in productivity, promotion of productive employment, improvement in skills, sectoral shift in deserved direction and reduction in disparities.<sup>16</sup>

'The plan's conception of the abolition of child labour in a planned economy was further evident:

....which deserves immediate attention is child labour. Since it is not feasible to eradicate the problem of child labour at the present stage of economic development attention has to be focussed on making the working conditions of child labour better and more acceptable socially.<sup>17</sup>

Now it is apparent that though labour which was an important factor in production, was given a lot of lip service in the plans but its real interest was secondary since the emphasis on production continued to be the guiding principles of labour policies. In such a two-pronged strategy when it is not feasible to take care of the interest of workers in general, the government finds it easy to throw a few crumbs of relief to appease a small organised sections of labour force by neglecting the interests of the vast masses of unorganised workers who are unable to protect their interest.

The government has delayed and neglected the introduction of protective legislation for unorganised workers. However, various laws have been enacted to regulate the system of contract, casual and child labour, but it is distressing to note that labour laws that go to help these unorganised labour remain in the statute books. These not only remain poorly implemented but also limited in their coverage with so many 'ifs' and 'buts'. Ultimately employers prefer to continue with the system of contract, casual and child labour on economic reason and as a result these workers remained an exploited section of the industrial working class.

As evident in the ongoing parliamentary debates, most of the time government had remained a passive regulator whenever there was a violation of laws.

Instead of taking action the government often sided with the management. We find how government had justified the engagement of contract labour and casual labour in Railways. It had also given enough justification for the retrenchment of casual labourers.

The parliamentary debates show that there was never pressure on mines and managers. Even after nationalisation the problems continued and the government found itself helpless. Despite nationalisation no system of checks to control contract labour system and no initiative for a systematic plan for the absorption of both contract labour and casual labour was initiated. There were perpetual delays in placing information and the Government lacked awareness of the state of affairs. Thus as owners of a public sector enterprise the government inherits the traits of managers in general.

We see that from a ready commitment to abolition of child labour the shift is to an acceptance, self defence and drawn aggression to cover up the official inability to intervene in favour of the victims.

In fact as early as 1951 the suggestion for amendment of child labour act instead of abolition had already been made a few binding conditions on the employers were suggested. However, nothing was done by the government except for setting up a special

committee. Their usual answer was either the limitations of the child labour Act, 1938 and its inapplicability to the unorganised sector or the fact that no 'formal' complaints were lodged by the children or their guardians. It is not surprising that wages for children had not been considered as serious issues to be taken up with the minimum wage.

As obvious from the Parliamentary debates, in most of the cases the Government had held back information, delayed in taking up issues, and had sided with the management on several grounds. The commonest way to hold back information was either 'The information is being collected and will be, laid on the Table of the Sabha' or 'The information is not readily available'. Statements like, 'the matter is under the consideration of the Government' and 'the issue is receiving attention' were often given by the concerned Ministers to delay in taking up issues. We also find that several times the Ministers evaded issues by simply saying 'it is a matter primarily concerning the state governments' or 'as the state governments are responsible for implementation of the Act, their attention has been drawn to the complaints for necessary action', easily avoided the situation.

As evident in the debates, it is not only the unorganised sector that is most guilty of misuse of the system of contract labour and casual labour but also the organised sector including the public sector and large scale industries. The variety of evidence found in our study thus provide plausible enough justification to conclude that it is not the 'lack of political will' but a 'political will' which consistently exhibited neglect towards the interest of these unorganised industrial workers and a supportive attitude towards the owners. The appalling conditions of contract, casual and child labour in post-independent India are a result of this neglect by the government.

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