

**Socio Economic Determinants of Legislation  
Influencing Health of the Industrial Workers  
— The Indian Experience**

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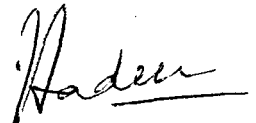
**DECLARATION**

This is to certify that this dissertation entitled:  
"SOCIO-ECONOMIC DETERMINANTS OF LEGISLATION INFLUENCING  
HEALTH OF THE INDUSTRIAL WORKERS - THE INDIAN EXPERIENCE"  
submitted by Mr. Ajay Trivedi in partial fulfilment of the  
requirements for the award of the degree of Master of  
Philosophy, has not been previously submitted for any  
degree of this or any other University. This is his own  
work.

We recommend this dissertation be placed before the  
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My humble gratitude is due to Mr. Om Prakash for his neat typing in a short period.

However, all the shortcomings of the dissertation remain exclusively mine. These shortcomings I do consider most seriously because the dissertation is based on the real lives of the people who labour to produce all the available wealth and services at disposal of society. Let me admit my limitations and inabilities. Also that lack of having even a meaningful exposure to them this also placed me on further disadvantage at this stage. Anyway I was bound to rely on my own experiences and thus limited understanding. I do not feel confident but probably this is the place where I can say what I found as a legal concept of workers' health. It is an assemblage of certain limits (at least/at most) of certain hours of work, days of rest, age of employment, of wages, of provisions as 'social security', about conditions of work. The law only specifies certain requirements which on an average are the prerequisites for production process to go on. It does take time to feel at ease when one finds old age, maternity, general diseases, industrial accidents and occupational diseases clubbed together for the purpose of social security. In fact all of them are essentially different processes. First two being specific manifestation of the life process and latter two to put more appropriately are the diseases of a kind of production process. The

third namely general diseases are as understood basically by the possibility of use of interventive capability of a technology, which gives the meaning to this process also. Of course all of them are dialectically related in a given set of other determinants. This seemingly illogical assemblage is but a historical entity. This effort was to have an overview of the process out of which it has emerged in a very limited sense. I do feel that there is a lot of work still to be done.

My work has certain fundamental limitations although it is not a proper place to discuss but to point out just one. This endeavour basically remains an enquiry into the 'Ill-Health' to which all of us share. What in the following pages connotes by 'health of the workers' simply means the differences of specific forms and in degrees of this shared Ill-Health by the working classes. A few particular outward manifestations of which are employment injuries and occupational diseases. Here by Ill-Health I do not mean incapability to work but the Health in its broadest possible sense obtainable in any social formation appropriating the labour in commodity form and its movement meanwhile.

I remain indebted to the working people.

  
AJAY TRIVEDI.

CHAPTER I : INTRODUCTION

## (i) INTRODUCTION TO PROBLEM

Health is a product of socio-economic and political realities and at the same time it contributes to economic growth and development. This realization has in fact made some people to argue that health is an economic investment and man 'human capital'. The logical extension of such a concept would be that any country trying to develop its industries and its economic base will invest in the health of its work force. The historical experience however reveals that the human capital is one form of capital which is most dispensible in certain historical situations.

Indian national health policy statement set the objective of health for all by 2000 'A.D.' It envisaged improvement in the health status with overall development.<sup>1</sup> In a way national health policy reflects our understanding that the process of development and the health of the people involved in that process, are mutually inter-related. One

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1. Annual Report, Ministry of Health & Family Welfare, GOI, 1984, Delhi.



expects therefore that worker's health ought to be an area of concern for India's planners.

The Constitution of India in its directive principles for state policy incorporate the principles of 'equal wages' just and human working conditions and worker's participation in management of industry to be followed by the state.<sup>1</sup>

Sixth Plan document says that "Labour policy derives its philosophic contents from these principles and is evolving in response to the specific needs of the situation in relation to industry and working class and to suit the requirements of planned economy."<sup>2</sup>

Not only this, India has been a member of International Labour Organization since its very inception in 1919 and from 1921 onward has ratified important conventions, India also has a body of legislation to safeguard worker's health, for safety and to provide social security. These are:

- The Fatal Accident Act, 1855;
- The Workmen's Compensation Act, 1923;

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1. Constitution of India, Allahabad Law Agency, 1983, p.13.

2. Sixth Five Year Plan Document, Planning Commission, G.O.I., 1980, p.402.

- Employee's State Insurance Act, 1948;
- The Indian Factories Act, 1948;
- The Indian Mines Act, 1952;
- The Indian Plantation Act, 1953;
- The Maternity Benefit Act, 1961;
- The Payment of Wages Act, 1986;
- The Minimum Wages Act, 1948;
- Provident Fund and Family Pension Act, 1952.

But when we look at the health status of the working people and we would like to limit ourselves in the area of industrial health for lack of time and resources, we find that inspite of all the above constitutional and official pronouncements, safety and health hazards at the work place is a cause of concern. Not only working environment has seriously undermined health of the workers but often is a direct threat to the life of the workmen.

Table No.1 shows the rate of industrial accidents in the factories covered under the Factory Act. The figures are for number of fatal and non-fatal injuries occurring per one thousand workers employed. The figures show a continuous rise in the rates of both fatal and non-fatal injuries, showing an increased risk of employment injuries

Table No.1: Rates of Employment Injuries in  
Factories in India

(No. of persons injured/1000 workers  
Employed)

Year	Fatal injuries	Non-Fatal injuries	Total injuries	INDEX India's production Manufacturing Sector
1947	.09	25.74	25.84	
1948	.11	28.73	28.84	
1949	.10	30.96	31.06	
1950	.10	29.24	29.34	
1951	.09	29.84	29.93	100
1952	.10	35.46	35.56	103.4
1953	.10	36.96	37.06	105.5
1954	.10	36.21	36.31	113.0
1955	.10	42.44	42.54	122.7
1956	.09	44.47	44.56	133.3
1957	.12	42.66	43.78	136.9
1958	.12	43.88	49.00	113.85*
1959	.11	44.23	44.34	150.6
1960	.13	42.92	43.05	100
1961	.14	45.53	45.67	109
1962	.14	46.26	46.40	119.5
1963	.13	47.67	47.80	129.1
1964	.16	46.96	47.12	141.2
1965	.14	49.11	49.25	154.0
1966	.15	51.18	51.33	151.0
1967	.13	48.00	48.13	148.2
1968	.14	55.79	55.93	156.3
1969	.15	63.33	63.48	165.4
1970	.14	67.42	67.56	
1971	.15	75.52	75.67	183
1972	.15	63.48	63.63	191
1973	.15	62.43	62.58	193
1974	.14	55.63	53.77	193
1975	.14	50.72	50.86	
1976	.17	61.36	61.54	
1977				
1978				
1979				
1980				
1981				

Sources: The Indian Labour Year Book (annual);  
The Indian Labour Statistics (annual).

to the workers employed in factories in India between the years 1947 and 1975.

Although the reformulated Factory Act of 1948 was implemented from 1949 onward, the rates show a distinctive increase from 1954 onward. The Table shows a greater correspondence in the increase in the rates of accidents and the increase in the rate of production in the manufacturing sector.

Table No.2 gives the figures of employment injuries in coal mines. We have taken coal mines as area of study, because the largest number of workers in mining sector are employed in the coal mines. And also because the coal mines have always been under the cover of Mines Act. The data show an increase in the rates of accidents after 1947, till about 1963. From 1963 onward it shows a slight decline.

On the basis of these data, we can conclude that the employment in factories and in mines remained hazardous in terms of employment injuries, during the period from 1947 to the middle of 1970s. This was despite the fact that during this period both Central and State Governments took measures to promote the employment safety. National Safety Council was

Table No.2: Rates of Fatal and Non-Fatal Injuries in Coal Mines in India (No. of workers/1000 employed)

Year	Fatal injuries	Non-Fatal injuries	Index of Workers employed in Coal Mines
1947	0.74	4.05	
1948	0.82	3.83	
1949			
1950			
1951			
1952			
1953	.97	8.33	
1954			
1955			
1956	.73	8.07	
1957			
1958			
1959			
1960			
1961	.65	8.77	100.0
1962	.61	7.41	105.0
1963	.59	5.62	109.6
1964	.42	4.83	104.7
1965	1.10	4.73	103.2
1966	.52	4.71	100.5
1967	.52	4.68	96.1
1968	.64	4.66	96.4
1969	.58	4.33	95.2
1970	.54	4.14	92.9
1971	.60	4.03	99.7
1972	.53	3.94	115.5
1973	.50	4.15	122.8
1974			
1975			

Source: The Indian Labour Year Book,  
for respective years.

set up in 1966 and State Safety Councils were set up afterwards.<sup>1</sup> In many states safety cells and mining rescue operation machinery have also been created.<sup>2</sup>

The data about occupational diseases is very scanty. The surveys sponsored by the Director General Advice Services and Labour Institute, Bombay (earlier known as Chief Advisor Factories), are conducted in some of the industries situated in different parts of country. Table No.3 gives a summary of their findings. The data show that the workers in these industries suffer from various specific occupational diseases which are serious in nature. Other than these the health hazards due to heat, dust, accident, toxic chemicals, gases, radiations, and genetic effects are identified with the process of different industries in India.<sup>3</sup>

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1. National Commission on Labour Report, GOI, 1969, p.107.
  2. The Indian Labour Year Book, GOI, 1983, p156,160 -162 .
  3. I. Qadeer, Anubrat Roy, "World, Health & Wealth", Table No.4, Paper presented at XIth World Sociological Conference, New Delhi, 1986.

Table No.3: Prevalence of Occupational diseases  
in some of the Industries

Work Process	Year of study	% of workers affected	Symptoms of Disease
1. Gold Mining	1947	44	Silicosis
2. Mica Mining	1953	34	Silicosis
3. Magnesite	1953	16	X-ray pulmonary marking
4. Chromite work	1953	32	Pulmonary T.B.
5. Potteries	1953	16	Silicosis
6. Metal grinding	1955	27	Silicosis
7. Rayon	1958	27	intoxication due to SO <sub>2</sub> Carbondi Sulphide+ Hydrogen Sulphide CS <sub>2</sub> , H <sub>2</sub> S <sub>1</sub>
8. Lead and Zinc Mining	1960	30	Silicosis
9. Ferrow Manganese	1960	24	Manganese poisoning
10. Dichromate Manufacturing	1963	20	Skin Ulceration
11. D.D.T.	1965	30	Low haemoglobin, rise of eosinophils, rise of lymphocytes
12. Mercury	1968	25	Mercury poisoning and intoxication
13. Parathian	1968	74 36 44 26	Sweating headache gidding Blurred vision
14. Textile Workers	1970	23.5	Lowered pulmonary function due to Byssosis
15. Storage Batteries	1970	40	Blood level and urinary excretion of lead

Source: IJOH, XVI, 10, Oct. 1973, pp.19-11.

Indian Council of Medical Research has also reported the prevalence of 34.1% of Silicosis in Bihar mines<sup>1</sup>, 45% of pneumoconiosis in coal mines, 11 to 14% of workers suffering from Byssinosis in textile industries.<sup>2</sup>

Srivastava referred an enquiry in the Jharia coal field covering 5,000 workers reported prevalence of 55.37% of pneumoconiosis among the underground coal miners.<sup>3</sup> High risk of cancer in process using radioactive materials and symptoms of carbon disulphide poisoning in Rayon mill workers has also been reported by Padmanabhan.<sup>4</sup> It is not only that the workers run additional hazard of occupational diseases. But degree of their risk of sickness is closely associated with general diseases.

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1. M.N. Gupta, Technical Review on Pneumoconeosis in India, Technical report series No.4, ICMR, 1970.
  2. Byssinosis, Technical Information Bulletin, No.4, ICMR, 1967.
  3. V.L. Srivastawa, A Socio-economic Survey of Workers in the Jharia Coal Mines of India, Scientific Book Agency, Calcutta, 1970, p.358.
  4. Padmanabhan V.T., The Number Game: A Study on the Occupational Health Hazards at IRE, Alwaye, Kerala Shasta Sahitya Parishad, Trichur, 1985.



Table No.4 shows that working condition as well as general sickness are counterproductive.

Table No.4: Relation of Occupational health and General Health Status of Workers

Name of the Factory	Suspended Sulphate Partides Mg/M <sup>3</sup>	Incidence of respiratory disorder 1010 employees per year	
		Non-Epidemic Year	Epidemic (Flu) Year
A	7.4	17.2	21.1
B	13.2	33.7	65.1
C	13.6	38.8	73.2
D	17.1	43.7	87.6
E	19.8	65.0	127.0

Source: Indian Journal of Occupational Health, vol.10, Bombay, 1973, p.14.

The realities of worker's health make it clear that the existing health needs and demands of the working people in different industries are not being met adequately. That this should have happened after thirty years of planned economic development raises some issues regarding the planning processes itself and the interventive role of the Government.

The Government committed to "just and human working" conditions for the workers is expected to exercise some control on the processes of industrialization

to see that while growth takes place the interest of the worker is also taken care of. Legislation is one of the important tools through which the Government exercise its control. The structure as well as the institution of legal provisions then, is crucial in making Governmental interventions effective.

In the present situation while on the one hand health policy and labour policy together talks of control of workers over the working conditions (peoples' health in people's hand and worker's participation in management), on the other hand though limited, our data about safety and health indicates the vulnerable position of the working people. There is thus an obvious contradiction in national policy and the realities in the area of industrial worker's health.

### Objective

The objective of our study is to explore the socio-economic roots of this contradiction or in other words, to seek the reason for the inadequacy of legal provisions to provide adequate protection to the labour in general and the health of the industrial worker in particular.

## (ii) CONCEPTUAL APPROACH

Health is a dynamic concept which relates to the state of physical, mental and social status of people, a result of interacting social, political and economic forces in a given society. This integrated view of health underlines the fact that health is in fact rooted in the structure of a given society. Engels<sup>1</sup>, Virchow<sup>2</sup> were the principal exponents of this approach to the study of health which opened up the possibilities of social analysis contributing to the understanding of processes which control and determine health of the people. According to Engels, "the roots of illness for the working class people lay in the organisation of economic production and in the social environment. Occupational diseases and early deaths developed directly from exposure to dust, chemicals, time pressures, bodily postures, visual demands etc. Environmental pollution, bad housing mal nutrition and alcoholism also contributed to the

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1. Fredrick Engels, The Conditions of the Working Class in England.
  2. Rudolf Wirchow, Werk and Wirkung, Rulten & Leoning, Berlin, 1957, I.J.H.S. Vol 11, No 1, 1981, p77-103.  
(A.H.C.S. )

poor health of the working class people; but on balance those factors mainly reflected or exacerbated the structural contradictions of production itself.<sup>1</sup> We propose to follow the same conceptual approach which has already been used by many others in the analysis of health in India. Dr. Banerji in nineteen village study<sup>2</sup>, Zurbrigg S., in a case study.<sup>3</sup> Similarly Djurfeldt and Lindberg S. in Tamil Nadu village study<sup>4</sup>, Imrana Qadeer in analysing Health service system in India.<sup>5</sup> Dr. Sahu in studying

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1. Fredrick Engels, The conditions of the Working class in England, Panther, London, 1969.
  2. D. Banerji, Poverty Class and Health Culture in India, vol.1, Prachi Prakashan, New Delhi, 1981.
  3. Zurbrigg S., Rakku's Story: Structure of ill Health and Sources of change, V.H.A.I., New Delhi, 1984.
  4. Djurfeldt and Lindberg S., Pills Against Poverty: A Study of the Introduction of Western Medicine in a Tamil Village, Oxford and IBH Publication, New Delhi, 1975.
  5. Imrana Qadeer, "An Expression of Socio-Economic Inequalities", Social Action, vol.35, July-Sep. 1985.

Health culture of Oraon people.<sup>1</sup> We use it to study the evolution of labour legislation to get some understanding of the social and economic factors and processes which either promote or hinder the improvement of health of the working class people in India.

The health of the worker has two major determinants his work place and living conditions which are in turn determined by many other socio-economic factors, like

1. production process,
2. technology used in production
3. terms and conditions of work,
4. social background of workers,
5. welfare inputs,
6. Health services.

In any given society legislation can influence health of the worker by influencing any of these aspects of worker's life. We therefore propose to study labour legislation as the links between the

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1. Dr. Sahu, Health Culture of the Oraons, Ph.D. thesis submitted to the Jawaharlal Nehru University, New Delhi, 1981.

health status of workers and the larger socio-economic system. We propose to cover Labour laws other than those specifically related to worker's health as well, because the general labour laws and laws specifically for health & wealth services for workers are not only closely linked but they also provide us with a tool to study the impact of the larger social processes upon health of industrial workers. This is possible because law as social institution are determined by larger power relations in a stratified society. As the agency for protecting the working section, they can also reflect the decision making process of the ruling classes. The study of their dialectics therefore provides an insight into the influence of the larger socio-economic forces in determining the nature of labour law and thereby the health of the workers.

#### Method

To study the evolution of legislation influencing health of the working classes we will use the method of historical analysis which makes it possible to not only study the changes that took place in legislation itself but also to relate them to the changes in the socio-economic and political milieu.

For this purpose we will undertake an intensive study of pre-independent India. This becomes necessary since the emerging post-independence social-formation had its roots in the social, economic and political processes pertaining to pre-independent India. Also, the study of pre-independent India becomes necessary as the bulk of the major labour legislation had evolved during this period.

Our sources are the

- a) Labour Commission Reports  
Evidence Volumes for the reports
- b) Labour Enquiry Committee's Reports
- c) Reports of the Famine Commissions
- d) Legislative Assembly Debates
- e) Annual reports of different Chambers of  
Commerce
- f) Annual Reports on Working of Indian Mines Act
- g) Annual Provincial Reports of the Working  
of the Indian Factories Act
- h) Documents concerning health of the workers,  
National Archive of India
- i) Sub Committee Reports for U.S. Senate on  
ILO.

These are our main primary sources. We will also look in the secondary sources for economic evolution

of India, Modern Indian History, Labour movement history etc.

The period covered after independence is till 1970. We will examine the major trends over this period in the labour policy, labour legislation and social, economic and political factors.

One of the limitations of this study, however, is that it does not cover the workers outside the protective coverage of labour laws i.e. outside 90% of the total workers in 1970 census. Nevertheless, by studying the context out of which labour laws have evolved, we can also understand as to why they are inadequate both in their provisions and coverage.



## CHAPTER II: INDUSTRIALIZATION IN INDIA

## (i) GROWTH OF INDUSTRIES

Industrial enterprises employing machinery and wage labour to produce largescale goods for market were organized in India roughly from the middle of the nineteenth century onward. Industrialization in India was an offshoot of the Industrial revolution in Europe, particularly in England. The need of the then rapidly growing industry in England (textile and steel mainly), for markets and for raw materials led to a process of the transformation of economic and politico legal structures of the British colonies. Starting with an era of investment in (railways, public works like canals, roads, telegraph, ports), mines, plantations and in factories processing raw material for export, it got extended to the establishment of workshops to cater to the maintenance needs of railways, ships, and machines and investment in tea, flour, rice, jute and cotton mills and ordnance factories.<sup>1</sup>

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1. Joan Beauchamp, British Imperialism in India,  
Mertin & Lawrence, London, 1934, pp.49-80.

Another feature of these enterprises was their spatial distribution. Almost all the factories were situated in the presidencies of Bengal, Bombay and Madras. Plantations, except for coffee and rubber and some tea plantation which were located in Madras and Coorg areas, the main area where plantations were located were Assam and adjoining places - the main area of tea plantation<sup>1</sup> - for export to Europe and American markets.<sup>2</sup>

Coal and other minerals were mined from coal fields situated in Bengal and at Jharia in Bihar in the beginning.<sup>3</sup> Later on mining was organised in other provinces such as Central Provinces, Province of Punjab and Sindh, and in Indian states.<sup>4</sup>

Similarly large jute and cotton mills were located in Bengal and Bombay presidencies respectively.

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1. A.K. Bagchi, Political Economy of Underdevelopment, Cambridge University Press, Cambridge, 1982.
  2. Denys Forrester, Tea for The British, Chatto & Windus, London, 1973, pp.105-17.
  3. Indian Industrial Commission, 1916-18, Calcutta, 1918, p.18.
  4. Ibid.

Cotton textile industry was the only industry which from the very beginning was financed and controlled by Indian capital. Earlier centres where cotton industry was organized were Bombay, Ahmedabad, Sholapur and Surat whereas jute mills were organized by Scottish industrialists who sought Calcutta as more suitable<sup>a</sup> place due to easy availability of raw jute, after being competed out by Dundee jute industry in England.<sup>1</sup> Jute mills were located on a narrow strip of land on both the sides of river Hooghly near Calcutta.<sup>2</sup>

The pattern established remained more or less the same until the First World War (1914-1918) which was a significant event from the point of view of industrial evolution of India.

Table No.1 gives an idea about the organized sector's industrial activities for a decade from 1911 to 1921 i.e. before and after the First World War (1914-1918).

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1. Joan Beauchamp, op. cit., pp.43-44.
  2. Ranjit Das Gupta, Calcutta Working Class (1875-1900), Public Enterprises Centre for Continuing Education, New Delhi, 1984.



Table No.1: Number of Factories and the Average Daily Employment in 1911 and 1921

Factories	No. of Regis- tered Factories		A.D.E.	
	1911	1921	1911	1921
INDIA	7,113	11,130	2,105,824	
A. Plantation	1,687	2,034	810,407	817,340
Tea	1,002	1,353	703,585	746,760
B. Mines	562	927	224,087	265,067
Collieries	353	581	142,877	180,660
Manganese	54		16,678	
Mica	93		14,719	
Petroleum Wells	20		6,334	
C. Querries	53	188	12,266	26,138
D. Textile	1,487	2,098	557,589	760,115
Cotton	1,127	1,498	308,190	245,883
Jute	223		222,319	288,100
Wool	47		1,743	
Silk	49		12,710	
E. Leather	158	177	13,612	13,530
F. Metal	372	632	71,045	164,680
G. Wood	168	326	29,067	31,133
H. Glass, Potteries, Bricks	453	825	49,266	78,063
I. Chemicals	455	762	40,358	102,382
J. Food Drinks&Tobacco	720	1,451	74,401	92,953
K. Dress and Boots	90	140	10,189	8,480
L. Construction	163	283	22,168	27,672
M. Gas, Electricity	64	124	8,169	14,825
N. Transport	242	395	125,117	154,173

Sources: Imperial Census of India, 1911 and 1921 - Occupation or means of livelihood statistics of Industries. Part I General Statement, 1911, p. 332; Part I, Report Census, 1921, p. 266.

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The figures show that the largest industry in plantations was tea, in mines the collieries employing 142,877 workers in 1911 which increased to 180,660 for the year 1921. Among the factory industry the largest employer was textile industry in which the number of persons employed increased from 557,589 to 760,115 during the period. The employment in jute textile increased to 288,100 from 222,319 persons employed daily on an average.

Another industry which grew rapidly during the period was metal employing 164,860 persons daily in 1921 from 71,054 that in 1911. Potteries, Food, drink and tobacco, Gas electricity and construction were other groups of industrial activity which also grew at a faster rate.

Almost all of these industries except for cotton textile were dominated by British capital in the initial stage<sup>1</sup> but share of Indian capital in those industries also made its presence felt soon after. Another feature of this period was the management of industries by British managing agencies. Indian Industrial Commission observed that, "they (the British managing agencies) control the majority

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of cotton, jute and other mills, as well as the tea gardens and the coal mines, their control lies in financial credibility<sup>1</sup> as well as links that they have in the other parts of world.<sup>2</sup> Commission also noted their reluctance to go for new fields of industry and pointed out that the major obstacle to the growth was lack of technical managerial manpower in India and India's dependence on Britain for supply of machinery.<sup>3</sup> But there were other important factors also. One of the important factors for lack of growth was the stagnation of demand owing to the industrial and fiscal policies of the government.<sup>4</sup>

Among these industries the cotton and jute textile, railways, coal and mica mines tea and coffee plantations were established in the initial stage of the industrialization itself. The other industries which were also becoming prominent by this time (1921), were manganese mines, chemicals ceramics, of food

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1. Indian Industrial Commission, 1916-18, G.O.I., 1918, p.8.
  2. Ibid.
  3. Ibid.
  4. A.K. Bagchi, Private Investment in India, Orient Longman, New Delhi, 1972, pp.34-42.

drinks and tobacco, and leather and dress materials.<sup>1</sup>

The period between the First World War (1914-18) and transfer of power (1947) saw the growth of many new enterprises along with those which we have referred to above; more important among these new enterprises were cement, paper, match box, iron and steel, copper and aluminium, oil soap, dyes, beverages, fertilizers, shipbuilding, locomotives motor etc.<sup>2</sup>

The statistics which are available with us for the period from 1920 to 1947 for the workers employed in various industries relates to the industries which were covered by the Factories, Mines, and Plantation Acts as it was compulsory for the employer or manager of these industries to furnish returns to the Government which were later published by the Government of India. The data, therefore, covers the whole of British India including Burma.

Table No.2 shows that the average daily employment in the year 1929 was 1,455,092 in the factories which increased by 181.6% during the period <sup>From</sup> 1929 to

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1. Table No.1.

2. Rajat K. Das, Industrialization in India, Oxford University Press, New Delhi, 1979, p.46.



Table No.2: Average Daily Employment in different  
Factories during the years 1929 to 1934,  
and 1939 to 1945

Industry	Average Daily Employment			
	1929	1934	1939	1945
Textile	695,745	660,912	819,404	1,014,309
Engineering	159,942	127,475	159,761	314,688
Food Drink and Tobacco	144,774	188,276	247,630	309,686
Paper and Printing	42,687	42,825	56,932	72,271
Ginns & Presses	174,282	160,105	163,223	129,467
Skin and Hides	6,163	6,870	12,906	36,301
Ordenance factories	22,011	18,368	30,709	185,605
Railway work- shops	73,894	52,096	55,784	116,549
Clothing	1,453	1,331	2,157	22,847
Chemicals and dyes	44,578	46,574	57,966	101,687
Wood Stone & Glass	27,396	29,170	53,084	106,857
Metal and Minerals	39,848	38,204	55,123	125,457
Miscellaneous	22,319	25,930	36,455	107,253
<b>TOTAL</b>	<b>1,455,092</b>	<b>1,398,316</b>	<b>1,751,137</b>	<b>2,642,977</b>

Source: The Indian Labour Year Book, Manager  
of Publication, G.O.I., 1948.

1945 when 2,642,977 persons were employed. This increase in employment basically pertains to the period of Second World War (1939-1945) whereas persons employed daily in factories had in fact declined over the period 1929-1934. (Col.2 & 3 of Table No.2) This was the impact of the economic crises (depressions) of that period. The industries which grew in this period were food drinks and tobacco, chemical and dyes, woodstone glass, etc.

Table No.3: Average Daily Employment in Mines for the years 1929-1934 and 1939-1945 (in British India including Burma)

Mine	1929	1934	1939	1945
Coal	165,658	151,375	201,989	294,902
Iron Ore	8,119	5,214	8,855	6,883
Manganese	27,243	6,374	27,452	9,580
Mica	16,555	15,033	32,641	38,208
Total	250,272	210,846	305,244	386,290

Source: The Indian Labour Year Book, 1946.

Table No.3 shows the employment in mines according to different mining activities in British India. Here again the figures are given for those mines which were covered by the Indian Mines Act.

The figures do not represent the actual mining and quarrying activities. For example, the Labour Investigation Committee 1946, reported 40,000 persons employed in different works related to mica mining who were not under the coverage of the Mines Act.<sup>1</sup>

As the Table No.3 shows that during this period the number of workers employed in mines covered under mines act increased from 250,272 in 1929 to the figure of 386,290 in 1945, an overall increase of 154.3% over the figures for 1929.

It is also clear that whereas the largest number of workers were employed in collieries, in all the given years employment in coal mines increased by 14,283 from 1929 to 1934 (165,658 to 151,375). There was a sharp increase in the workers employed in coal mines between 1939 and 1945 of the order of 145.9%.

Among the other major mining activities mica registered a continuous expansion during the period, employing 16,555 in 1929 and 38,208 in 1945. On the other hand in the manganese mines we find that figures for employment vary sharply for each given year.

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1. G.O.I. 1948, The Indian Labour Year Book, p 14,

Table No.4: Employment in Plantation

Year	Tea	Coffee	Rubber
1942	926,461	162,493	46,887
1944	904,077	174,870	49,736

Source: The Indian Labour Year Book, 1946.

Table No.4 gives us the employment figures in the plantation industry covered under the Plantation Act. Figures for the years 1942 and 1944, show that the largest plantation industry continued to be tea plantations, as was the case before the First World War. During this period coffee plantation grew substantially and a significant addition to area under rubber was made by the closing years of this period. The decline or arrest of industrial expansion over 1929 to 1934 in some of the industries was largely due to the impact of global recession.

Table No.5 shows that between 1914 to 1947 the share of European capital in the total capital in India declined sharply from 65.35% in 1914 to 26.31% in 1947, at the same time there was a sharp increase in the share of Indian capital to total; capital in joint stock companies; it was 29.91% in

Table No.5: Trends in the Growth of Capital investment and its distribution

Year	% of European Capital	% of Mixed Capital	% of Indian Capital	Index of Investment of Rs. Capital in (1920 = 100)	
				Old Enterprises A	New Enterprises B
1914	65.35	13.73	20.91	-	-
1920	59.18	15.95	24.86	100	100
1930	44.11	21.12	34.76	138.34	164.34
1940	41.05	28.12	30.81	151.98	335.42
1947	26.31	22.06	51.61	219.57	500.19

Sources: (a) Joint Stock Companies in British India and the Indian States.

(b) Investor's India Year Book.

Compiled by Rajat Roy, op. cit., 1979.

Note:

A = Old (Establish) Enterprises - Cotton, Jute mills, railways, cotton ginnes, tea, coffee, rubber, goldmines, insurance, tramway, etc.

B = New Enterprises - All those enterprises which came comparatively later and commanded smaller capital till 1947 than the enterprises in group 'A'.

1914 and it increased to 51.61% in 1947. There was only a marginal increase in the share of mixed capital to total capital, <sup>and</sup> it increased from 13.73% in 1914 to 22.06% in 1947.

/ To conclude we can say that in this period the European capital lost its prominent position to Indian capital. If we assume that in this period both European capital and Indian capital were increasing in absolute amount it can be concluded from the data that the rate of growth of Indian capital was higher than that of European capital. Table also indicates that the Indian capital increased only twice (approximately) in old enterprises but it increased five times (approximately) in the new enterprises. Indian industrialist increasingly found it to be more profitable to invest in new enterprises. This also implies a certain diversification in the industries owned by Indians.

/ During 1920-47 the number of small factories grew significantly. The Indian Industrial Commission (1916-18) noticed that the small enterprises were a new phenomena and mainly owned and controlled by Indian industrialists.<sup>1</sup>

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1. Indian Industrial Commission, G.O.I., 1918, Calcutta, p.12.

Table No.6 gives us an idea of number of small enterprises and the employment in the factories subject to the Factory Act and employing 20 to 30 workers.

Table No.6: Growth of Small enterprises<sup>1</sup>

Year	Total No. of Factories	Index	No. of Small Factories	Index	% of small factories to total no. of factories
1917	4,827	100	538	100	11.1
1929	8,012	166	1,354	252	16.9
1939	8,973	186	1,579	293	17.6
1949	11,961	248	2,990	556	25.0

The figures in the table show that this small sector of factories also grew at a faster rate specially during 1939 to 1949, from 17.6% to 25% of the total number of factories in the corresponding years.

#### Growth of Industry in Post-Independence Period

The trends that emerged during the period of Second World War (1939-45) continued in the post-independence era as well. Over the first fifteen

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1. G.K. Shirokov, Industrialisation of India, PPH, New Delhi, 1980, p.19.

years the industrial sector expanded rapidly, particularly after 1957. From 1965 onward there was a significant decline in growth rates but the overall expansion continued.<sup>1</sup>

From 1955 onward newer industries like chemicals, fertilisers, metal, power, petroleum and coal, machinery and minerals became prominent. These new industries were absorbing almost half of the total investment in industries in the public sector by the sixties and if we look at the index of overall industrial production (Table No.7) these were the most important groups of manufacturing industries by the seventies in independent India.

Table No.7: Index of Industrial Production  
Base Year 1960 = 100

Industry	Weight	1951	1955	1965	1971
Mining	9.72	66.6	74.6	131.7	153.4
Manufacturing	84.91	54.6	73.8	153.8	178.9
Food Processing	12.09	66.9	75.9	122.2	157.6
Textile	27.06	79.7	94.1	114.8	106.0
Chemical	7.26	42.4	60.1	153.9	252.7
Petroleum & coal	1.36	11.0	56.1	158.7	316.90
Basic Metals	7.38	46.5	53.3	180.1	208.6
Machinery	3.38	22.2	35.5	316.0	373.2
Transport-Equipment	7.7	19.6	99.2	206.3	122.1

Source: Reserve Bank of India, Report on Currency & Finance (annual).

1. Pramit Chaudhuri, The Indian Economy: Poverty and Development, Crossby Lockwood, London, 1978.



Table No.8: Estimated Average Daily Employment in ('000) in different industries in the post-independence period

Factories	1951	1960	1970	%age increase(+) and decrease(-)
Processes allied to agriculture	151.9	160.0	141.0	- 7.18
Food manufacturing	475.5	532.0	675.0	+ 41.96
Beverage and Tobacco	137.9	185.0	139.0	- 26.02
Textile	1239.0	1174.0	1249.0	+ 0.81
Textile goods and Footwear	17.0	20.0	37.0	+117.65
Wood and Furniture	51.4	68.0	98.0	+ 90.66
Paper, Printing and allied mfg.	119.9	145.0	205.0	+ 70.98
Leather and its Products	21.4	20.0	25.0	+ 16.82
Rubber, Petroleum and Coal	45.2	55.0	94.0	+107.96
Chemicals and Chemical Products	104.0	139.0	246.0	+136.54
Non-metallic mineral product	169.4	188.0	259.0	+ 52.89
Basic metal industry and alloys	112.8	158.0	288.0	+155.32
Metal Products	77.7	123.0	211.0	+171.56
Machinery except electrical	134.3	194.0	360.0	+168.06
Electrical appliances	41.8	77.0	204.0	+388.04
Transport	285.8	346.0	494.0	+ 72.85
Miscellaneous		117.0	175.0	
Gas, Steam, Electricity	33.7	41.0	62.0	+ 83.98
Others		10.0	20.0	
<b>Total</b>	<b>3401.5</b>	<b>3767</b>	<b>4982</b>	<b>+ 46.46</b>

Sources: The Indian Labour Year Book, (annual), Labour Statistics, Labour Bureau, Ministry of Labour, G.O.I., India,

Table No.8 gives us an idea of employment in manufacturing industries in independent India. The figures for total estimated average daily employment from 1951 to 1970 show an increase of 46.46% in the total employment. The largest employer is the textile group employing 1,239,000 workers in 1951, it increased by 5.16% in 1980 to the figure of 1,303,000 workers.

Table No.8 also shows the number of persons employed in plantations. The figures are for the Indian Union as it emerged after independence. (Tea continued to be the largest sector in plantations. Figures for 1947 and 1976 register an overall decrease of -20.23%. Similarly employment in total plantation sector also declined by 21.15% during this period. Nevertheless the coffee plantation shows a sharp decline of 78.07% in the number of workers employed).<sup>1</sup>

Table No.9: Daily Employment in Plantation  
(Tea, Coffee, rubber and others)

<u>Year</u>	<u>Average Daily Employment under Plantation Act</u>
1947	1,180,420
1956	1,200,948
1966	-
1976	941,645
% change	-20.23

Sources: Indian Labour Year Book, Labour Bureau, G.O.I.  
Indian Labour Statistics, Labour Bureau, G.O.I.

1. G.O.I. 1985, Statistical Abstract, India, p. 377, C.S.O. Min. of Planning.

Table No.10: Average Daily Employment in Mining sector covered under the Act

<u>Year</u>	<u>No. of Workers Employed</u>
1951	549,048
1961	670,986
1971	630,735
% change	+14.88

Source: Indian Labour Year Book, Labour Bureau, G.O.I. for relevant years.

Table No.10 gives the employment in various important mining activities. The overall employment during the period 1951 to 1971 increased by 14.88%. The largest number of workers were employed in coal-mines in each of the given year. Except for mica, employment rose in copper <sup>and</sup> limestone sharply according to the reported figures under mines Act. Mica and Manganese registered a decline in employment.<sup>1</sup>

The total number of workers engaged in industrial activities according to Census of India from 1951 to 1981 are given in Table No.11. The figures in the table shows that the largest number of workers were employed in agricultural sector. Among the non-agricultural workers, those involved in manufacturing industries have increased from 12.5 million in 1951 to 17.0 millions in 1970. The trend showing this

1. G.O.I. 1985, Statistical Abstract India p. 375-76,

rise is not very stable because of the definitions used. The increase in a vast peripheral section called marginal workers is finally recognised by the 1981 census which for the first time records their numbers at 22 million.

Table No.11: Workers Classified by Broad Industrial categories

on the basis of census data,  
1951-81 (in millions)

	Year of Census			
	1951	1961	1971	1981
TOTAL AGRICULTURAL LABOUR	97.3	130.9	125.5	147.9
1. Mining, Quarrying, Fishing, Forestry, Hunting, Plantations etc.	4.1	5.1	5.2	
2. Household industry	-	12.0	6.3	7.7
3. Other than Household	12.5	7.9	10.7	
4. Total Manufacturing	12.5	19.9	17.0	NA
5. Construction	1.4	2.0	2.2	
6. Trade & Commerce	7.3	7.6	10.0	
7. Transport & Storage & Communications	2.1	3.0	4.4	
8. Other services	14.6	19.5	15.7	
9. Marginal Workers (Working less than 183 days per year)				22
TOTAL NON-AGRICULTURAL LABOUR	42.0	55.4	54.5	74.4

Source: Census of India, 1951, 61, 71, 81.

This overview of India's industrial expansion shows that it has been a process with its ups and downs the latter coinciding with the recession of the thirties and the stagnation of the 60s. Despite these, there has been a continuous expansion and diversification of industries which has also led to an expansion of the Indian working class. Given the tendency to diversify into some of the most hazardous industrial enterprises like chemicals, fertiliser and rare earths, work in industry has become more dangerous, this is especially so given the poor safety precautions provided to the worker. Thus workers are locked into a conflicting situation where industry which gives them sustenance for life also becomes the cause of losing it.

FORMATION OF THE WORKING CLASS  
IN INDIA

In 1880 James Cair reported about the conditions of India he observed that "a large number of population in India are now the labouring class dependent on employment and the more the land becomes subdivided cultivated by possessors"<sup>1</sup> their condition becomes more vulnerable. The Indian Famine Commission 1898, reported that "There always has existed a lower section of the community living a hand to mouth existence, this section is very large, wages of these people have not risen in the last 20 years in due proportion to the rise in the prices of necessities of life."<sup>2</sup>

The Indian Famine Commission states that, the number of landless labourer is increasing, and, their conditions are growing worse because of larger and powerful forces determine their conditions their liability to succumb is increased whereas formerly such forces were local.<sup>3</sup>

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1. James Cair, Report: Condition of India, Her Majesty's Office, London, 1880, p.8.
  2. Report Indian Famine Commission, 1898, GOI, Calcutta, p.363.
  3. Ibid.

This was the result of deterioration of traditional socio-economic structures. On the one hand due to import of manufactured goods the artisans in traditional handicrafts were becoming unemployed,<sup>1</sup> on the other hand, due to increased rates of assessment of land revenue and the land settlements the peasants and small farmers gradually lost their holdings.<sup>2</sup> Simultaneously we see that during this period more and more land was brought under cotton, indigo, jute and other cash crops as a result the demand of cheap labour on these plantations was also increasing. Similarly, in the tribal areas the process of curtailing the traditional rights of tribal people on forest products was associated with commercial exploitation of forests and mineral resources with the labour of the same people. Nevertheless, as a consequence there was a large section thrown out of permanent source of livelihood.

Once the industrial enterprises organized, this section of people became a potential labour

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1. Report, Royal Commission on Labour, GOI, 1931, p.15..

2. Ibid.

force to work for them. With the increased rate of industrial expansion, particularly after the third quarter of nineteenth century i.e. 1875 onward, their potential to absorb labour was further accelerated. At this same time we find that the shortage of labour in industries was felt. Many commissions were constituted for the purpose of devising means to 'supply labour' in coal fields and on plantations.<sup>1</sup> At the same time there are some evidence which suggest that there was a different set of attitudes about the labour question in different committees and commissions.

In the year 1880 the Government of India wrote to the Secretary of States for India that, "it is true that pioneers of English enterprises sometime think that our laws are too much in favour of the Indian labourers as against the British employers."<sup>2</sup>

The Famine Commission of 1901 described the dangerous signals indicating famine and laid emphasis

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1. Report Labour Inquiry Commission, 1896, GOI, Calcutta, p.1; Report Labour Enquiry Assam, 1906, GOI, Calcutta; Ranjit Das Gupta, "Migration on Coal Mines, 1850-1947," Social Scientist, 1985, Vol.13, No12.
  2. Condition of India, Her Majesty's Office, London, 1880, p.24, Appendix C.



on one of the indication of "unusual wandering of paupers".<sup>1</sup> It states that,

"To anticipate and to prevent the wandering of paupers and individual labourers is impossible without assuming the existence of famine before it has been proved. But the greatest vigilance is necessary to stop even wandering of this kind before it goes too far; while the wandering, in masses or groups of people who are not in the habit of migrating is a certain sign that relief has been too long delayed in the places from which they come."<sup>2</sup>

The Commission not only strongly recommended welfare and relief measures to stop this but also mentioned use of force (police) if necessary.<sup>3</sup>

Similarly if we look into the plantation acts. The act provided that the district administration would help to transport the labourer repealing all the legal bindings. It also defined the recruiting areas, the labour from any part of country could not

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1. The Indian Famine Commission Report, 1908, GOI, Sec.III, Calcutta, 1908, p.14.

2. Ibid.

3. Ibid.

be mobilized but from notified areas only.<sup>1</sup>

This shows that there were restrictions on the migration of labour even when their number was expanding, and earnings were diminishing in the rural areas. As late as 1928 the Royal Commission on Agriculture recognized that there are local checks and controls on the movement of labour and said that serious abuses would arise if all the controls were to be withdrawn although this ideal is to abolish all restrictions on the movement of labour throughout India.<sup>2</sup> These conflicting stands reflect only the inner contradictions of a growing capitalist economy. The conditions of the working class continued to be abysmal. The lack of proper housing in industrial areas, of proper social security and the low level of wages held the workers in industry still dependent on their village home. The Royal Commission on Labour states that,

"The great majority of those employed are at heart villagers; they have had in most cases

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1. R.K. Das, op. cit., pp.30-40.

2. Report The Royal Commission on Agriculture, GOI, 1928, p.581.

village upbringing, they have village traditions, and they retain some contact with the villager. This does not necessarily mean even that they are all drawn from agricultural classes. The weaving sheds of textile factories, the tanneries, the railway workshops and other scenes of urban industry contain many who look rather to village craft than to agriculture. But agriculture has naturally supplied the bulk of industrial population... A large number still have a home and members of their own family in the village... occasionally member of the same family relieve each other by turns in factory employment."<sup>1</sup>

Therefore the migration is not a permanent exodus; but a temporary transfer.<sup>2</sup> In the seasonal factories, "there is an ultimate connection between industrial and agricultural work. In the collieries too there is a substantial class directly interested in agriculture. But in the regular factory industries which offer

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1. Report, The Royal Commission on Labour, 1931, GOI, Calcutta, 1931, p.12.

2. Ibid.

permanent work, the employer has generally got passed the stage of being compelled to employ those who are prepared to work only for a few months of the year."<sup>1</sup>

The permanent urban based labour force is only "small proportion of the total factory employees ...in the most industrialized areas like Bombay and Calcutta. It is proportionately more numerous in such centres as Ahmedabad, Nagpur, and Madras. Most of them are those class whose interests in the land was always slight or precarious."<sup>2</sup>

, This dependency on village was also due to the lack of support at the time of unemployment, sickness or other reasons in the urban centres. In fact the workers found themselves in a situation where they were deprived of their share in traditional sectors and their position in the industrial sector was subject to legal bondages, influx of more and more labour, and the movement of wages and employment according to the market forces.<sup>3</sup>

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1. Report, The Royal Commission on Labour, op. cit., p.12.
  2. Ibid., p.13.
  3. Ranjit Das Gupta, Calcutta Working Class (1875-1900), 1984; D.M. Morris, Emergence of an Industrial Labour Force, 1965, pp.40&43.

Workers had no say in the terms and conditions of work, rules of employment. Their security of job was only depended on the jobber or sirdar, the agent who recruited the worker and got them work.<sup>1</sup>

With the rise in industrial growth the number of worker also increased and in the major industrial centres the social process of transformation of 'A sector of population into an industrial working class, a distinctly new kind of labour force'<sup>2</sup> continued to consolidate. The process was complex and situation specific but its major determinants were uprooting from land and pauperisation of peasants, ~~distribution~~<sup>destruction</sup> of tribal economies, their hope of earning a livelihood in industrial areas and at times the provision of comparatively higher wages, housing, health care and their allocation.

Since then this process has continued, but the overall coverage of an impoverished working class is clear even after 1940. Rege Committee reports in

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1. Ranjit Das Gupta, op. cit.; D.M. Morris, op. cit., pp.36-38 & 129-33.
  2. Ranjit Das Gupta, op. cit., p.223.

1946, "our factual survey shows that most of the workers in industrial towns are landless labourers." It pointed out a shift in recruitment process which was now directly done. "In some places one can see large queues of work beggars gathering in morning hours. The Committee also pointed out that, "the contract system enables the principle employers to escape most of the provisions of the labour acts specially the Factories Act, Payment of Wages Act, the maternity benefit Act etc."<sup>1</sup>

This migrant character of labour still continues to be the most common feature of the Indian working class. With the increase in number of unemployed seeking jobs, the bargaining power of workers further diminished. Not only the bargaining power of the workers diminished, but also the process of destruction of village socio-economic structure has substantially reduced the social security provided by the joint family. The migrants were forced to undertake employment at nominal wages and as contract labour. In this way, employers not only escape their liabilities

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1- Report, Labour Investigation Committee, op. cit., pp.81-85.

to workers provided under protective legislation but also make enormous profits: "We have saved a lot of money by letting out contracts on tender system... I have found out, on enquiry, that the average wages of labour at one of our mines has dropped to three quarters of an anna per day".<sup>1</sup> This observation was made in 1936. Despite the repeated recommendations by Royal Commission and the Raje Committee the proportion of contract labourer has continued to increase.<sup>2</sup> This section of the labour force was mostly employed on unskilled jobs. This has been substantiated by the findings of the Labour Investigation Committee.<sup>3</sup> The Committee finds that at least 10% of the workers in the central provinces and plantation areas were tribals and were from the central Provinces, Orissa and Bihar. The report also says that most of the contract workers were again from this oppressed section of the society. Lambert's study has revealed that in most

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1. Keenan, General Manager, TISCO, Quoted in the Constitutional Assembly Debate, vol.1, 1948, p.369.
  2. Report, N.L.C., op. cit., pp 418-426.
  3. Report, L.I.C., op. cit. p-96 .

of the industrial centres in the country, also a significant section was from the urban areas, the migrant workers, old and new, still formed the major bulk of the unskilled working force.<sup>1</sup> This observation has been further strengthened by the studies of Morris, Lambert and Seth.<sup>2</sup> These studies have taken notice of the unsevered link the migrants had maintained with their rural roots: the workers in the urban areas leaving for the villages to depend on the social security provided by the joint family system during the period of their unemployment. With the urban section of the work force taking employment mainly on skilled jobs in the newer industries, the conditions of the migrants labourers worsened, being forced to accept casual and contractual jobs as unskilled workers. The social inequality was reflected bareface on the occupations: the upper and middle castes cornering the managerial and supervisory jobs and the lower castes and tribal migrants being employed

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1. R.D. Lambert, Workers, Factories and Social Change in India, Princeton University Press, Bombay, 1963, p 22.

2. Morris D. Morris, The Emergence of an Industrial Labour Force in India, Oxford University Press, Bombay, 1965; R.D. Lambert, op. cit.; N.R. Seth, The Social Framework of Indian Factory, Oxford University Press, 1962.



with semi-skilled and unskilled jobs, either on the permanent or temporary basis. Vaid's study of an industrial town of Rajasthan has also noted that in Kota, the Brahmins dominated the managerial and clerical positions while the Harijans formed the bulk of the unskilled work force.<sup>1</sup> All these factors are important from the point of view of the role of the working class because of their implications on the collective strength of the workers, as we will see in the later chapter.

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1. K.N. Vaid, The New Worker - A Study of Kota, Asia Publishing House, 1968, p8.

HEALTH OF THE WORKING PEOPLE  
IN INDIA

There is little data available to show the specific health hazards arising out of work in factories, mines or plantations in the early phase of industrialisation. Although there is no direct source indicating the health status of workers till the Factories and Mine Acts provided for collection of statistics, some descriptions are available which provide glimpses into the health status of the workers and their major determinants. The sources for these are reports of civil surgeons, Health officers, Factory and Mine inspectorates, various commissions and committees which were constituted to study the labour conditions.

In the year 1894, the Magistrate of Hoogly reported,

"The Mill coolies... who live near the mills in low-dark, ill-ventilated, ill-conserved houses."<sup>1</sup>

In the same year Civil Surgeon of 24 Parganas in his report pointed out:

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1. R.C. Dutt, Quoted by R.D. Gupta, Calcutta Working Class, PEECE, Delhi, 1984, p.237.

"The miserable state of living of the working classes, particularly in the suburbs of Calcutta, ...where they generally live in overcrowded and insanitary bustees."<sup>1</sup>

Special Inspector of Factories (1894) described the dwelling place of workers as

"...The miserable quarters of those whose lot it is to labour daily in the mills. A collection of filthy hovels meets the eye, constructed crudly of mud, thatched with grass carosin tin flattered out devoid of drainage and overcrowded."<sup>2</sup>

About sanitary conditions, Dr. Gadgil and Dr. Khan (1894) stated that:

"(the places where)... many of the millhands live is remarkable for the numerous dirty tanks which it contained<sup>3</sup>, The lines which divide these bustees are...all katcha ones,

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1. Civil Surgeon of 24 Parganas, Quoted by R.D. Gupta, op. cit., p.237.
  2. C.A. Walsh, Quoted by R.D. Gupta, op. cit., p.238.
  3. Report, B.B.C. quoted by R.D. Gupta, op. cit., p.238.

full of mud and urine in the rainy season."<sup>1</sup>

In 1906 Dr. Turner, the Health Officer of Bombay, reported to the Indian Factory Labour Commission 1908, that

"The poor in Bombay (factory workers) live... in houses... the large chawls of four or five floors,... the (in them) people living under most insanitary conditions as to air, space, light and presence of filth inside and outside the room."<sup>2</sup>

Dr. Chemesha reporting about the sanitary conditions in Jharia coal field in 1909 pointed out that

"most of the coolies live in houses dark, low roofed and overcrowded made of mud and thatched roofs... most of the water drunk is from doubtful sources."<sup>3</sup>

Under those living conditions there were frequent outbreak of epidemics like cholera, malaria, and

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1. Report, B.B.C. quoted by R.D. Gupta, op. cit., p.238.
  2. IFLC, 1908.
  3. Dr. Chemesha, N.A.I., Deptt. of Geology and Minerals, 1909, New Delhi.

other diseases.

The Chief Inspector of mines reported (1906) that the Cholera was an annual certainty in Jharia.<sup>1</sup> The Factory Inspector reported in 1898 that

"As the combined result of (above) insanitary conditions, the villagers of Maupara and Gaurilia are never free from diseases. The four principal ones with which they are troubled are malaria, cholera, dysentery and diarrhoea."<sup>2</sup>

In the year 1893, the special inspector of Factories reported,

"an unusual amount of fever... among the operatives"<sup>3</sup>,

and reported in 1894,

"a certain amount of sickness amongst the operatives deaths from which were probably above the average."<sup>4</sup>

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1. N.A.I., Deptt. of Geology and Mineral, Report Chief Inspector of Mines, Delhi, 1907.
  2. Annual Report, quoted by R.D. Gupta, op. cit., p.239.
  3. Quoted by R.D. Gupta, op. cit., p.239.
  4. Ibid.

The condition in Bombay were also the same. "The conditions can only be described as deplorable. After making advance for the very limited space which will satisfy Indian workers and their families. The houses were distinctively overcrowded, dark, damp and ill ventilated admission of fresh air seemed a practical impossibility, for carrying of the dwellings were surrounded by narrow gullies for carrying off waste water and sullage!"<sup>1</sup>

The findings of Labour Office Family Budget Investigation, Bombay of 1921-22 showed that 97% of workers living in one room. On an average six to nine (adult) persons living in one room.<sup>2</sup>

Royal Commission on Labour also observed the similar conditions in almost industrial towns - Ahmedabad, Karachi, one room dwelling were reported at places Calcutta, Cawnpore, Howrah, and Madras."<sup>3</sup>

On the basis of survey conducted by Textile Committee in 1906, J. Finlay submitted a report to

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1. Report TFLC, 1906-7, NAI, 1909, p.7.
  2. Report Textile Factory Labour Committee (1906-7), GOI, NAI, 1909, p.7.
  3. G.O.I. 1931, R.L.C. op.cit p 272-78 .

the Government of India in 1909 where he had mentioned about some specific occupational hazards in Indian industries.<sup>1</sup> Apart from cotton and jute mills he gave the following occupational diseases or hazards.

Brass Foundries, Brass founder's ague, dust, lead poisoning; leather work; foundari~~s~~ and engineering shops - inhalation of metallic dust in dry grinding process; Distilleries and Breweries - Risk of inhaling dangerous fumes in repsegeration process; flour Mills - inhalation of silicious dust in the first handling of the grain before washing; cold drinks, risk of bursting of bottles; cement work & inhalation of injurious dust. He had identified the risk of lead poisoning in coach building, batteries manufacture, and in pottery work. In the dying mills lead and arsenical poisoning, of phosphorous poisoning in match work, and hazard due to dust in cotton ginning and paper mills.

Apart from this source we have some indirect source indicating the effect of millwork on the workers.

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1. J. Finley, To the Secretary of States, File, by Government of India, 1909.

(Commerce and Industry, Factories, N.A.I., )  
New Delhi, July 1909.

The Indian Factory Labour Commission 1908, noted that on an average operatives in a cotton mill absent himself from work for 4 to 6 days to a month because of sheer physical exhaustion.<sup>1</sup> Dr. Nair a member of the commission (I.F.L.C. 1908) noticed that there were very few men above forty (years of age) to be seen (as workers). Many workers had left the mill work because of its exhaustive nature.<sup>2</sup> Similarly Royal Commission on Labour reported that miners worked for 4 to 4½ days a week.<sup>3</sup>

In the absence of proper medical care the workers used to "go to the village home either to recover or to die."<sup>4</sup>

The availability of housing or of health services to the worker had been determined basically by the need of the industry of obtaining labour and retaining it at the work place.

The Special Inspector of Factories reported in 1908 many jute mills had provided housing to

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1. Report. Indian Factory Labour Commission. 1908, p. 91
  2. Ibid. p. 89
  3. Report. Royal Commission on Labour, GOI, 1931, P-117, Calcutta.
  4. Deptt. of Commerce and Industry, NAI, 1906, New Delhi, Part A 1-7.



workers mainly because of economic consideration.<sup>1</sup> The Government of Bengal stated in 1928 that "it was a judicious choice, the mine owners provide houses on the mines which were situated near the villages because if otherwise, the labour would go back to their home."<sup>2</sup> It is worth mentioning here that even whatever little housing accommodation was provided to workers the reason was purely to run the industry.

In the year 1906 the Chief Inspector of Mines mentioned in his report that,

"In coal mining districts of Bengal the question of public health and sanitation is of even greater importance than safety. Last year there were two serious epidemics of cholera in the District (of Jharia). Miners in such cases returned to their native villages perhaps 50 miles away, and alarming rumours about unhealthy conditions of the mining districts quickly spread over at least

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1. Report Special Inspector of Factories for Bengal & U.P., NAI, Dept. of Commerce and Industry, 1908,
  2. Evidence, vol.V, Part I, Royal Commission on Labour, GOI, 1931, p.24.

10,000 square miles if recruitment grounds and difficulty of obtaining labour is enormously increased."<sup>1</sup>

The Chief Inspector of Mines further suggested that provisions of protected water supply should be made as early as possible.<sup>2</sup> The real concern of the Inspectorate becomes clear if we look into the reports of Inspector of Factories for 1897, in which he pointed out on the outbreak of cholera that,

"the infection was traced to sources outside the factory premises."<sup>3</sup>

Table No.12 shows the trends in the rates of person died and injured due to industrial accidents for the period from 1900 to 1946 in Coal Mines. The rates are calculated as number of persons effected per one thousand employed workers.

The data show that the death rate in mines varies from .64 in 1900 to .86 in 1907. After that from 1908 the rate of fata accidents almost doubled

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1. Annual Report, Chief Inspector of Mines, 1906, NAI, Dept. of Commerce & Industry, Br. Geology and Minerals, 1906, New Delhi.
  2. Ibid.
  3. Factory Act Report 1897, Quoted by R.D. Gupta, op. cit., p.239.

Table No. 12 Rates of Employment Injuries  
in Coal Mines in British India

Year	D.R.	I.R.
1900	.64	
1901	.67	
1902	.66	
1903	.84	
1904	.67	
1905	.72	
1906	.89	
1907	.86	
1908	1.37	
1909	1.08	
1910	1.52	.70
1911	1.38	.84
1912	1.29	1.00
1913	1.39	1.27
1914	1.05	1.55
1915	1.14	1.64
1916	1.18	
1917	1.06	1.52
1918	1.12	1.49
1919	1.27	1.65
1920	.98	1.36
1921	1.35	1.46
1922	1.13	1.32
1923	1.82	1.32
1924	1.23	1.60
1925	1.07	2.15
1926	1.00	2.15
1927	1.10	2.77
1928	1.33	2.77
1929	1.17	2.69
1930		
1931		
1932		
1933		
1934		
1935		
1936		
1937		
1938		
1939	1.23	5.83
1940	1.36	5.82
1941	1.23	5.83
1942	1.35	5.79
1943	1.31	6.03
1944	1.32	5.36
1945	0.95	4.43
1946	0.95	3.83

Source: Annual Report on Working of Indian Mines Act.

in a year's time (0.86 in 1907 to 1.37 in 1908). Then it remained more or less the same till 1944 and then for 1945 and 1946 registered a decline, it was .95 per one thousand employees.

The statistics for industrial injuries (non-fatal) was collected since 1910 onward. During the period from 1910 to 1946 the rate has increased from .70 to 6.03 in 1943 after which it declined to 3.83 in 1946. The rates remained more or less the same between 1912 to 1924 (1.00 to 1.60), from 1925 to 1929 (2.15-2.69) and from 1939 to 1944 (5.83-5.3 ). The quantum increase in 1910 is associated with the gradual increase in the deeper mining. The rates of increasing accidents shows close affiliation with the trends in the growth of industry.

In other words while the living conditions of the workers continued to be poor, their working conditions in fact deteriorated due to increased pressures of productivity.

Table No.13 gives us the rates\* of industrial injuries in factories for the period from 1904 to

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1. No. of persons affected per 1000 workers employed.

Table No.13: Rate of Employment Injuries in Factories  
(British India) (No. of workers affected/  
1000 workers employed)

Year	Fatal	Serious	Minor	Total
+50 persons		PD	TD	
1904	.15	.99	4.05	5.20
1905	.17	.79	4.17	5.45
1906	.12	1.06	3.96	5.15
1907	.16	1.14	3.83	5.14
1908	.16	1.16	3.49	4.82
1909	.15	1.14	3.83	5.13
1910	.17	1.12	4.22	5.52
1911	.13	1.12	3.95	6.10
1912				
1913	.15	1.20	3.92	5.28
1914	.12	.84	4.22	5.18
1915	.11	.92	4.39	5.43
1916				
1917				
1918				
1919				
1920				
1921				
1922	.14	.89	4.09	5.12
1923-Factory Act	.17	.91	3.91	4.99
1924	.20	1.18	5.65	7.03
1925 Rationalization,	.18	1.66	6.62	8.46
1926 Growth of Sugar	.18	2.08	7.53	9.79
1927 Paper	.16	2.22	7.87	10.25
1928 Engineering and	.17	2.30	3.28	10.75
1929 other Industries.	.15	2.83	10.03	13.01
1930	.16	2.69		
1931	.12	2.57		
1932	.11	2.47		
1933	.14	2.68		
1934	.16	2.98		
1935	.13	2.99		
1936	.14	3.03		
1937				
1938				
1939	.13	3.33	17.10	20.56
1940	.13	3.72	18.42	22.27
1941	.13	3.88	18.59	22.60
1942	.14	3.99	19.60	23.73
1943	.15	4.11	20.03	24.29
1944	.14	4.22	22.33	26.69
1945	.13	4.16	22.24	26.53
1946				

Source: Annual Provincial Reports on Working  
of Indian Factories Act, for respective  
years.

1945. The figures show that the rate of fatal industrial injuries remained more or less the same throughout this period. The rate of serious injuries (causing permanent disablement) had increased from the range of .99-1.14 for a period between 1904 to 1910 to the order of 2.69 till early thirties and in 1945 it was 4.16 per one thousand workers employed. The figures for minor injuries, (that is, those which incapacitated the worker from 2 to 20 days) has increased from 4.05 to 22.24 during the period of 1904 to 1946. These figures also show that the increase in the rate of accident is closely affiliated to the rate of growth of industries. (Table No.13)

CHAPTER III : EVOLUTION OF LEGISLATION  
INFLUENCING WORKER'S HEALTH

EVOLUTION OF LEGISLATION INFLUENCING  
WORKER'S HEALTH

With the organization of industries the laws regarding the working of industries became necessary and were enacted from time to time. These covered terms of contract, conditions of work, liabilities of employer and workers and laws regarding welfare and health of workers.

Since health of workers is closely related to their living and working conditions, we propose to have an overview of some of the key legislations all of which may not be directly related to illness or health conditions but one of its crucial determinants.

The first legislation to be passed was the Fatal Accident Act, 1855 which provided for compensation to the dependents of the deceased worker.<sup>1</sup>

In this initial phase of labour legislation The Workmen Breach of Contract Act 1859 and The Employers' And The Workmen's (Dispute) Act of 1860 held the workmen liable to criminal penalties under Indian Penal Code of 1860 if the worker could not continue to work.<sup>2</sup> These two acts were applicable

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1. E.S.I.C. Review Committee, G.O.I., 1966, p.9.
  2. C. Revri, The Indian Trade Union Movement, Orient Longman, 1972, pp.18-19.



to all the industries.

Following these came the laws for recruitment and working of labourers on plantations. Between 1858 and 1908 - as we will see later - the nature of enactments concerning plantations was to hold back the labourers on plantation. These acts were coercive for the workers as under them the planters were given power to arrest <sup>and</sup> imprison the workers.<sup>1</sup>

Next to plantations, labour law were enacted for the working and regulation of the labour in factories from 1881 onward. The most important law in this regard was the Indian Factories Act, enacted in 1881 for the first time. Since then the Factory Act has changed in many respects, its coverage, has been increased and it has incorporated many new provisions from time to time. The latest is the Factory Act of 1948.

The working and regulation of labour in mines is controlled under the Indian Mines Act. It was in 1901 that the first mines Act was enacted. Since then it had been revised in 1923 and in 1952.<sup>2</sup>

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1. R.K. Das, The Plantation Labour in India, R. Chatterjee, Calcutta, 1931, p.30.
  2. Labour Legislation in India, ILO, New Delhi, 1957, pp.34-43.

The history of social security legislation in India is equally old. It goes back to 1855 when Fatal Accident Act was enacted. After that the Workmen's Compensation Act enacted in 1923, made provisions for compensation in case of industrial injuries and for occupational diseases. This was followed from 1929 onward, Maternity Benefit Acts in various provinces.<sup>1</sup> In the year 1948, when an all India Legislation the Employees' State Insurance Act (E.S.I. Act) was passed which contained benefit (cash payment) measures for workers in case of illness, maternity and injuries. The Act also made provision for medical treatment providing also for treatment in case of occupational diseases.<sup>2</sup> This was followed by the Employees' Provident Fund Act 1952, the Maternity Benefit Act 1961 and the Payment of Gratuity Act 1972.<sup>3</sup> The growth and expansion of some of these basic laws we will see in different sections of this chapter.

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1. Labour Investigation Committee, G.O.I., Manager Publication, Delhi, 1946, p.56.
  2. ILO 1957, op.cit. p.93
  3. N.M. Gupta, Social Security Legislation for Labour in India, Deep & Deep Publications, New Delhi, 1986, p.102.

## (i) FACTORY ACT

The first factory act was enacted in 1881. This act was 'to regulate the labour' employed in factories employing hundred or more workers and were using machanical power. From the point of view of worker's health the act provided for restriction of employment of children below the age of seven years. Also, to protect the workers against employment injuries, the act provided for fencing of moving machines or parts, and for reporting of accidents. According to the act the accidents were to be reported to appropriate authority with the information of number of workers injured (or died) if they do not return to work within forty eight hours.

In the factory act of 1881 there was no provision for intervals or holiday for the workers as well as hours of work for workers were not regulated. The provisions of this act were not applicable to the factories situated on indigo, Tea, rubber or coffee plantations.<sup>1</sup> The factories act of 1881 was amended in 1891 on the recommendations

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1. The Indian Factories Act, 1881 (Act No.XV of 1881) Bare Act The Indian Factories Act (Act No.XV of 1881), p.147, Factory Legislation in India, compiled by J.C. Kydd, University of Calcutta, 1920.

of the Bombay Factory Commission of 1884-1885 and those of the Indian Factory Commission of 1890<sup>1</sup> vide act XII of 1891. The coverage of the act was extended. Earlier the act was applicable to the factories employing one hundred persons or more now the factories employing fifty or more persons were brought under its jurisdiction provided in case of any public emergency the governor general in council or the local governments can exempt any factory.<sup>2</sup> Employment of persons below the age of nine years was prohibited, provisions were made for mid-day stoppage for half an hour for all workers with a weekly rest. Hours of employment for women were restricted to eleven a day and for child (person below the age of fourteen years) for seven a day.<sup>3</sup> This act was repealed by the Factories of 1911.

It was incorporated into the Act, now providing for cleanliness and ventilation "in such a manner as

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1. J.C. Kydd, Factory Legislation in India, Univ. of Calcutta, 1920.
  2. Ibid., p.67.
  3. Ibid., p.68.

to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health<sup>1</sup> and the act also provided that in case the inspectors felt that the dangerous conditions could be controlled by methods within the owners means then these should be provided. Following new provisions were added:

- (i) Children between the ages of 9 and 14 were prohibited full employment. They could be employed only after 9 years of age and that too for not more than seven hours a day.<sup>2</sup>
- (ii) A separate chapter (III) on health and safety, laid down the condition which were to be applied in every factory.<sup>3</sup>

In addition to that the rules regarding fencing of dangerous machinery were further elaborated.

- (~~i~~<sup>iii</sup>) Employment of women and children in certain dangerous work and at 'cotton opener' (cotton

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1. Bare Act, The Indian Factory Act of 1911, (NO.XII of 1911).

2. . Ibid.

press) was prohibited.

- (v) Chapter IV of the act of 1911 was provided for compulsory stoppage of all work (including men & machine) for half an hour after every six hour. This was a change over the previous act which, so far, provided compulsory rest for the workers but not total stoppage of work.

It was interesting, however, that almost all major industries (numbering twenty-six) involved in export business were exempted from this particular clause of the act. Apart from these, those factories which worked by shift system were also exempted.<sup>1</sup> As a health guard the Act limited hours of work to at the most twelve a day for adult male labour. "No person shall be employed in any textile factory before half past five O'clock in the morning or after seven O'clock in the evening."<sup>2</sup>

The act was repealed again in 1921 with the passage of the Indian Factory Act 1922. The coverage of this new act was extended. The factories employing

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1. Bare Act, Factory Act 1911.

2. Ibid., Art. 29.

twenty or more workers and using machanical power were also to be regulated by the act. The act could be further extended to cover the factories employing ten or more persons and/or using power, under the powers that were conferred to the provincial governments.<sup>1</sup>

From the point of view of workers this act restricted the hours of employment for adult worker to eleven a day and 60 a week,<sup>2</sup> in all the factorie covered under the act. Whereas the act of 1911 restricted hours for adult workers only in textile factories.

The employment of children upto the age of 12 years was prohibited and that of children between 12 and 15 years of age was regulated at the most to 6 hours in a day and provisions were made for a half hours rest after five and a half hour's work.<sup>3</sup>

This act also made provisions for periodic medical examination of children.<sup>4</sup>

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1. The Indian Labour Year Book, 1946, /Labour Bureau, G.O.I., 1946, p.39.
  2. Labour Legislation in India, ILO, New Delhi, 1957, p.18.
  3. Ibid., pp.20-24.
  4. Ibid.

Women and young persons under 18 years of age were prohibited to work at the works dealing with lead.<sup>1</sup>

The next factory act came in 1934. It incorporated many new provisions in the light of recommendations of Royal Commission on Labour.<sup>2</sup>

For the first time separate set of rules were framed in certain aspects to regulate labour in seasonal and perennial factories.

The factories which dealt with cotton ginning or cotton and jute pressing, decoration of ground-nuts, manufacturing coffee, indigo, lac, rubber, sugar, tea were treated to be seasonal factories.<sup>3</sup>

Provincial governments were empowered to declare any factory to be non-seasonal if it did work for more than 180 days a year and vice versa.<sup>4</sup>

From the point of view of worker's health provisions were elaborated and powers of inspectors

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1. Labour Legislation in India, ILO, New Delhi, 1957, pp. 20-24.

2. Ibid.

3. The Indian Labour Book, 1946, Labour Bureau, G.O.I., 1948, p.40.

4. Ibid.



were enlarged. Provincial governments were empowered to make rules:

- (a) prescribing standards and methods for artificial humidification;
- (b) about excessive heat at work place;
- (c) shelter for rest in the factories employing 150 or more workers;
- (d) creches in the factories employing 50 or more women;
- (e) requiring factories to secure a certificate of the suitability of any building new or altered;
- (f) employment at hazardous occupations.<sup>1</sup>

Hours of Work:

Under the act night work for women and childr was prohibited.<sup>2</sup>

For the perennial factories, the act prescrib for 9 hours a day and 48 hours a week.<sup>3</sup> In seasona factories working hours were to be 10 a day and 50

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- 1. Labour Legislation in India, ILO, New Delhi, 1957, p.19.
  - 2. The Indian Labour Year Book, 1946, Labour Bur G.O.I., 1948, p40
  - 3. Ibid.

week.<sup>1</sup>

Working hours for children were reduced from 6 to 5 a day and from 11 to 10 per day for women employees.<sup>2</sup>

In 1937 the Government of India notified for prohibition of employment of women, children and adolescents (workers between the age of 15 to 17 years) "in hazardous occupations like those involving the manufacture or recovery of lead and lead compounds and other hazardous substances like arsenic, chromium, acids, sulphides etc."<sup>3</sup>

Also the rule making powers under the factories act of 1934 were shifted from the Governor general in council to the local governments who were entrusted with the administration of the act and organization of inspection.<sup>4</sup> These powers were later on passed entirely to the provincial governments.<sup>5</sup>

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1. The Indian Labour Year Book, 1946, Labour Bureau, G.O.I., 1948, p.40.
  2. Labour Legislation in India, ILO, New Delhi, p.20.
  3. Notified by Gazette of India, 27 March 1937, Part I, pp.627-30 and 776-78.
  4. Labour Legislation in India, ILO, N.Delhi, 1957, p.20.
  5. Ibid.

By an amendment in 1940 a new chapter on "small factories" was incorporated into the act "it extended the provisions of the factories Act concerning health, safety, children and registration to factories using power and employing 10 to 19 persons."<sup>1</sup> "It further empowered the provincial Governments to declare any premises employing children to be a small factory" even if less than 100 workers were employed."<sup>2</sup>

"The Factories (Amendment) Act (XVI) of 1941... definitely empowered the provincial Governments to extend all or any of the provisions of the Factories Act to any specified manufacturing establishment or class of such establishments, working with or without power, and employing ten or more persons."<sup>3</sup>

"Factories (amendment) Act-1944 strengthened the powers of the inspector appointed by the Government to call all relevant information from the occupier of a factory before the factory was allowed to commence work."<sup>4</sup>

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.21.
  2. Ibid.
  3. Ibid.
  4. Ibid., pp.21-22.

For the first time provisions were made in the act for annual holiday with pay. The workers in perennial factories after one year of continuous service could avail a holiday of 7 consecutive days of which 6 were to be paid for.<sup>1</sup>

In 1946 the act provided for holiday of 10 days for adult and of 14 days for children with pay at the average daily wage rate.<sup>2</sup>

The working hours were further reduced -  
(a) from 54 to 48 for adults in perennial factories;  
(b) from 60 to 50 for adults in seasonal factories  
and daily limits were 9 hours and 10 hours respectively.<sup>3</sup>

Provisions regarding cleanliness, ventilation, overcrowding and lighting in factories and regarding health and safety empowered provincial Governments to authorise Factory Inspectors to call upon managers of factories to carry out such specific measures as were necessary for the safety of workers.<sup>4</sup>

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.22.

2. Ibid.

3. Ibid., p.23.

4. Ibid. p.22.

The latest Factories Act was introduced in 1948. The important changes introduced by it were:

"(1) widening of the definition of the term "factory" to cover all industrial establishments employing ten or more workers where power was used, (not necessarily manufacturing units) and 20 or more workers in all other cases; (2) abolition of the distinction between seasonal and non-seasonal factories, so that provisions earlier meant only for perennial factories will apply to all factories; (3) splitting up of a chapter III of the old act into three separate chapters dealing with health safety and welfare of workers respectively and clear specification in the act itself of the minimum requirements under those heads; (4) extension of the basic provisions of the old act relating to health, safety and welfare to all workplace irrespective of number of workers employed; (5) raising of the minimum age of employment of children from 12 to 14 years and a reduction in the maximum permissible daily hours of work of children from 5 to 4½; (6) provisions for

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licencing and registration of factories, and the prior scrutiny by the factories inspectorate of the plans and specifications of factory buildings; and (7) the grant to state governments of the power to make rules requiring the association of workers in the management of arrangements for welfare of the workers.<sup>1)</sup>

About the health of workers the new act also sought to prevent haphazard growth of factories through the provisions therein relating to approval of plans by the chief inspector of factories before the erection of the factory building is started.<sup>2)</sup> To ensure that conditions of work, as far as possible, did not adversely affect their health, the measures taken mainly related to, "cleanliness, disposal of wastes and effluents, ventilation, control of temperature, elimination of dust and fumes, artificial humidification and ~~power~~<sup>over</sup> crowding."<sup>3)</sup> These were the factors largely related to the occupational

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.25.
  2. The Indian Labour Year Book, Labour Bureau, GOI, 1979, p.193.
  3. Ibid.

diseases. Other factors directly related to the occupational injuries in factories were regulated under provisions contained in chapter IV of the act "These relate to the fencing of machinery, caring of new machinery, testing and examination of appliances and plants such as hoists, lifts, cranes, chains and pressure plants, supply of safety appliances to workers precautions against dangerous fumes and in case of fire the act empowers the state governments to frame, in the light of local requirements, detailed rules for implementing the provisions of this chapter."<sup>1</sup>

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1. The Indian Labour Year Book, Labour Bureau, GOI, 1979, p.193.

## (ii) INDIAN MINES ACT OF 1901

The first Indian Mines Act was passed in 1901. The main provisions of the act were: "(1) any excavation 20 feet below the surface where the minerals were searched for or obtained was to be regarded as a mine; (2) a chief inspector of mines was to be appointed by the Government of India and inspectorate or subordinate officers by local governments; (3) a child was defined as a person under the age of 12 years and the chief inspector was granted power to prohibit the employment of children and of women in mines where the conditions in his opinion, were dangerous to their health and safety; (4) local mining boards and committees were to be appointed to enquire into cases of accidents or dangers considered by inspector to be the result of mismanagement and into such other matters as might be referred to them; (5) powers were granted both to the Government of India and to local governments to make rules to carry out the objects and purposes of the Act in regard to health and safety, the appointment of boards and committees, of employment of women and children and the duties and qualifications of managers; (6) breaches of the law were to be



punishable by fines not exceeding Rs.50 or imprisonment not exceeding Rs.500 or imprisonment not exceeding three months, or both."<sup>1</sup>

As we see the act of 1901 defined only children, among the miners, the act did not regulate the hours of work in the mines, neither had provisions for rest & holiday. Under the act accidents were to be reported by the manager to the chief inspector of mines within 48 hours of occurrence of accident, along with the number of workers died and that of those who could not work due to injury till 48 hours of accident.

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.34.

## (iii) THE INDIAN MINES ACT OF 1923

Indian Legislative Assembly passed a new mines Act in 1923 which came in force on 1st July 1924.<sup>1</sup> This act was different in respect of the following aspects: (1) the definition of a mine was extended to include any excavation, irrespective of depth, for searching for or obtaining minerals, (2) the weekly hours of work were limited to 54 underground and 60 above ground, (3) working days were limited to 6 in the week, (4) the definition of child was amended to mean any person under the age of 13 years, and no child was allowed to be employed in a mine or to be present in any part of a mine which was below ground.<sup>2</sup> In 1928 the shift system of work was made compulsory for the mines which works for more than 12 hours a day.<sup>3</sup>

The Indian Mining Act of 1923 was further amended in 1935, whereby daily hours of work were regulated. Ten hours of work were prescribed for

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1. The Indian Labour Year Book, 1946, Labour Bureau, GOI, 1948, p.45.
  2. Labour Legislation in India, ILO, New Delhi, 1957, p.35.
  3. Ibid.

underground work and for above ground work the hours were 12 a day.<sup>1</sup> The minimum age for children employed was restricted at 15 and children between the age of 15 and 17 years were allowed to work underground provided the qualified medical practitioner certified them as physically fit for the work.<sup>2</sup>

By an amendment in 1937 the central Government made the powers of inspectorate permanent in regard to "issue orders to individual mines where danger is apprehended, to permit inspectorate to disclose evidence of danger to adjacent mine, to persons likely to be affected, and to levy a duty on coal and coke to defray the cost of rescue operations."<sup>3</sup>

In 1940 provisions were made for direct payment of wages by management to the workers instead of through contractors.<sup>4</sup>

The Coal Mines Safety (Stowing) Act (XIX) of 1937 "levies a cess for creation of a fund to finance

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.37.
  2. Ibid.
  3. Ibid., p.38.
  4. Ibid.

stowing measures (i.e. the filling of evacuated mines by sand, need arises only after extensive mining at deeper seams) and by an amendment (1940) measures against fire in and inundation of mines may also be financed out of the fund.<sup>1</sup>

In 1937 the underground employment of women was prohibited. The prohibition was lifted in 1943 and was reimposed in 1946.<sup>2</sup> Unlike the other Labour Acts the responsibility of administration and enforcement of the Indian Mines Acts lies solely with the central Government.<sup>3</sup>

"The act provides for keeping the adequate supply of drinking water maintenance of medical appliances and proper sanitary arrangements."<sup>4</sup> In 1945 provisions were made for creches at the mines employing women and in 1946 for facilities of bath at the pithead.<sup>5</sup>

The act of 1901 provided for constitution of mining Boards. It was made a mandatory in 1923

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.38.
  2. Ibid., pp.39-40.
  3. The Indian Labour Year Book, 1946, Labour Bureau, GOI, 1948, p.47.
  4. Ibid., p.46.
  5. Ibid.,

that "no draft of any regulation can be published and no rule can be made unless it has been referred to every mining board concerned. The cases of dispute between managers and inspectors were also to be referred to the mining boards."<sup>1</sup>

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1. The Indian Labour Year Book, 1946, Labour Bureau, GOI, 1948, p.47.

## (iv) THE MINES ACT OF 1952

The Indian Parliament passed a new mines act which came in force on 1st July 1952.<sup>1</sup> The act defines mine as "any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes (i) all borings, bore holes and oil wells; (ii) all shafts, in or adjacent to and belonging to a mine; (iii) all levels and inclined planes in the course of being driven; (iv) all open cast workings; (v) all conveyors or serial rope ways...; (vi) all adit level, planes, machinery, works, railways, tramways and sidings; (vii) all workshops... meant for mining; (viii) all power stations supplying power for the mine etc."<sup>2</sup>

Following provisions of the act related to health of the workers. An adult worker is required to work 9 hours a day and 48 hours a week above ground. For <sup>under-</sup>background work daily hours are 8 and 48 in a week.<sup>3</sup> The act provides for a rest of half

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1. The Indian Labour Year Book, Labour Bureau, GOI, 1979, p.197.

2. Ibid.

3. Ibid.

an hour in a day and that for a weekly holiday.<sup>1</sup>

After completion of one year of continuous employment the act provides for leave with pay. In case of persons employed below ground one leave for every 16 days of work in the previous year and for the workers employed above ground that of for every 20 days of work.<sup>2</sup>

One year of continuous service will be recognised if person has worked for not less than 190 days below ground and 240 days above ground.<sup>3</sup>

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1. The Indian Labour Year Book, Labour Bureau, GOI, 1979, p.197.
  2. Ibid., p.198.
  3. Ibid.

## (v) PLANTATION ACT

Bengal Council passed the first plantation Act in 1863. By this act the contract was fixed for five years, recruiters were required to be licenced and act made provisions for registration of immigrants.<sup>1</sup>

The act was amended in 1865 whereby terms of the contract were reduced to 3 years, monthly rate of wages were fixed, contracts were made voidable if the garden was unhealthy. Act made punishable the indolence and desertion on the part of immigrants and powers of private arrest were delegated to the planters.<sup>2</sup> In 1873 the amendment to the act allowed recruitment only under civil contract i.e. contracts registered under Breach of Contract Act (1859).<sup>3</sup>

By the act of 1882 free recruitment was allowed subject to the legal recognition of local agents in recruiting districts. And provided for execution of contracts in any labour district.<sup>4</sup>

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1. R.K. Das, Plantation Labour in India, R. Chatterjee, Calcutta, 1931, pp.31-32.

2. Ibid.

3. Ibid.

4. Ibid.



The plantation act was revised in 1889 and 1893 in the light of high mortality reported among the immigrants on the way the act ensured proper treatment for that.<sup>1</sup>

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1. R.K. Das, Plantation Labour in India, R. Chatterjee, Calcutta, 1931, p.32.

(vi) THE ASSAM LABOUR AND  
EMIGRATION ACT OF 1901

This act made provisions for Central Government to empower the local governments to close any area for recruitment except in accordance with the provisions for licenced contractors and certified sardars.<sup>1</sup>

In 1908 any recruitment was prohibited in the areas which were not notified under the act for recruitment.<sup>2</sup> The right of private arrest by planters was also abolished.<sup>3</sup>

In the same year those provisions of Assam Labour Act and Workmen Breach of Contract Act pertaining to indentured system were held null and void for the Surma valley and two lower districts of Assam.<sup>4</sup>

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.10.

2. Ibid.

3. Ibid.

4. Ibid.

(vii) ASSAM LABOUR EMIGRATION  
(AMENDMENT) ACT 1915

By this act all recruitment by contractors was abolished, the act provided for constitution of a Labour Board for supervision of local agents engaged in recruitment of labour in labour districts. The recruitment and transportation of labour from areas of recruitment to the tea gardens was further regulated.<sup>1</sup>

The indentured labour system in respect of other districts of Assam was also abolished.<sup>2</sup>

These amendments to the act however did not abolish the criminal penalties for labour under the civil contract, i.e. Workmen's Breach of Contract Act of 1859 and Indian Penal Code which made it punishable to breach the act of 1859.<sup>3</sup> These were finally abolished in 1926 by an amendment to the corresponding acts. Similarly indentured system was abolished for Madras district plantations in 1929.<sup>4</sup>

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1. R.K. Das, op. cit., pp.33-37.

2. Labour Legislation in India, ILO, New Delhi, 1957, p.11.

3. Ibid.

4. Ibid.

(viii) THE TEA DISTRICT  
EMIGRANT LABOUR ACT 1932

Under the act provisions are made for repatriation of contract at the expense of employer after the expiry of three years, as well as for the employers to pay for return journey and subsistence allowance for journey to the workers. In case the employer fails to do so the Controller of Emigration was empowered to execute the repatriation and recover the cost from employer, subject to the civil litigation by worker for repatriation. At the same time the controller was also authorized to forfeit the repatriation if he is satisfied that the labourer failed to proceed on journey at the time arranged by his employer.<sup>1</sup>

The act made provisions for Provincial Governments to declare any area to be a controlled emigration area, from where a licenced agent could forward the labourers with proper assistants and arrangements for food and accommodation.<sup>2</sup> The Assam Labour Board was abolished by this act.<sup>3</sup>

As we see that till 1952, when the plantation act was passed, there was no provision in the acts to regulate the working hours, rest, for holiday and leave with pay.

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1. Indian Labour Year Book, 1946, LB, GOI, 1948, p.52.
  2. Ibid.
  3. Ibid.

## (ix) THE PLANTATION LABOUR ACT 1952

The Plantation Act passed in 1952 and came in force in 1954. This applies to all tea, coffee, rubber or chinchona plantations on which 30 or more persons are employed.<sup>1</sup>

From the point of view of worker's health this act makes provisions for water supply and medical facilities of the standards as state Government prescribes for plantation, for creches on the plantations where 50 or more women are employed.<sup>2</sup>

Every planter is required to provide adequate housing facility for those workers and their families who lives on plantations, standards and sites are prescribed by the state Governments.<sup>3</sup> The act regulates hours of work at 54 a week, a rest of half an hour daily and weekly rest.<sup>4</sup> The minimum age for employment of children is 12 years according to the act and working hours for children and young persons i.e. below the age of 18 are regulated at 40 a week.<sup>5</sup>

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1. Labour Legislation in India, ILO, New Delhi, 1957, pp.14-15.

2. Ibid.

3. Ibid.

4. Ibid.

5. Ibid.

The act makes provision for annual leave with pay at the rate of one leave for every 20 days of work in the previous year in case of adult labour and for children one leave for every 15 days of work.<sup>1</sup>

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1. Labour Legislation in India, ILO, New Delhi, 1957, pp.14-15.

(x) LEGISLATIVE MEASURES FOR SOCIAL SECURITY

The earliest effort in this direction was taken by the colonial Government in the year 1855 by the enactment of Fatal Accident Act. This act provided for compensation to the dependents of deceased workers in case of industrial accident if the accident occurred due to fault of the employer.

Thereafter, the Workmen's Compensation Act was passed by the Legislative Assembly in 1923.

"This legislation provided for compensation on personal injury from industrial accidents and set up a special machinery to deal with the claims of compensation under the act."<sup>1</sup> At that time the act was "applied, in the first instance only to workers employed otherwise than in a clerical capacity and receiving monthly wages not exceeding Rs.300, in factories, mines, and ports, to those engaged on the railways, tramway, on loading unloading or coaling ships at docks etc."<sup>2</sup>

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1. Dr. N.M. Gupta, Social Security Legislation for Labour in India, Deep and Deep Publication, New Delhi, 1986, p.103.
  2. Labour Legislation in India, ILO, New Delhi, 1957, p.93.

The act provided for compensation in case of death, total disablement, permanent partial disablement, and temporary disablement. The compensation was given at different scales for each type of injury described above. The liability of the employer to compensate the worker was total.

In the beginning there was no protection against occupational diseases. Act was changed in 1926 when provisions were made for compensation against occupational diseases. Initially the diseases notified as occupational diseases were very few. With time many more diseases were included in the list and at present twenty four diseases are listed against which the act provides for compensation.

Some more changes have been made in the act. Now, the act applies to unorganized sectors also.



(xi) EMPLOYEES STATE INSURANCE  
ACT 1948

This act provides compulsory insurance to the workers covered under the scope of the act, against risks of sickness, maternity and employment injury which includes occupation disease also. The dependents of diseased workers are paid periodically. It also provides for medical care for the worker and his family.<sup>1</sup>

The act prescribes 'benefits' in each case and is based on tripartite compulsory contribution from the workers, employers and the government. For administration of this scheme, a central authority Employees State Insurance Corporation is constituted consisting of representatives of government employers workers, medical profession and central legislature. For supervision of execution of scheme a "standing committee" and a "medical benefit council" are constituted from among the members of corporation.<sup>2</sup>

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1. National Commission on Labour, GOI, 1969, p.168.
  2. Labour Legislation in India, ILO, New Delhi, 1957, p.105.

At present the act extends to cover the employees in factories and some other establishments, including mines, railway running sheds, shops, restaurants, cinema halls.

By the seventies the coverage of the act included all employees, workers, clerical and supervisory staff receiving wages less than Rs.1600 per month.

During the year 1981-82, scheme covered 425 centres in various states and in union territory covering about 6,388,500 employees. The coverage of scheme to number of families of insured person for medical care was 7,273,000 to about 28,219,250 persons.<sup>1</sup>

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1. Annual report, ESIC Corporation, 1981-82, p.2.

(xii) THE MATERNITY BENEFIT  
ACT 1961

The maternity benefit act provides for payment of daily wages during of confinement for a period of twelve weeks. The condition is that women should be employed at least 160 days in the 12 months immediately preceding the date of expected delivery. The act is based on principles of employer's liability unlike the E.S.I. scheme where employees qualify for benefit only after payment of contributions for a specified period.<sup>1</sup>

Before the Central Legislation for Maternity Benefit was passed in 1961, different states had passed similar acts. The first provincial law was passed in 1929 in Bombay, followed by the C.D. Maternity Benefit Act of 1930. Madras Maternity Benefit Act 1934; U.P. 1938; Bengal 1939; Punjab 1943; Indian Mine Maternity Benefit Act 1941; Assam Plantation Maternity Benefit Act 1944; Orissa

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1. N.M. Gupta, Social Security Legislation for Labour in India, Deep & Deep, Delhi, 1986, p.122.

Maternity Benefit Act 1953; Rajasthan Maternity Benefit Act 1953.<sup>1</sup>

This act like the Workmen Compensation Act does not make any provision for medical care. Beside these major legal provisions of social security, protection in the form of financial insurance is also provided under the Employees Provident Fund Scheme, and Family Pension Schemes under the Employees Provident and miscellaneous Provisions Act 1952. This scheme has been extended to Coal mines, Mica mines, Bidi workers, and Plantation Labour.<sup>2</sup> Similarly Gratuity Act 1972 also makes provisions for payment of gratuity to employees in the organized sector.<sup>3</sup> The Minimum Wage Act 1948, made provisions of payable minimum wages in all branches of industry and for agricultural labour also.<sup>4</sup>

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1. Labour Legislation in India, ILO, New Delhi, 1957, p.101.
  2. V.R. Bhattacharya, Some Aspects of Social Security Measures in India, Metropolitan Book Company, 1970, pp.89-95.
  3. The Indian Labour Year Book, Labour Bureau, Ministry of Labour, G.O.I., 1979, pp.289-90.
  4. Ibid., p.249.

Problems with the Law

These laws which provide for security or protection to workers have some problems existing in the law itself. For example, under the workmen's compensation Act the claim has to be made by the workmen only. This feature of the act has always been existed and not removed so far.

The Factories Act also in no way intervene into the process of production all it provide is some measure of protection against a particular dangerous process.

The Indian Mines Act also left the assessment of danger to the inspectorate or the staff. The workers have no legal right to decide, about the apprehension of dangers in Mines.

**CHAPTER IV : SOCIO-ECONOMIC DETERMINANTS  
OF LABOUR LEGISLATION**

The Role of the Bourgeoisie

To understand the influence of the bourgeoisie on the evolution of labour legislation in general and legislation regarding worker's health in particular, we have looked into the reports of the various associations of the millowners and merchants both in India and Britain between 1880 and 1919.

Our review is not comprehensive but all sources that we examined clearly indicate that the interest these classes showed in labour legislation was primarily due to their own vested interests of profit making. On examination of the reports and the documents which record the stands of the Manchester Chamber of Commerce, Dundee Chamber of Commerce; Blackburn Chamber of Commerce, Oldham Chamber of Commerce, and Associated Chamber of Commerce; representing the interests of capitalists in England, and the documents which record the stands of the representative bodies of Indian capitalists for example Bombay Millowners Association, Bengal Chamber of Commerce, Indian Jute Millowners Association, it becomes clear that there was a clash of interests between the two. While the former took the plea of uniform legislation under the crown and welfare of workers in British India, the latter argued that industry in India was nascent, conditions here could not be compared with other European countries and that legislation should

evolve for Indian conditions and not on the basis of uniformity.

### British Capitalists

It was during the time when whole question of factory legislation was under consideration in England that industries were started in India.<sup>1</sup> Earl of Shaftsbury pointed out in the House of Lords of British Parliament in 1875 that :

"There is also a commercial view of this question. We must bear in mind that India has the raw material and cheap labour; and if we allow the manufacturers there to work their operatives 16 or 17 hours and put them under no restriction, we are giving them a very unfair advantage over the manufacturers of our country, and we might be undersold, even in Manchester itself, by manufactured goods imported from the East."<sup>2</sup>

The Manchester Chamber of Commerce, representing the interests of cotton textile manufacturers passed a resolution in 1888 that the employment and working hours of women and young persons and children in textile factories in India should be regulated by the provisions of British

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1 Kydd, J.C., 1920, Factory Legislation in India, p. 2; University of Calcutta, 1920.

2 Kydd, J.C., 1920, Factory Legislation in India, p. 6; Calcutta University, 1920.



Factory Act.<sup>1</sup> On the same issue, Government of India expressed the opposite view. The 'Blackburn And District Incorporated Chamber of Commerce' wrote to the Secretary of States for India in the year 1890 that:

"The judgement of the Government of India is wrapped by the clamours raised by Indian millowners, who desire an unfair field for competition with England and it cannot too strongly express its opinion that in the matter of Factory Acts, there should not be one law for England and another for India, but that the Indian operatives should receive in full the same protection which is granted to their fellow operatives in England." 2

Like cotton manufacturers, Jute manufacturers also showed their concern about working of factories in India. Their representative body, the Dundee Chamber of Commerce, again raised the question of factory work in India before a meeting of 'Associated Chamber of Commerce' in 1895. The resolution demanding further legal regulation of working conditions of Indian industry moved by the Dundee Chamber of Commerce was however defeated by the General Meeting of Associated Chamber of Commerce.<sup>3</sup> Meanwhile the cotton manufacturers in Lancashire changed their attitude. Their chamber adopted the recommendations of a report of trade

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1. Qadeer, A. Roy, 1986, Work Health and Wealth, p. 56.

2. Kydd, J.C., 1920, Factory Legislation in India, p. 48.

3. Kydd, J.C., 1920, Factory Legislation in India, p. 71, Calcutta University, Calcutta, 1920.

committee of Oldham Chamber of Commerce. This report said that: -

chief advantage in India is that women and children are allowed to work in shifts which was impossible here (in England) as employment of women and children is prohibited between 7 pm and 6 am, in this respect Indian Factory Act does handicap us in our competition with native mills unless the shift system is adopted in the country (England)...the Indian Factory Act does handicap us in our competition with native mills. 1

This report expressed its doubt about supporting the Dundee Chamber's recommendation for change in Indian legislation.<sup>2</sup>

Dundee Chamber had also drawn attention of the Secretary of States for India on the following questions:

- Long working hours for children and women;
- Adequate and systematic inspection by trained inspectors;
- Shift system and hours of work which allowed the working in 2 shifts a day by a labour after a gap of one shift.<sup>3</sup>

The Chamber pleaded that "Factories conducted by the subject of crown and under the control of Parliament should be subject to similar conditions".<sup>4</sup>

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1 Kydd, J.C., 1920, Factory Legislation in India, p. 71, Calcutta University, Calcutta, 1920.

2 Kydd, J.C., 1920, Factory Legislation in India, p. 71, Calcutta University, Calcutta, 1920.

3 Kydd, J.C., 1920, Factory Legislation in India, p. 72, Calcutta University, Calcutta, 1920.

4 Kydd, J.C., 1920, Factory Legislation in India, p. 72, Calcutta University, Calcutta, 1920.

It is obvious that right from the beginning British capitalists were interested in the conditions of Indian labour out of their trade interests. In the following period pressure for better working conditions came from International Labour Organization and conferences.

### International Labour Organization and Its Role

The International Labour Organization (ILO) was created after the First World War (1914-18) when Western capitalism as a whole was facing a situation of an economic crisis. Most prominently, first the cheap Eastern countries cost of production and their large domestic markets threatened to close the Eastern markets to Western products. As Barnes, one of the negotiators of the ILO formation policies put it, "If ... ~~the~~ Eastern conditions remained low, the old industrial world would be faced with only two alternatives - either to accept a lower standard of life or lose the eastern market."<sup>1</sup> Second, the European countries were facing a strong organized labour movement with their territories thus holding up higher production costs. Alongside, and third, political and labour protest was endemic in most of the colonies. Simultaneously, and last, the 1917 socialist emergence of the Soviet Union, posing a political and social

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<sup>1</sup> George N. Barnes, History of the International Labour Office, London, William & Norgate Ltd., 1926.

alternative to the West was another significant factor leading to the emergence of ILO in 1919. Writing on ILO's emergence, B.C. Roberts says: "The Russian revolution and the subsequent creation of the 3rd International whose avowed purposes were to overthrow imperialism and to promote communism in its stead, was perhaps an even more significant event."<sup>1</sup> During this period, the Eastern European countries dominating the ILO not only forcefully put forward the interests of entire working classes, but they managed to get some very positive conventions passed and ratified. Eastern European countries role became further influential with the USSR entering the ILO.

Although the main interest of the Western Bourgeoisie was to minimise the differences in the costs of production on the one hand between Western and Eastern countries on the other hand minimise costs of production in western countries. Nevertheless, in the initial years as we have already seen, ILO passed many conventions which improved the labour legislation of the member countries.

The nature of ILO changed quite significantly especially when, in 1934, the United States of America joined it soon after, due to a constitutional amendment (1945-48) because of the impetus given to the US controlled Governing Body role in policy implementation, the United

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1 B.C. Roberts, Labour in the Tropical Territories of the Commonwealth, The London School of Economic and Political Sciences, G. Bell and Sons Ltd., London, W.C. 2, 1964.

States arrested ILO's control. Prior to the constitutional amendment, ILO's governing body was a small administrative organization. After amendment, however, especially due to the above change, the nature of ILO itself considerably changed.<sup>1</sup> From now on, the ILO became an 'Action Agency': "...the ILO serves as a action agency to promote economic growth in a framework of freedom. The technical assistance of the ILO helps to develop the human resources of the less developed countries which are the key to socio-economic growth."<sup>2</sup> US control became further dominant after it successfully sought to undermine the role of the annual conference representing interests of all independent countries.

Subsequently, as an action agency to promote economic growth within the capitalist framework. As during Senate Committee hearings, the Deputy Assistant Secretary of State for International Organization Affairs put it, "The ILO serves as an action agency to promote economic growth in a framework of freedom."<sup>3</sup>

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1 G.A. Johnston, The International Labour Organization, Europa, London, 1970, p. 40.

2 Amendment to the Constitution of the ILO. Hearing before the Subcommittee on International Organization and Movements of the Committee on Foreign Affairs, House of Representatives US, Government Printing Office, Washington, 1963, p. 2.

3 Ibid.

Through ILO, US provided technical assistance and aid to third world countries under assistance and aid programmes of ILO.

Through ILO, US extended influence on the Third World countries in organizing their labour ministries, labour bureau and in formulation and implementation of social insurance schemes and welfare measures.<sup>2</sup>

Some positive effects of these policies apart, the significant aspect of ILO operations after 1945 is that the earlier emphasis of ILO for legislative measures has been shifted to the US dominated implementation of schemes and programmes.

#### The Indian Industrialists

In the initial period of industrialization, the Indian industrialists vigorously opposed the proposed legislative measures by the capitalists in Britain. The Bombay Millowners Association was formed in 1875 to counter the pressure of the Manchester Chamber of commerce for regulation of the working of Indian textile factories. This Association influenced to a great extent the legislation passed by the Imperial Legislative Council. Despite pressure from Manchester for regulation of hours of work in textile factories, compensation against employment injuries to workers and medical treatment,<sup>1</sup> these measures were not

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<sup>1</sup> Kydd, J.C., Factory Legislation in India, p. 70, Calcutta University, Calcutta, 1920.

incorporated in the legislation for factories in India during that period. Madras Chamber of Commerce wrote to the Government of India in reply to the resolution passed in 1888 by the Manchester Chamber of Commerce for further regulation of working of textile factories that such legislation should be guided by principles conducive to the welfare of India and not by the pressure of competing interests. "The Madras Chamber attributed Manchester's action to jealousy".<sup>1</sup> The Dundee Chamber of Commerce asked for equal legislation to all the factories under the Crown.<sup>2</sup> The resolution was passed on to the Bengal Chamber of Commerce and Indian Jute Millowners Association in 1895. Both bodies jointly constituted a committee, conducted an inquiry on the basis of which they condemned the ignorance underlying the Dundee Chamber of Commerce's action:

"All the evidence the committee can gather goes to show that...women and young persons work for less than 8 hours actually spent in labour in the mill, and that in addition to having periodical days of rest and holidays: throughout the year, they take long periods of leave(which is) ...unknown at home."<sup>3</sup>

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1 B. Shiva Rao, The Industrial Workers in India, 1939, Allen & Unwin, 1985, quoted by Holmstrom.

2 Ibid.

3 Kydd, J.C., 1920, Factory Legislation in India, p. 73, Calcutta University, Calcutta.

On the point of systematic inspection the Committee of Bengal industrialists reported that

So far as the Committee are in a position to judge the rules for inspection require relaxation rather than stringency...to the inconvenience of mills and loss to mill-workers. 1

The reply to the uniform control of crown was quite bold.

The Committee said:

it is a claim that Parliament at any cost protect Dundee and similar manufacturing centres against India and the development of those industries which are...indigenous. This claim involves political considerations of supreme importance...It will give rise to many grievances...to just and widespread discontent, if such steps are implemented. 2

This attitude to oppose the legislation regulating the working conditions, reduction in hours of work and other protective measures continued as we will see in the Debates of Legislative Assembly and other records. Indian industrialists were "quite critical of the ILO" till the close of the fifties.<sup>3</sup> On the question of enactment of labour legislation the Indian industrialist from the very beginning argued that any law should be applicable for whole of India.<sup>4</sup> In 1940, the President of Indian Chamber of Commerce said that -

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1 Kydd, J.C., 1920, Factory Legislation in India, p. 73, Calcutta University, Calcutta.

2 Ibid.

3 Puri, M.N., 1958, India in the ILO, Institute of Social Studies, The Hague.

4 GOI, 1884, Report, The Bombay Factory Commission.



the industrialists are most concerned with labour legislation, both provincial and central. The necessity is to coordinate between legislations in different provinces ....Lack of coordination leads to unhappy results. 1

The All India Employer's Conference passed a resolution in 1940 while supporting the principle of social and labour legislation, urged that -

The Government of India should use its utmost endeavour to ensure that any measure undertaken for the purpose should be on a strictly all India basis including Indian states and should include Government undertakings both central and provincial. 2

Although industrialists showed much concern for social and labour legislation, on the question of payment of compensation to a worker who died after receiving some amount of compensation, the Bombay Millowners' Association suggested modification in workmen's compensation Act so that compensation to workmen should be limited to Rs. 300 or rest of the amount should be paid after deducting the money paid to the workmen during the life time. The Indian Chamber of Merchants and Commerce also reiterated this stand.<sup>3</sup> On the question of sickness insurance the Indian Chamber of Commerce said that -

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1 Indian Chambers of Commerce, 1940, The Annual Report, p. 560.

2 Ibid.

3 Ibid., p. 306.

in view of the prevailing unsettled conditions as a result of the developments connected with the war the present time is not opportune for considering long range questions of this kind. 1

Employers agreed for creation of provident fund scheme in 1940, but argued that it should be voluntary and if the worker is dismissed the share of employer payable to him should not be paid.<sup>2</sup>

This shows that the stands that the Indian industrialist took on the issue of labour legislation are guided purely by their vested interests in cheap labour and control over labour; although they expressed verbal concern for social legislation. The industrialists organized to safeguard or protect their interests. As we have seen, the Bombay Millowners Association was formed to deal with the question of factory legislation raised by Manchester. In the other fields of industry also they organized from time to time. For example the Indian Tea Association founded by British Planters in 1881 was followed by the Indian Tea Planters Association of Indian planters.<sup>3</sup> The Indian

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1 Indian Chamber of Commerce, 1940, Annual Report, Appendix Letter No. 1435.

2 Indian Chamber of Merchants and Commerce, 1940, App. p. 308, Annual report, 1940.

3 Kidron Michel, Profile of Foreign Investment in India, p. 8.

Mining Association (1892) founded by the British miners in India, had its counterpart in the Indian Mining Association (1913) and The Indian Colliery Owner's Association (1933) representing the large and small Indian miners.<sup>1</sup> The Indian Paper Makers Association representing the British paper makers interests was followed by the Indian Paper Mill Association of Indian paper makers.<sup>2</sup>

The Associated Chambers of Commerce and Industry was founded in 1920 representing the British industrial and commercial interests in India and Ceylone. The Indian industrialist and commercial interests organized into the Indian Chamber of Commerce and Industry in 1927.<sup>3</sup> Apart from these, a large number of such organisations grew with the growth of Indian capitalism. Some of these were Bengal Chamber of Commerce, the Bombay Chamber of Commerce, the Karachi Indian Merchants Association, the Indian Merchants Chamber in Bureau, Bombay, the Karachi Chamber of Commerce, the Ahmedabad Millowners Association and the United Provinces Chamber of Commerce.

Many of them continued to function in the post independent India as well and consolidated the gains of their

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1 Kidron Michel, Profile of Foreign Investment in India, p. 8.

2 Ibid.

3 Ibid.

past achievements.

The nature of the Indian bourgeoisie in independent India was and is very different from that of their counterparts in other third world countries. The Indian bourgeoisie was relatively much more mature and strong, with only a very small explicitly comprador element.

As far back as in 1944, the Indian bourgeoisie (in the Bombay Plen.) recognized the need for state capitalism. However, the specific form which state capitalism took was the result of the actual class configuration of the post-colonial Indian state. Since British colonialism had not allowed the Indian bourgeoisie to realize their full potential, the latter were forced to enter into a coalition with large landlords to jointly hold state power. The ruling class coalition is constituted of the monopoly bourgeoisie, the small bourgeoisie; the professional groups and finally, the rich peasants and landlords who depend on rent or exploitation of wage labour or both.

Indian democracy and the federal political structure provided the environment for this class coalition to function.<sup>1</sup>

#### Class Basis of the Indian State and State Planning

The weakness of state capitalism lay in the fact that the nature of state, while apparently gaining its

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<sup>1</sup> Prabhat Patnaik, "Imperialism and Growth of Indian Capitalism", in Sutcliffe and Owen, ed., Studies in the Theory of Imperialism, Longman, London, 1975.

enormous strength, made it fundamentally weak. "While on the one hand it had to maintain the balance of the class coalition and to make periodic concessions to the exploited, on the other, it could not change the position of living constituent group too strongly, for that would affect the collective strength of the coalition."<sup>1</sup>

It is in this context that one must conclude the successive Indian plans.<sup>2</sup> The First Plan though guided by no comprehensive theoretical framework, firstly, emphasized private rather than public investment and secondly, it gave priority to agriculture. In this plan expenditure on "social and the services" amounted to 23% of the total plan expenditure. Giving top priority to agriculture, infrastructural projects and health, and very little emphasis on industry appears to have been an attempt to raise the level of demand and thus the size of the home market. This, it was realized, in the absence of socio-economic reforms could be achieved only by public outlay.

Unlike the First, in the Second Plan, industry was given priority. The 18% rise in National Income as compared to the expected 11%, the good harvests of 1952-53, favourable balance of payments and fall in prices made the

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1. P. Patnaik. op.cit., p. 216

2. Bettelheim C. 1968. India Independent p 165-168.

Indian capitalists realize that heavy state financing of the capital goods sectors was to their benefit.

In the III Plan industry again got priority, followed by agriculture, irrigation and community development. The disappointment with the lack of growth in agriculture was an important factor in diverting a major share of public finance to industry.

The changing emphasis on these shows the need of the Indian State to constantly balance benefits accruing to different existing class factions as well as to make some concessions to the masses in order to perpetuate itself.

This overview of the role of the bourgeoisie during the first two decades of independence reveals that despite the proclaimed aims of welfare state and socialist pattern of society, the state power and planning process has been mainly used by the bourgeoisie to its own benefit. From this it follows that since the concerns of the bourgeoisie were overriding for the Indian state its self-proclaimed goal of socialism could have had little meaning for the workers.

(iii) The Role of the Legislative Assembly

Since the working of legislative assembly in British India reflects the emerging democratic tendencies, it is useful to study the role that this body played in British India. A review of legislative debates between 1921 to 1946 throws sufficient light on the role of the government as well as the elected and nominated members of the legislative assembly. Our review focuses on some of the debates which are on the issue of health of workers and legislation for providing better health at work and at home. These are primarily on the issue of hours of work, protection of women and children from hazards of Anthrax infection, special health services for workers or their coverage by general health service, age limits for child employment, general problems of labour like wages, bonus, right to employment, conditions of work in plantations and mines, industrial accidents and their responsibility, Insurance Schemes, (unemployment as well as health) and general issues of safety, wages, unemployment insurance, bonus, trade union rights etc.

Hours of work

In 1921 a resolution was moved to recommend to the Governor General in Council -

- a) that the draft convention limiting the hours of work of industrial worker adopted by the ILO, be ratified by him;
- b) that steps should be taken to introduce Indian legislation necessary to give effect to this convention.

While tabling the motion Sir Thomas Holland in his forceful speech said, "It is fair for us to remember that in this assembly, which purports to represent the people of India, there are very few members whose election has been influenced by the votes of labourers; it is fair for us to remember that there are fewer still who have ever themselves been active privates in the ranks of labour. I doubt if there are half a dozen of here who ever had to work for a daily wage, even as apprentices. We are mainly composed of employers and public servants and those who in the human sphere are analogous to those bees that buzz but do not manufacture honey. We should therefore, composed as we are judicially restrict our own immediate interests if they are apparently conflict with the claims of a class that cannot yet enforce its wish by constitutional means. We should also remember that the other members of the League (League of Nations 1919), whose legislatures are influenced by organized and eupenchised labour, expect us to show that India is not unprogressive in the cause of justice and liberty. Let us be generous first: we can than afford to be just to the



"The ratification of this convention has been demanded by workers in various parts of India and appears to be now generally acceptable to employers..... One of the main demands made by the mill operatives in Bombay, when they went on strike in January 1920, was a reduction of the mill hours from 12 to 10 a day..... In May of last years, a nearly general strike of mill hands occurred at Ahmedabad and there the same demand for a ten hours day was made, and similarly was granted by the mill owners... The ratification of this convention will satisfy the international conference for the time being."<sup>2</sup>

Despite government's inclinations on the question, there was some apprehension on the part of the mill owners that this would mean a disadvantage to them in their present competition with the foreigners. The government's representative, Sir Thomas Holland, had to intervene to say, "If we set the clock of progress back and refuse to set a limit to the workers week, a large number of poor men unrepresented in this house will regard it as a grave injustice. If we narrow the limit still more without first consulting

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1. Indian Legislative Assembly Debate, 1921, p. 251.  
(From now L.A.D.) - 19th Feb 1921.

2. L.A.D., p. 252, 19 Feb., 1921, G.O.I., Delhi.

employers, we shall merely dislocate the business of those who are in competition with foreigners, for we have to remember that the extension of the renaming of the term 'factory' will in future, include hundreds, perhaps thousands, of small Indian owner, small Indian employers who will be brought in under the Factories Act, which follows as one of the conventions at Washington."<sup>1</sup> The supporters of the bill on the other hand argued that, "there was a strong opposition a few years back when a suggestion was made to fix a ten-hour day and mill owners insisted on a twelve-hour day. If the prospect of a strike, always threatening to bring about a deadlock in industry, has now driven the millowners to accept a ten-hour day, I say that it is not at all a favour conferred on the workmen by the millowners."<sup>2</sup>

This motion was adopted by the Legislative Assembly.

Government Health Services for Workers.

In 1919 October, ILO had recommended establishment of government health services. When the resolution came for ratification it was tabled as the Governor General in Council "should examine the possibility of giving effect

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1. L.A.D., p. 259, 19 Feb., 1921, GOI, Delhi.

2. L.A.D., p. 261, 19 Feb., 1921, GOI, Delhi.

to the recommendation concerning the establishment of government health services." M.N. Joshi, the labour representative moved an amendment which instead of examining the possibility giving effect, asked for "steps at once to give effect".<sup>1</sup> The government representative argued that this recommendation could not be made since ILO had meant it only for women and children and secondly because, "the question of health of workers as a whole is a wider one that is dealt with by our ordinary Medical Service in India and by sanitary and public health departments as in other countries."<sup>2</sup>

N.M. Joshi was opposed by others who reasoned that "so far as we are concerned in India we have very few trades in which there is any possibility of lead poisoning occurring." "I fancy therefore that Mr. Joshi has overlooked at this long distance the sequence of event at Washington..." Despite some support for Joshi's amendment he was forced to withdraw it and the motion was adopted in its original form which in fact made it ineffective.

Minimum Age of Children in Factory Employment

ILO had recommended the minimum age of 12 years for factory employment of children specially in (a) manufacturers

1. L.A.D., P. 271, 19 Feb., 1921, GOI, Delhi.

2. Ibid.,

working with power and employing more than ten persons; (b) in mines and quarries; (c) in the transport, mail or docks. The Government representative while tabling the resolution said that the two main arguments against the motion were, "that in some the factories children form a considerable proportion of the labour - but not nearly so great, of course, as is the case in England. But very often the propotion of children employed in factories is so great that any real change in the minimum age would upset the organization of factory. In some cases it might throw out of action considerable amount of machinery now adapted to children's use, in textile factories specially."<sup>1</sup> He further pointed out that, "children it is said will be thrown out into the street and will be at a lose end.... they won't be thrown out on the street but they will be prevented from joining the factories..... It is no use saying that unless you can provide primary education, the children are much better off in the mill."<sup>2</sup> This resolution was accepted as such although there was opposition from the mill owners representatives who placed an amendment for lowering the age to 11 years from a minimum of 12 years. The amendment was however deferred.<sup>3</sup>

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1. L.D.A., p. 280, 19 Feb 1921, GOI, Delhi.
  2. L.A.D., p. 281, 19 Feb., 1921, GOI, Delhi.
  3. LAD, p. 289, 13 Sept, 1922, GOI, Delhi.

The workmans compensation Bill was placed by the commerce and industry member, Mr. C.A. Innes, who said that a Joint Committee be appointed to legislate the bill, the Government had already put in sufficient amount of work. "The demand for workman's compensation dates back in India as far as 1884 when a mass meeting of mill hands in Bombay passed unanimously a resolution claiming what was in effect a Workmen's Compensation Act, but I need not take the House as far back as that. It will be sufficient if I take them back to May 1920. In May 1920, Sir George Barnes, speaking at Lahore in connection with a north-western Railway strike, unannounced that the Government of India had the subject of workmen's compensation under its consideration."<sup>1</sup> He added, "The bill introduces a principle new to Indian legislation, if not new to Indian practice."<sup>2</sup>

He also informed the house that not only local governments had been consulted but also the most important chambers of commerce. Some of those who supported this legislation were the Bengal and the Bombay Chambers of Commerce, Bombay Mill Owners Association, Karachi Indian Merchants Association, The Indian Merchant Chamber and Bureau, Bombay, the Karachi Chamber of Commerce, the Ahmedabad Mill Owners Association and the United Provinces

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1. L.A.D., p. 289, 13 Sept., 1922, GOI, Delhi

2. L.A.D., p. 468, 13 Sept., 1922, GOI, Delhi

Chamber of Commerce.<sup>1</sup> This bill was supported in principle and it was resolved to set up a joint committee which would consist of 22 members (from the Legislative Assembly and of the Council of State) for the purposes of legislating it.

However, in 1923 when ILO's recommendations for WCA for agricultural workers and protection of women wage earners in agriculture were brought up, both were rejected by the Assembly as advised by the Government.<sup>2</sup>

#### Sickness and Social Insurance

Compulsory sickness insurance of industrial workers was again a draft convention of the ILO. The government representative while placing it before the assembly in 1928, pointed out the difficulties involved. These according to him were the migratory character of the labour in industry and his desire to go back to his village when sick, lack of qualified medical men, use of indigenous systems of medicine, opposition of workers to compulsory cuts in wages and then lack of organisation.<sup>3</sup> Despite forceful arguments by the two labour leaders against these reasons, the motion was rejected by the house.

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1. L.A.D., p. 469, 13 Sept., 1922, GOI, Delhi.
  2. L.A.D., p. 1793, 1 Feb., 1923, GOI, Delhi.
  3. L.A.D., p. 2064, 27 March 1928, GOI, Delhi.

In the year 1935, ILO again passed a resolution on unemployment insurance and other forms of relief. The draft resolution was placed before the assembly with a recommendation of the government that it should not be ratified and the resolution was rejected by the house.<sup>1</sup> In this debate the representatives of the employers argued that "there are many kinds of labourers we are all labourers, who require relief. What about the middle classes?..... They are people who require relief most in this country. .... a man getting Rs. 84 a month pays income tax and that is the man that requires relief first and foremost. It is not the industrial worker that requires relief so much...."<sup>2</sup>

In the year 1937, during a debate on the general budget, N.M. Joshi again raised the issue of social insurance for industrial workers. He said that if the wages are low and workers unwilling for deduction then wages should be increased or no deductions should be made but on no account should workers ~~should~~ be left unprovided against the risks of incidental to the lives of the working classes. He argued that voluntary schemes had failed all over the world and also that the government of India had not experimented properly

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1. L.A.D., p. 790, 13 Feb. 1935, GOI, Delhi.
  2. L.A.D., p. 1123, 21 Feb., 1935, GOI, Delhi.

with the compulsory scheme.<sup>1</sup> Despite Joshi's clear arguments and ardent appeals, the house turned down his motion.

#### Bill for Safety in Coal Mines

A bill to provide for safety in coal mines was debated in 1939. The technical arguments in favour of safety were sound and stowing was considered an appropriate safety measure, the representatives of the mill owners argued that this was uneconomical, it went against the interest of the Indian entrepreneur in a competitive situation and that it talked of safety in mines where in fact there were no workers, since the mines were closed anyway.<sup>2</sup> This bill too was rejected by the house with only five members supporting it.

#### The Mine Maternity Benefit Bill

This bill was brought to the Legislative Assembly in 1941. It proposed to regulate the employment of women in mines for a certain period before and after child birth and to provide for payment of maternity benefit to them. The Bill was debated and the official proposition of four weeks before and four weeks after child birth with a payment at the rate of 8 annas a day was challenged by labour leaders who argued for an increase of one rest period to 6 weeks

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1. L.A.D., pp. 1523-24, 6 March 1937, GOI, Delhi.

2. L.A.D., pp. 3215-17, 3 April 1939, GOI, Delhi.



and of payment to the average daily earning of the women ~~of~~ not less than 8 annas. The then Labour Secretary Mr. H.C. Prior informed the house that there still were fifty thousand working in the mines. He also said that Bihar, Orissa and Panjab were yet to introduce this legislation for their factories. The lack of any such legislation in plantations and small industries was also pointed out by N.M. Joshi.<sup>1</sup> Though there was agreement on the principle of the bill, its specifications were debated the majority of the members sided with the government to keep the terms of benefits as defined by it. The representatives of the millowners refused to agree to wages at a level of the higher average. They argued that there were women who were earning less than 8 annas also and the government was anyway giving them more. They argued "who is going to suffer thereby. The employer. Have we any reason or justice to ask him to pay this woman more than what she earns?"<sup>2</sup> The amendment therefore was defeated.

Apart from these specific debates on issues regarding workers health, the legislation regarding health was also debated at other times as a part of general problems concerning labour. We take here ~~from~~ such examples

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1. LDA, 1941, p. 427, 5 Nov. 1941.

2. 441, 1941. L.A.D.

from legislative assembly debates of 1924, 1933, 1935 and 1944. In the year 1924 when the budget demands of the department of industries and labour were being discussed N.M. Joshi and Chaman Lal raised issues of unemployment insurance, post retirement security, low wages despite very high profits to the capitalists, extremely poor living and working conditions, long hours of work in mines, non implementation of workman's compensation Act, high accident rates etc. Mr. Chaman Lal demanded an enquiry into the exploitation of the Indian worker.<sup>1</sup>

In 1933 during a debate on the general budget- list of demands, N.M. Joshi raised the issue of delay in implementation of the RCL recommendations regarding health- insurance schemes for workers and Maternity Benefit Scheme throughout India.<sup>1</sup> He then urged the assembly to see that these long pending actions are not delayed any further.

In the year 1935, again during a budgetary debate Joshi and V.V. Giri with the help of some supporters look up matters related to labour. Joshi focussed on, "the failures of the government to pay sufficient attention to the maintenance of good health of the industrial worker in this country..... it is a matter of great economic advantage

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1. 1766-1341, 1924.L.A.D.

2. L.A.D., p. 1837, 9 March 1933, GOI, Delhi.

to a country.... There are a number of people who generally accuse the working class of this country of being not as efficient as the working classes of other countries.... the working classes of this country are not congenitally less productive.... I feel their productive capacity is as good as the productive capacity of the working classes of other countries..... I am prepared to admit that the work, which they do in factories today, on account of difference in conditions, may not be as the work done by others."<sup>1</sup> Joshi also took up Royal Commission on Labour's recommendation for a full investigation on the statistics for illness and injuries among employees. After scrutiny of this statistics the commission had suggested that a formal committee should be appointed in order to examine all this material, and if possible to recommend a scheme for the provision of medical relief as well as maintenance during sickness of the working classes. He pointed out that nothing had been done in this regard four years after the recommendation was made.<sup>2</sup>

The representative of the mill owners Mr. H.P. Mody (of Bombay Mill Owners' Association) severely criticised Mr. Joshi and said, "he seems to be against every single activity, action policy of the government of India.... we have seen that the devoted Secretary of his department, Mr. Clow, has

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1. L.A.D., p. 2116, 12 March 1935, GOI, Delhi.

2. L.A.D., p. 2117, 11 March 1935, GOI, Delhi

not spared himself in his effort to implement such of the international Conferences' Resolutions and recommendations of the Whitlay Commission that are capable of being put into practical effect in the present stage of India's development. Yet, my honourable friend gets up here and wants to censure government for its failures to do anything for the labouring classes.<sup>1</sup> He further argued that, "capital had a right to a reasonable remuneration for what it has put in, and if there is no capital there is no labour. .... all those schemes of welfare work, which have been adopted by more advanced countries which can afford those things, cannot bodily be transplanted into India and made operative."<sup>2</sup> Sir Fank Noyec, member for industries and labour also took up issues with Joshi and said the question of health insurance, "is not one on which, in present circumstances at least, all India legislation is desirable."<sup>3</sup>

In 1944 N.M. Joshi again took up issues with the government of India for "a policy of neglect" of the Indian labour. He pointed out that given the cheap and abundant labour availability in India, long hours of work were not necessary for higher productivity which would be better achieved by a shift system. He also pointed out specially

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1. L.A.D., p. 2125, 11 March 1935, GOI, Delhi.
  2. L.A.D., p. 2126,
  3. L.A.D., p. 2128, 11 March 1935, GOI, Delhi.

unfortunate treatment of the unorganised labour with specific reference to those belonging to backward classes.<sup>1</sup> Another member of the house, Shrimati K. Radha Bai Subbarayan criticising the anti-labour attitude of the government said, "The Royal Commission on Labour is ancient history, I wonder if the honourable member for Labour is aware that even here, very near us in Delhi, there are a few factories for making ball thread where about three to four thousand women are working in most appalling conditions... next door to the grand capital of India there were places where human beings should not live and should not work.... the women work from 7 AM to 7 PM and earn a miserable pittance of six to 8 annas a day.... The provision of Factories Act are not applied to these factories. These women do not know their rights and the employers are therefore able to exploit them as much as possible."<sup>2</sup> She argued that, "it is not increase of officers (inspectors) that will help workers. A change of policy on the part of the government if necessary for improving the conditions of the working classes."<sup>3</sup> The government's representative Dr. B.R. Ambedkar maintained that, "the conditions of labour in this country are largely governed by the industrial development of this country over

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1. L.A.D., p. 1178, 16 March 1944, GOI, Delhi.
  2. L.A.D., p. 1181, 16 March 1944, GOI, Delhi.
  3. L.A.D., p. 1182, 16 March 1944, GOI, Delhi.

which the government has hardly any control, and therefore it is no use laying my accusation at the government of India if the conditions are really unsatisfactory."<sup>1</sup>

On the basis of our review of these debates, certain broad trends can be identified. They have persisted throughout the period between 1922 and 1946. These are:

- i. The legislative Assembly debates reflect that the ILO played a crucial role in the formulation of certain labour laws which were passed as convention then placed before member nations for ratification within a year (with some grace period). The late twenties and thirties was the period when ILO had a significant representation from socialistic democracies and then labour organisations. Italy, France and latter USSR played a crucial role in getting some of the most progressive legislations passed. The Indian legislative debates of the period show that most of the labour legislation that was discussed was brought before the legislative body not by the government or Indian representatives but by virtue of ILO convention of which India was a member.

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1. L.A.D., p. 1187, 16 March 1944, GOI, Delhi.

- ii. When the legislation was tabled, the government gave its recommendations and invariably the house decided according to the recommendations of the government.
- iii. The class character of the legislative assembly was conspicuous by the absence of any elected representatives of labour initially. Only N.M. Joshi, a Bombay based labour leader represented them as a nominated member. Later Joshi was joined by Diwan Chamanlal another elected member from Punjab and still later by Brajendra Narayan Chaudhary and V.V. Giri who were elected representatives of the labour. Though these labour leaders did have sympathisers, it is clear that they were a minority when it came to attacking the vested interests of the Indian capitalists. Thus when a legislation was considered sympathetically it was more due to a conflict between Indian and foreign capitalists, due to the enlightened self interest of the Indian capitalists who professed a sense of "duty" towards the labour that they employed because the government fully supported it. The latter were not infrequently results of active pressure of workers on their employers and political pressure as in the case of reduction of hours of work or Workman's Compensation Act.

- iv. Invariably most pioneering and innovative legislation that came from ILO was rejected the case of as was health insurance unless and until already there was enough pressure in the country for the enactment of a given legislation as was the case of Maternity Benefits in Mines. Thus the legislations where government recommended acceptance, were largely those which were already accepted by the mill owners and for which action had already been taken.
- v. Given their comfortable majority, the government often used one argument to legislate an Act and the same argument to reject another. For example, the "migratory character of the Indian labour", was considered an important reason for withholding insurance schemes<sup>1</sup> but when Workman's Compensation Act was passed it was deliberately mentioned that the workers migratory characters must not come in their way for getting compensation.<sup>2</sup>
- vi. The anti-labour composition of the Legislative Assembly was also evident by its domination by the employers, middle class professionals and representatives of landlords.

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1. L.A.D., p. 1122, 21 Feb 1935, GOI, Delhi.

2. L.A.D., p. 472, 13 Sept. 1922, GOI, Delhi.



## (i) THE ROLE OF THE GOVERNMENT

The industries grew and demanded more labour and the issue of supply and maintenance of a labour force became crucial, the government of India constituted different commissions & committees to enquire about the labour conditions from time to time and also took interest into the questions of mobilising and maintaining labour force for industries. The first commission of importance was constituted by the Government of Bombay in 1875 to look into the conditions of labour in Bombay textile industry. This was followed by Assam Labour Inquiry Committee-1906, Bombay Labour Commission 1884, Bengal Labour Enquiry Commission and the Indian Factory Commission of 1890. These had limited objectives of finding the means of labour supply, the hours of work, for women & children, age of children employed, sanitation etc.

In 1908 the second Indian Factory Labour Commission for the first time studied the socio-economic conditions of labour employed in factories.<sup>1</sup>

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1. Report. the Indian Factory Labour Commission,  
G.O.I., 1908.

The Royal Commission on Labour appointed in 1928 for the first time undertook an inquiry into the issues related to labour and related aspects in all industries employing wage labour.<sup>1</sup> The nature and scope of these government commissions has thus continuously changed over time.

Before the Royal Commission of 1928, only the Chamber of Commerce and Government Departments were represented on the Commissions and Committees by nominated members. It was the Royal Commission which had two nominated members - Mr. N.M. Joshi and Mr. Chaman Lal - representing labour as well.<sup>2</sup>

Another feature over time is the gradual increase in the scope of inquiries.

In this section we will see what were the observations of main committees and commissions about the labour policy in general and legislations concerning health in particular in nineteenth and twentieth centuries before and after independence.

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1. Report. The Royal Commission on Labour, Delhi, 1931.

2. Ibid., p.A.

Commissions between 1875-1928

The first Bombay Labour Commission was constituted following the directives of the Secretary of States for India by the Government of Bombay in 1875.

The main subject of enquiry were, fencing of machinery; age of the children employed; hours of work; holidays; sanitation; ventilation; necessity of legislation.<sup>1</sup>

The report pointed out that machinery is protected and that it is necessary and desirable; children of eight years are generally employed, factories work from sunrise to sunset with half an hour's rest; holidays are not fixed; that the health of operatives is stated to be good and that they do not suffer from long hours except in some of the cotton gins and presses; ventilation is generally neglected; that a plain act may be enacted.<sup>2</sup> But any Imperial Act that may be passed should not interfere more than is "absolutely necessary with the working of factories, for these must be considered as highly important, both politically and financially, and

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1. J.C. Kydd, Factory Legislation in India, Calcutta University, 1920, p.7.
  2. Ibid., pp.7-8.

of great benefit to the country generally, and they require encouragement of every description."<sup>1</sup>

On the basis of the report of Commission of 1875 the Imperial Legislative Council passed the first Factories Act in 1881, Government of Bombay constituted another commission report on the working of the act of 1881.<sup>2</sup>

Meanwhile Mr. Meadkind Majesty's inspector of factories, was deputed to study the working of Act of 1881 in 1882, <sup>He</sup> the several criticized the total absence of sanitary provisions in the Act of 1881.

The sanitary commissioner enquiring about sanitary aspects of Bombay Mills also advocated for sanitary provisions in the Act. "That it is most desirable that a section be introduced into the act to insist on every factory to be kept in clean state" for provisions of fresh air and removal of dangerous gases, dust, vapours.<sup>3</sup>

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1. Report of Bombay Factory Commission, (J.C. Kydd), p.10.
  2. J.C. Kydd, Factory Legislation in India, Calcutta, 1920, p.25.
  3. Ibid., p.27.

In the report of the Commission pointed out that any amendment or change in the Factory Act should be for whole of India. That all factories employing 20 or more persons and using power must be brought under the scope of Act.<sup>1</sup> That local governments should be empowered to make sanitary rules according to local requirements.<sup>2</sup>

Act should include regulations regarding employment of women and children. Any factory with 10 women or children must be brought under the Act, hours of work must be 11 a day.<sup>3</sup> In mofussil and in smaller factories like that of ginning, presses should be permitted to work for 16 hours employing women and children.<sup>4</sup> Commission recommended for weekly rest and an interval of half an hour for the day.<sup>5</sup>

The Commission of 1890, which had undertaken to study the working of factories for India, recommended

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1. J.C. Kydd, Factory Legislation in India, Calcutta, 1920, pp. 33-40.
  2. Ibid.
  3. Ibid.
  4. Ibid.
  5. Ibid.

that legal provision of 11 hours a day for women is sufficient and working of mill from daylight to dusk should continue because the owners were not ready for this and the workers feared that any reduction will deprive the women of their employment or will reduce their wages.<sup>1</sup>

The question of housing was considered for the first time by the Textile Factory Committee in 1906, and pointed out that for permanent good of the mill workers housing and the surroundings of mill-hand are more important than legal provisions.<sup>2</sup>

Similarly Factory Labour Commission of 1908 for the first time made a survey of "economic position and habits of Indian mill operatives."<sup>3</sup>

The Commission held that many of the factory laws are made without giving due consideration to the habit of Indian operatives.<sup>4</sup> That factory worker is primarily an agriculturist or labourer at land

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1. J.C. Kydd, Factory Legislation in India, 1920, p.57.

2. Ibid.

3. Ibid., p.98.

4. Report. Indian Factory Labour Commission, 1908, Calcutta, 1908, p.20.

which is his hereditary occupation, and his home is village where his wife and family keep on living and not the city.

That industry faces scarcity of labour, Indian labour is generally casual and incapable of prolonged and intense effort and gives a low output. Indian workers generally spread the work over a long period of time during which he leaves the work for both, smoke, meals through the day. Therefore any regulation in hours of work must consider these aspects.<sup>1</sup>

Commission also considers the question of wages but held that, "the Indian worker do not respond to economic stimuli and rise in wages will reduce the labour supply because worker do not work till they have money with them."<sup>2</sup>

About conditions of worker commission says that both adult male and female operatives are generally healthy. Health of children employed in factors is not good. Dr. Nair, a member of this commission in his minutes of dissent<sup>3</sup> disagreed with

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1. Report. I.F.L.C., 1908, p.20.
  2. Ibid., p.23.
  3. Ibid., pp.81-88.

these assumptions and explains that hard work, low wages and lack of housing, of medical facilities are the cause of these features which the commission observed as "habits of Indian factory workers".

Indian Industrial Commission (1916-18) was "instructed to examine and report upon the possibilities of further industrial development in India".<sup>1</sup> The commission observed that "the conditions under which factory labour lives shows that these are in the highest degree antagonistic to any improvement in efficiency." These conditions are not easy to alter.<sup>2</sup> The commission held that it is because of low standards of living and lack of education.<sup>3</sup> Further the commission pointed out that this low efficiency is contributed by the inferior physique and tropical conditions; and that inferior physique is to some extent the result of preventable diseases and other remediable causes.<sup>4</sup>

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1. Report Indian Industrial Commission, 1916-18, GOI, Calcutta, 1918, p.xv.

2. Ibid., p.71.

3. Ibid., p.71.

4. Ibid., p.179.



In this argument we find that it was the efficiency of workers to be improved by education, improved housing, and a general policy of betterment in which an organization for the care of public health must play a prominent part.<sup>1</sup> The problem must be solved without delay, if the existing and future industries of India are to hold their own against the ever growing competition which will be still fiercer after the war. No industrial edifice can be permanently built on such unsound foundations as those afforded by the Indian labourer under its present conditions.<sup>2</sup>

The Commission recommended organization of health care, education and that government should use its power to acquire land on behalf of employers for housing of labour. Local authorities should maintain sanitation and it would be undesirable and unjust to compell individual employer to house their own labour.<sup>3</sup>

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1. Report, Indian Industrial Commission, 1916-18, p.179.

2. Ibid., p.179.

3. Ibid., p.190-282.

The Commission did not recommend reduction in hours of work and held that Indian Labour is inefficient generally.<sup>1</sup>

Commissions during 1928-1946

Royal Commission on Labour gave its view on general health and welfare of Indian workers and concluded that "thus poverty leads to bad conditions, bad conditions to inefficiency, and inefficiency to poverty."<sup>2</sup> Commission also observed that factory worker as a rule is prepared to abandon the factory if he gets opportunity to work at village or his health is affected 'due to climate'.<sup>3</sup> Therefore the commission assumed that it was the poverty ignorance and climate which are responsible for poor health of workers. As a remedy on one hand the Commission suggests that endeavour must be made to enhance efficiency to increase the earnings.<sup>4</sup> And on the other hand that "great improvement can be secured

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1. Report, Indian Industrial Commission, 1916-18, p.460.
  2. Report, Royal Commission on Labour, GOI, 1931, p.208.
  3. Ibid., p.13.
  4. Ibid., p.208.

by the application of the knowledge of preventive medicine. Much of the miseries arising from sickness and disease can be prevented by methods which are well-known and well-tested."<sup>1</sup> The commission blamed climate, poverty and ignorance which led to outbreak of epidemics.<sup>2</sup> It also argued that diet of worker is unsatisfactory and inadequate hence physique is weak and the stamina low and this led to low earnings. Therefore the commission suggested that research on nutrition should be conducted, public health departments should be strengthened to deal with industrial hygiene. Population also exert considerable influence in depressing the general standards of living. This also calls urgent action.<sup>3</sup> On the issue of increase in accident in factories,<sup>4</sup> and in mines,<sup>5</sup> the commission considered that the factory act appears to be adequate in most directions,<sup>6</sup> and that mines

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1. Report R.L.C., GOI, 1931, p.243.

2. Ibid., p.244.

3. Ibid., pp.243-45.

4. Ibid.

act has adequate provisions about accidents the need is to inculcate the skills and a changed character of labour.

The Labour Investigation Committee (1946), pointed out that "causes of sickness among industrial workers also well-known and comprise epidemics, low vitality, malnutrition, bad and insanitary housing and due to city life."<sup>1</sup> "From the workers point of view sickness is a double calamity involving not only loss of income but also of employment and health. The committee says that the incidence of sickness among the worker is higher and it is the tendency of the worker to go on working only to aggregate the sickness. Severe chronic diseases as TB, malaria, dysentery are neglected with dire consequences to the worker's health."<sup>2</sup> "That a large proportion of absenteeism (% of absent over the number of workers scheduled to work) in factories plantations and in mines is contributed by sickness and in such a situation the worker often retires to village home expecting to recover with the help of nature."<sup>3</sup>

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1. Report, Labour Investigation Committee, 1946, GOI, Delhi, p.376.

2. Ibid., pp.375-76.

3. Ibid., p.376.

This Committee also noted that the medical care provided to workers is hardly adequate and generally inefficient, functions with a high degree of red-tapism and the "real needs of the workers are not properly attended to,"<sup>1</sup> also that workers have little confidence in the treatment provided.<sup>2</sup> The committee expressed that "urgent necessity of providing medical care under some sort of insurance scheme, has been long felt in India, committee recommended that as the scheme under consideration of Government should provide insurance against sickness accompanied by insurance against employment injury and child birth."<sup>3</sup>

About the workmen's Compensation Act committee found that in small establishments and in mofussil areas attempts are commonly made to avoid the payment of compensation to the workers. Many workers are not aware of their legal rights.<sup>4</sup>

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1. Report Labour Investigation Committee, GOI, Delhi, 1946, p.376.

2. Ibid.

3. Ibid.

4. Ibid., p.52.

In such a situation as exists in mofussil areas where no agency is available to assist the worker, a worker is sometimes faced with the alternative of pressing his claim for compensation and losing his job as a consequence of it or accepting whatever is offered by his employer in lieu of continuing the service.<sup>1</sup> The committee pointed out that it is because the small employers do not insure their liability unlike the majority of bigger employers.<sup>2</sup> The condition of the worker in this respect was more vulnerable in the case of contract labour and in seasonal factories as observed by the committee during its investigation.<sup>3</sup> About maternity benefit Acts the findings of the committee revealed more serious state of affairs in association of these general trends. The committee found frequent dismissal of the women employees at frequency, general preference toward recruiting unmarried girls, widows and women past child bearing age.<sup>4</sup> It also observed

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1. Labour Investigation Committee, Manager of Publication, Delhi (GOI, 1946), p.52.
  2. Ibid., p.53.
  3. Ibid., pp.54-55.
  4. Ibid., pp.56-57.

a general lack of coverage in many places and sectors of industries.

About the safety provisions in law the committee was of the opinion that those provisions were not always observed by employers and due to inadequate inspection not always properly enforced. The committee recommended that to prevent accidents provisions should be made for a "more elaborate machinery for prevention of accidents in factories, mines, etc."<sup>1</sup> The committee held that a safety code embodying provisions of both a general and specific character which can be applied to hazardous industries should be formed.<sup>2</sup> It is interesting to note that earlier commissions to a great extent attribute the causes of industrial accidents to the skill and character of labour as well as recommended stringent enforcement of law. The Labour Investigating Committee is the first to point out that the safety devices provided by industries were unsatisfactory and thus enhance the risks in Indian industries.<sup>3</sup>

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1. Labour Investigation Committee, 1946, GOI, Manager Publication, Delhi, p.377.

2. Ibid., pp.376-77.

3. Ibid., p.376.

During this period two more important committees were set up, one to look into health conditions in general - the Bhore Committee<sup>1</sup> and the other to devise a compulsory insurance scheme for health - the Adarkar Committee<sup>2</sup>. While the former agreed in principle with the need for health insurance the latter charted out a detailed plan for the insurance scheme.

#### Five Year Plans of Independent India

The labour policy in Independent India was inuniciated in 1951 when the Government of India launched the first five year plan. The plan document states that "the workers should at least have the means and facilities to keep himself in a state of health and efficiency, ...the working conditions should be such as to safeguard his health and protect him against occupational hazards. The work place should provide reasonable amenities for his essential needs, (therefore), he should be

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1. Report of the Health Survey and Development Committee, vol.1, 1946, Calcutta.
2. Report on the Health Insurance For Industrial Workers, G.O.I. Press, Simla, 1944.



assured of a reasonable measure of security against the various natural and other risks to which he is exposed.<sup>1</sup> It also mentions that health of the worker is primarily a question of adequate nutrition and housing.<sup>2</sup> Although it recognized the hazard at work places and the fact that economic conditions of the working class have 'not improved' due to rising price levels, and that the living conditions in most of the industrial areas have deteriorated.<sup>3</sup> The document lay emphasis on the efficiency of plants in industries and that of workers as a remedy of this situation. It stated that, "in an undeveloped economy it (the labour class) cannot build for itself a better life except on the foundations of a higher levels of productivity to which it has itself to make substantial contribution."<sup>4</sup>

The document further says that the "labour will be serving itself best by observance of greater

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1. The First Five Year Plan, A draft outline, Planning Commission, GOI, Delhi, 1951, p.180.
  2. Ibid.
  3. Ibid., pp.180-81.
  4. Ibid., p.181.

duties",<sup>1</sup> which were pointed out is "to provide the satisfaction of the economic needs of the community in the best possible manner",<sup>2</sup> which is a constructive endeavour in which both employers and workers are co-partners.<sup>3</sup>

At the same time the document mentions "the failure of industry (after second World War 1939-1945) to renovate and modernize plants and rationalize management."<sup>4</sup> In other words a contradiction existed in the planning process right from inception. Higher productivity was considered the only way for workers betterment and workers were expected to perform their duty to society and themselves by increasing production on which they had little control. But the owners of capital who were to modernize and rationalize production, were left alone to define their own roles in the service of society. For them surplus production itself became service. The issue whether they used it as personal profit or as national investment was

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1. The First Five Year Plan, A Draft Outline, Planning Commission, GOI, New Delhi, 1951, pp.181-89.

2. Ibid., p.181.

3. Ibid., pp.180-84.

4. Ibid., p.180.

treated as insignificant.

The document also noted that working conditions required to be improved to get the best out of workers in the matter of production. The Factory Act 1948, The Mines Act 1952, and the then proposed central legislation have this common objective and are sufficient for the purpose.<sup>1</sup>

It noted that, "satisfactory standards have not yet been achieved in respect of enforcement in many areas factory inspectorate need to be strengthened for this purpose, specially in respect of occupational diseases and other matters relating to the health of the workers which call for association of medical experts."<sup>2</sup>

The Second Five Year Plan document states that "A socialist society is to be built not solely on monetary incentives but on ideas of service to society and willingness on the part of later to recognize such service... and worker in his our way is helping

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1. The First Five Year Plan, Planning Commission, GOI, Delhi, 1951, pp.187-88.

2. Ibid., p.189.

to build a progressive state.<sup>1</sup>

The document set the goal of progressively speeding up production. Any indiscipline, stoppage of production and indifferent quality of work will have to be guarded."<sup>2</sup> This reveals at crystalization of the labour policy which proposed that strikes and other ways of protest through which the labour express its needs and problems should not be tolerated both in private and in public sector. On this issue the Third Five Year Plan said that "neither the Exercise of their organized strength in industrial conflict nor laws and intervention of state can help the workers much in realizing their aspirations. Their gains can arise only out of dynamism of the economy based on rising level of productivity."<sup>3</sup>

The Fourth Five Year Plan unlike the previous plans did not reiterate a positive labour policy, instead it stated that,

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1. The Second Five Year Plan, Chapter 27, Planning Commission, GOI, Delhi, 1956, p.572.
  2. Ibid.
  3. The Third Five Year Plan, Planning Commission, GOI, Delhi, 1961, p.261.

"the legislation already enacted and the voluntary (tripartite) arrangements, ... will continue to form the basis of labour policy during the fourth plan."<sup>1</sup>

The plan stated that the Government proceeded from two basic concepts, (a) that both workers and employers are the partners in maintenance of production and the building up of the national economy; (b) that community and the employers are thus under obligation to protect the well being of workers and in their securing the gains of economic development. The plan assumed that the main structure of these protective measures has been created by the various legislative measures enacted during the previous three plan periods.<sup>2</sup>

The Fifth Five Year Plan (1978-83) stated that so far labour policy has been "preoccupied mainly with the organised section of the labour force in India and that the time has come when labour policy should be much more concerned with the interests

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1. The Fourth Five Year Plan, Planning Commission, GOI, Delhi, 1968, p.386.
  2. Ibid., pp.386-400.

of the vast masses of workers who are outside the organized sector."<sup>1</sup> The plan document gives statistics showing that the entire organized sector constitute less than 10% of the total labour force their wages (money) are increasing. The figures gives for unorganized sectors shows that the real earning in unorganized sector have decreased by 10 to 18% over last ten years. It proposed a more comprehensive policy than it was in the past and it envisaged earliest possible unionization of urban informal sector workers.<sup>2</sup>

The plan laid emphasis on strengthening of organizations for implementation of safety provisions in the legislation.<sup>3</sup> Regarding coverage of ESI, Employees Provident Fund Act, Family Pension Scheme, Gratuity Act, the plan proposes that these should gradually extended to other groups of works. It envisaged the extension of ESI to mines and of Provident Fund Scheme to the smaller factories only.<sup>4</sup>

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1. The Fifth Five Year Plan, Planning Commission, GOI, Delhi, 1978, p.170.

2. Ibid., pp.170-72.

3. Ibid., pp.172.

4. Ibid., pp.272-73.

This review of official attitude of the governments of British and independent India throw up some interesting comparisons as far as issues of labour policies & legislations were concerned. In the British India upto 1920's, there was slow but expanding recognition of issues of industrial labour by the government. The initial official attempts were to force them to work or to entice them to work. The government openly protected the interests of the capitalists and blamed the 'ignorance', 'incapability', 'habits', 'poverty', 'rural background' and 'lack of dynamism' of the worker for his poor output.

Gradually however, they were forced to recognise the legitimate needs of the labour and began to recommend improvement in working and living conditions although they invariably used the rider "within the means of the mill owners" or that "the measures should not be beyond their economic capacity". Regarding the health of the workers, while the initial official reports declared them healthy, the latter reports recognised their poor health but located its cause outside the work place. For example, the Royal Commission on Labour 1931, blamed their poverty and

living conditions for their ill health and the Labour inquiry committee despite recognising the unhealthy working conditions blamed the workers' habit "to go on working and neglect his health." Victim blaming therefore was a persistent feature of the British official reports. It must however be conceded that they often presented vivid insights into the problems as well, and at times made pioneering suggestions. These invariably went unheeded.

In contrast with the government of British India, the national government of Independent India through its planning process, revealed a new enthusiasm for the welfare of workers, their organisational rights and their role in the building of independent India. These initial reflections of sympathy however were soon lost when the hard task of building India's capitalist economic base was taken up and internal conflicts of the economy had to be handled.

Our short review of India's first Five Year Plan reveals a persistent contradiction between the interests of the worker and the owners of capital who get protective treatment by the planners consistently. Thus while productivity per se is emphasised and workers betterment is seen as an



outcome of a dynamic economy, the control of owners on production and the distribution of this production is never questioned.

Though compared to the British period, there is a much more sympathetic attitude towards workers which is reflected in the legislations enacted between 1947-1979 and in the formation of tripartite committees (where workers, capital and Government representatives met and discussed common issues), over the twenty five years after independence a certain shift is clearly visible. Thus while the first plan had a positive policy statement on labour policy by the fourth plan it is said that the existing legislation provides the basis for a labour policy. This was a retrogressive step in itself. Similarly, while the first plan emphasised labour's duty to produce and at the same time underlined the need to modernise and rationalise industrial production, the following plans harped only on workers responsibility and produce but did not assess the process of modernisation, rationalisation and its impact on the worker. Thereby the notion that rising productivity alone can lead to the improvement in the conditions of the labour was never actually

questioned although there was enough evidence to show that this is not necessarily so. The national Commission on Labour 1969, accepts that inspite of increase in production the real wages of labour has not increased accordingly.<sup>1</sup>

The plans reflect a bias towards the capitalists by treating them as "equal partners" in the process of production and thereby they absolve government from the responsibility of protecting the weaker partner - the worker. As a result the initial commitment to provide adequate social security remained an unfulfilled task.

It however needs to be recognised that in order to seek the co-operation of the Labour keep its political promises and built welfare capitalism, the national government did make some positive efforts towards providing social security. According to Hasan, Between 1952-57, the social security principle was accepted, sickness insurance, Maternity Benefit and other securities were offered, social assistance measures were introduced in some states for the first time, Provident fund scheme and efforts to provide

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1. Report National Commission on Labour, Min. of Labour Employment & Rehabilitation, GOI, New Delhi, 1968, p.15.

some kind of protection against unemployment was started.

Apart from the creation of special Government department for Labour welfare and tripartite bodies a National Commission on Labour (1969) was set up. This commission found several shortcomings in the working of the Workmen's Compensation Act like failure of small employers to ensure liability, absence of medical care and treatment (similar observations were made by Labour Investigation Committee and shortage of the administrative machinery.<sup>1</sup> Commission also pointed out the lack of coverage of maternity benefits under the maternity benefit Act 1961, recommending that the act "should be adopted in all states as early as possible".<sup>2</sup> The Employees State Insurance Scheme another major measure of social security was also recommended to be improved concerning coverage, treatment of special diseases, administrative set up, provision of indoor treatment etc.<sup>3</sup>

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1. Report National Commission on Labour, Min. of Labour Employment & Rehabilitation (1968), GOI, 1969, p 165.
  2. Ibid., p.xiv.
  3. Ibid., p.169.

The commission found that the right of women to employment is considered secondary to that of man and employment of children is common in unorganised sectors of economy in organised sector is not regulated by the act. Commission also observed that inspecting staff took a lenient view of breach of child labour provisions.<sup>1</sup> The National Commission on Labour's view "that statutory provisions about safety and safety equipment are inadequate; Effective enforcement is what is needed" in a way reveals a reality where the government concedes its inability to implement legislation which it enacted and closes to ignore their inadequacies and flaws as we have observed earlier.

A certain continuity in the attitudes of the two governments is therefore obvious in their failures to make legislations favourable towards workers and secondary to implement them. In this regard it is pertinent to note that while the attitudes of the British Indian Government towards ILO were quite negative, after independent the change has

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1. Report on National Commission on Labour, 1968,  
Min. of Labour Employment & Rehabilitation,  
GOI, 1969, pp.380-87.

been only marginal this becomes obvious when we see that out of the 128 conventions passed by ILO on 15 were ratified by the legislative assembly of British India and the same number by independent India governments.

This overview reveals that in Factories, Mines and Plantation Acts, the initial concerns were more for assuring regular supplies of labour or at the most creating conditions which would be necessary to maintain the labour force. The interest of the workers in terms of hours of work conditions of work, child labour & women's employment has been granted some concessions but at a very slow pace and gradually. At the same time whatever provisions were made were also undermined by the same legislation by often providing exemptions and preconditions like "within the means of the employer" or "a fair demand".

Similarly, legislation providing social security neglected most since the organisations of the workers were too busy fighting struggles of survival and considered social security a secondary issue of the owners and the government saw no reason for investing in such legislations when labour was available cheap and in abundance most of the time.

These acts therefore not only were enacted very late but also continue to suffer from some major handicaps as we have seen earlier.

Role of Labour Movement - Second Half of 19th Century

It took a long time for the worker in India to protest and fight for their demands in a somewhat 'effective manner'. Although many strikes took place by the end of the nineteenth century,<sup>1</sup> there was no organization to take up the issue of general interest of the workers. The Bombay Millhands Association, the only organization of the period with help from people like Lokhanday got a few things done and made representation to the Viceroy, The Factory Committee and the Royal Commission on Labour. It also organized worker's meetings and agitated for such issues as short hours of work, a weekly holiday, and longer mid-day recess.<sup>2</sup> It also took up the issue of medical aid and compensation against employment injury.<sup>3</sup> The organization however had no memberships, no funds, no constitution and was primarily run by Mr. Lokhanday.

The struggles in the beginning were spontaneous outbursts lasted for a short while.<sup>4</sup> The reason being

1. No organization behind them;

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1. Revari C., The Indian Trade Union Movement, pp.27-29, Orient Longman Ltd., 1972, Delhi.
  2. Morris, D.M., The Emergence of an Industrial Labour Force, p. 179, O.U.P., Bombay, 1965.
  3. L.D.A., p. 468, 13 Sept. 1922.
  4. Ranjit Das Gupta 1984, Calcutta Working Class, p. 242, PEECE, Delhi.

2. No permanent interests of the workers due to agricultural links.
3. Jobs were plenty and therefore shifting was an easy way out.
4. Their latent bargaining power depended more on individual action rather than on collective strength.

Beside these deteriorating agriculture,<sup>1</sup> riots and diversions among workers, plague epidemic, were some of the factors which hit the workers in late nineteenth century. Nevertheless there was some form of collectivisation among the workers and a gradual realization of collective action<sup>1</sup> particularly in Ahmedabad and Bombay. "The Government's attitude toward strikes was hostile in the beginning and indifferent later. It had greater consideration for planters, mine owners and other employers of labour many of whom were in those days Europeans."<sup>2</sup>

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Legally the strikes were breach of a contract, as the Government regarded them and it was considered to be an act of insubordination, indiscipline, and an incipient act of revolt,<sup>3</sup> The Government had moreover armed itself

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1. Revari, op.cit., p.13

2. Karnik, V.B., Strikes in India, p. 24, Manaktales, 1967, Bombay.

3. Ibid, 25.



with plenary powers to suppress workers' who refused to work or to continue in employment. The workmen's Breach of Contract Act of 1859, the Employer's and Workmen's Dispute Act of 1860 and the Plantation Act of 1863 gave the government ample powers to intervene effectively in disputes between employers and to inflict punishment for breaches of their contracts with employer".<sup>1</sup> The act was passed at the instance of Calcutta and other European employers. The Act provided a summary remedy to employers against deserters. It was used to mobilize the labour on plantation also.<sup>2</sup> It provided punishment for breaches of contracts. "The magistrates were empowered to direct the accused either to refund the advance taken from the employer or to perform the work as per terms of the contract or in default to swift imprisonment for a period not exceeding 3 months."<sup>3</sup> The plantation Acts was for Assam tea estates, deserters were treated as criminals, although the desertion was mainly due to appalling and unhealthy conditions on plantations (4), the planters were empowered to arrest worker without warrant.

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1. Karnik, 1967, op.cit., p. 25.

2. R.K. Das, 1931, op. cit., pp. 30-40.

3. Haldar B.K., 1953, Evolution of Labour Management Relations, p. 153, P.C. Scott, Calcutta.

4. R.K. Das, 1931, op. cit., p. 31.

By the end of the 19th century the Government adopted an apparently indifferent attitude and treated industrial disputes as fights between labour and capital where the third party interference was not necessary. This was the policy of 'Laissez Faire' then current in Great Britain, they intervened only when absolutely necessary as in 1881 by passing the Factory Act but not by seeing that it was implemented. Its indifference obviously helped the stronger partner i.e. employers. The workers fought an unequal fight and were unable to secure very much in terms of improved living and working conditions.

The employers' attitude toward the struggle of working people was unyielding and tough as reflected by rules framed by the Bombay mill owners Association: where they declared any person taking part or initiating strike will be dismissed and liable to be persecuted.<sup>1</sup>

By the end of the century the industry had become a feature of Indian Economy. The national political movement was solidly behind it. As a consequence it accrued many protective duties and other facilities to its advantages. The conscious section of society the educated middle class, professional were proud of India's industrialist, but "the

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1. Morris, D.M., op. cit., Appendix VI, pp. 238-240.

workers who were sweating from sunrise to sunset in dingy insanitary factories to keep the machine moving received no attention and no consideration."<sup>1</sup>

#### The Period Between 1900 to 1914

During this period the workers opposed the further curtailment of their wages and struck work against increase in hours of work due to introduction of electric lights specially in Bombay. It is interesting to note that the electric light in Bombay Cotton Mills were installed in 1905 and instead of helping the workers it only increased the profit of industrialists and hardships for the workers who were forced to work for longer hours.

In 1905 the Bombay Mill owners' Association passed a resolution in favour of an average working day of "13 hours" which were increased from 12 hours of work a day to 14 hours a day.

But basically this period is a period of the political movement spreading its roots into the workers who were mobilized to strike for political demands. In the year 1908, Lokmanya Tilak was sentenced which evoked the first political strike in Bombay.

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1. Karnik, 1967, op.cit., p. 27.

Though many commissions and committees were set up to look into the conditions of work, the attitude of the government remained indifferent. Strikes were regarded as purely law and order problems. The justice or injustice was not the concern. The commissions were set however under pressure from Great Britain's industrialists and merchants.<sup>1</sup>

This was a period of increasing demand for labour and worker's realization of this strong bargaining power, they were now beginning to be a force in themselves. This was therefore also the period when workers organizations began to emerge and assert for their rights.<sup>2</sup>

### 1914-1922

The First World War (1912-16) forced the Government to give up its position of indifference. It needed industries to produce and hence policies to encourage industrial growth. This was reflected in the new policy declared by the viceroy of India<sup>3</sup> as well as in Montague Chelmsford Report which promised economic stability to India in post war period by developing its economic resources.<sup>4</sup>

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1. Chapter IV, Role of the Government.
  2. Karnik, V.B., 1967, op. cit., p. 55.
  3. R.P. Dutta, India Today, p. 125, Manisha 1947, Calcutta.
  4. Kanik, 1967, Strikes in India, p. 56.

It was obvious that the new policy was not because of altruistic motives but because of political, economic and military considerations.<sup>1</sup> The government not only accepted the responsibility of encouraging industry but also of "discriminating protection" by imposing import tax, finance was to be raised and this too helped industry. Industries made phenomenal profits but inspite of this the owners were not ready to grant increase in wages. Even after struggle what workers often secured was only sufficient to cover the rising prices. Thus strikes were widespread in this period. 396 strikes have been reported over 1921-22 on the issues related to working conditions.<sup>2</sup>

The general demands for which the negotiation took place were -

1. reduction in hours of work,
2. increase in wages,
3. regular payment of wages,
4. wages for the holidays,
5. Bonus,
6. compensation for employment injuries,
7. personnel's attitude for workers,
8. leave with wages. (3,4).

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1. Ibid., p. 58.

2. Revani.1972, op.cit., p90.

3. Morris D. Morris, op. cit., p. 181

4. Karnik, op. cit., pp. 79-126, 1967.

The Jharia coal miner's strike, the general strike of Bombay textile workers, and struggle of plantation labour in Assam were specially to focus upon the poor living conditions of the workers. During this period All India Trade Union Congress held its first session at Jharia in 1921. By that time trade unionism had already taken roots in important industrial centres. 23 important labour unions were formed,<sup>1</sup> beside them a number of small strike committee were organised at different places.

The strikes had their influence as reflected in the speech of Mr. N.M. Joshi (the father of the Indian trade Union movement)

"Neither the government, nor the millowners nor the educated public even seem to be cognizant of the existence of the large number of the factory workers in the city, living under conditions which ought never be tolerated, not only in the interest of the workmen but in the interest of industry in which they are engaged as well as in the interest of the general public. The greatest pity is that we became conscious of the millhands around us when they go on strikes, threatening to bring disastrous consequences."<sup>2</sup>

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1. Revari, C., 1972, op. cit., pp. 19-20.
  2. Joshi, N.M., Quoted by Karnik, V.B., 1967, Strikes in India, p. 108.

Among the demands conceded by the employers broadly were related to wages, hours of work, paid weekly holiday, reinstatement of worker, compensation against employment injury.<sup>1</sup> Most of the strikes were spontaneous in the beginning on specific events with no definite charter of demands which often emerged later.<sup>2</sup> Another significant aspect was not much of political influence despite the fact that non-cooperation was on its high. This shows the neglect of workers by the leaders of Indian National Movement in the early phases of the movement.<sup>3</sup>

#### 1922-30

The post war (the first World War) boom was followed by a period of economic depression, employers repeatedly tried to cut the wages directly or indirectly by 'rationalization' of plants. At the onset of the world economic crisis the conditions became ever worse. The struggle of the workers were basically to keep up the levels of living intact, but their power was seriously undermined. A large numbers of workers were thrown out of employment (table No 2, Chap. 2, Sec. I), due to decline in demands for

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1. Karnic, op. cit, 1967, p. 110.
  2. Revri, 1972, op. cit, p. 68-69.
  3. Revri, op. cit, pp. 67-68.

industrial goods, due to pauperization of masses.<sup>1</sup> Despite this the later years of this period saw the intensification of the struggle of the workers, and emergence of powerful trade unions.<sup>2</sup> The attitude of the government was obvious from the way these strikes were handled. The Kharagpur railway strike which was a part of widespread discontent with poor working conditions and retrenchments was 'dealt with severely'. The authorities not only used white terror but got the judiciary to prohibit all meetings under Sec 144 of CPC so as to stop all effective propoganda for the organization of the strike".<sup>3</sup> With the disillionment of working people with the prevailing leadership the trade union movement in the year 1929 itself got split. The trade union movement, which was the result of increasing hardship on workers and workers realization of their collective resistence and way to improve their conditions suffered as a result. The leadership split into old moderates and communists. Royal Commission on Labour was appointed at this time to make an inquiry about labour. Mr. N.M. Joshi and Diwan Chaman Lal who left the AITUC were nominated as representatives of labour on the Commission.<sup>4</sup>

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1. Morris, D. Morris, *The Emergence*, op. cit., p. 182-83.
  2. Revari, 1972, op.cit. p106.
  3. Meerut Conspiracy Case, Quoted by Karnik, 1967, Strikes in India, p. 117-18.
  4. Karnik, V.B., Indian Trade Union - A Survey (Popular Prakashan Bombay 1973), pp. 72-86.



In 1929 the government "declared the situation of 'communist menace' and made every effort to suppress and annihilate the militant section of the labour movement, and created public opinion against it. The Trade Dispute Act, the Meerut Conspiracy Case and the Public Safety Act were some of the measures taken in quick succession to achieve this objectives."<sup>1</sup> Therefore this measure of recognition of grievances and their settlement which was a long standing demand also came in the different form out of intensified struggle of the workers. In 1928 and 1929 the movement again was very powerful. 31.5 million work days lost were reported due to strike in 1928.<sup>2</sup>

With the increase in strikes the communist influence kept growing during the period. The textile workers' strike of 1928 and 1929, were general strikes similarly railways had three strikes between 1928-1930 at Iron and Steel work Jamshedpur, and Calcutta jute mill workers' strikes were the major struggles.<sup>3</sup> The attitude of the employers remained unrelenting. The Indian Jute Mill owners Association report of 1928 referred the strike as a hand work of outside agitators. The strike was for work in single shift

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1. Revri, C., 1972, The Indian Trade Union Movement, p.115-116, Orient Longman, Delhi.
  2. Revri, C, 1972, The Indian Trade Union Movement, p. 140, Orient Longman, Delhi.
  3. Karnik, 1967, op. cit., p. 175.

and against change of looms which was finally crushed after a prolonged struggle of 6 months.<sup>1</sup>

7 After this period i.e. (1922-30) we see that the rising movement of the workers registered some achievements and setbacks.

"Taking stock of the struggles and principal achievements of the working class and trade union movement in India, we find that they have secured an eight-hour day, legislation regularising factory conditions, compensation for accidents, timely payment of wages and limit on fines and deductions etc. Since the first post-war days when the movement for higher wages and bonus had taken in organised form some gains have been made. The demand of living wage as distinct from a standard wage or minimum wage still remained to be won. Certain advances have also been made in securing social influence, which particularly in the colonial working class conditions is an uphill task. In these demand the Indian working class has been helped by the advanced working class movements in Europe which had secured the acceptance of the principles of social security."<sup>2</sup>

However, the workers suffered because of the economic depression, split of AITUC in 1931 and also due to the

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1. Ibid., pp. 234-43.

2. Revri, C., The Indian Trade Union Movement, Orient Longman, Delhi, 1972, pp. 280-81.

second world war. The National Movement had established its hegemony over the struggle of working people by this time.<sup>1</sup> The economic depression continued till 1938 and the workers continued to live from hand to mouth.

### Post Independence Period

The period i.e. 1936-1947 again saw the emergence of Trade Union movement.<sup>2</sup> But in the period 1945 and beyond, the trends of split emerged in the movement. The Congress, now found it difficult to control the AITUC. The militant communist labour leaders and Congress (Nationalist) found it difficult to cooperate when Congress Party in power was taking steps against the interests of the workers. In May 1947 the Congress section left the AITUC and founded a separate organization (INTUC) India National Trade Union Congress,<sup>3</sup> In the later stage Bhartiya Mazdoor Sangh was formed in 1955 Hindî Majdoor Panchayat in 1965.<sup>4</sup>

With the emergence of India as an independent nation the labour movement saw a period of lull. Immediately after independence, the initial growth of employment and

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1. Karnik, 1978, op. cit., pp. 122-35.
  2. Bettelheim Charls, 1968, India Independent, p. 339, M.R. New Yrok.
  3. Bettelheim Charls, 1968, India Independent, p. 340, M.R. New Yrok.
  4. GOI, 1969, Report, National Commission on Labour, p. 280, Delhi.

The rate of growth was also high specially during the plan period till third plan together with the general political optimism reduced the intensity of the working classes immediately after independence. Table No. (1) gives us the figures for number of registered trade unions and the membership for given years.

Table No. (1)

Growth of Trade Union in Post Independent India

<u>Year</u>	<u>No. of reg. Unions</u>	<u>Total membership in lakhs</u>
1947-48	2766	16.63
1951-52	4623	19.96
1955-56	8095	22.73
1960-61	11312	40.13
1963-64	11984	39.77
1964-65	13023	44.66

Source: National Commission on Labour, 1969

The figures in the table shows that during the period from 1947 to 1965 the total membership in registered unions was increased from 16.63 lakhs to 44.66 lakhs. The number of registered union has increased by more than four times from 2766 to 13023.

This growth in the number of trade unions and their membership stemmed in the period from two basic factors - the economic and political. At the economic level the shift priority given to industry (2nd and 3rd plan) meant that the capitalists were able to counteract the rising prices (the consumer price index eg. jumped from 96 in 1955 to 116 in 1958),<sup>1</sup> by increasing shifting away from industries with a longer profit gestation period. (mining, heavy industry etc) and concentrating on quick profit consumer industries<sup>2</sup>. This meant that the state would have to look after the industries it had undertaken to develop within the parameters of its proclaimed 'socialist' and welfare aims,<sup>3</sup> which would mean in turn that the workers would not be that much subject to the ravages of market conditions. Secondly in the quick profit industries the situation would not be too bad with less of pressure on the capitalists to either retrench or effect cuts in wages. So overall the situation was such that inspite of the pressure of rising prices the workers were not pushed to the throes of subsistence. With the increase in the activities of organisation like

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1. V.B. Karnik, Indian Trade Unions, Popular Prakashan, Bombay, pp. 200-201.
  2. C. Bettelheim, India Independent, Mac Gibbouthee, London, 1968, pp. 145-175.
  3. Ibid.

AITUC, INFUC, HMS etal.,<sup>1</sup> a situation was created where more workers were made conscious of meaning of union activities. The political unification effected by the integration of native states in post independence period only served, to integrate the working people together and consequently trade union expansion blossomed.

However the overall planning process inspite of its grandiose aims to shift its priorities to industry and modernization was infact caught in the inexorable trap of contradictions between the ruling classes itself. The ruling feudal bourgeois combine was so placed that (a) the necessary thrust to land reform programme could not be given. This in turn meant that older vested landed interests continued to maintain both an ideological and economic barrier against penetration of market prices in the countryside thereby denying the possibility of the domestic market increasing for the capitalists.<sup>2</sup> This inevitably meant industrial stagnation. This in turn meant inflation with consumer price index jumping dramatically from 126 in 1961 to 164 in 1964 increasing economic pressure on workers. (b) The agricultural sector was not faring well either. Obviously the industrial stagnation

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1. V.B. Karnik, op. cit., pp. 202-204.

2. Utsa Patnaik, 1st Daniel Thorner Memorial Lecture, NMML, Delhi, 1984.

(due to reasons stated above) meant that industry was unable to provide the stimulus of growth to agriculture (no technical feedback, no employment) increasing the pressure on land and people dependent on it for subsistence. This was to result in the phenomenal rise in the prices of food articles from 1961-64.<sup>1</sup> Again resulting in pressure on the workers. Subsequently the workers again therefore gave an expression to their protest. Already roped in to various trade union organisations there was a proliferation of 'bandhs'. The 'Bombay Bandh' (20th Aug. 1963), Gujarat Bandh (5 August 1964), Maharashtra Bandh (12 August 1964), UP Bandh (18 August 1964). The workers in these protests were protesting against the rise in prices, the scarcity of good grains and the imposition of compulsory Deposit Scheme for the workers.<sup>2</sup> The 'Bandhs' cannot be said to have brought any definite relief to workers, but they highlighted their plight and compelled the Government to pay some attention to it."<sup>3</sup> The Bonus Commission was appointed in 1964<sup>4</sup>, by which a degree of parity between profits and bonus was recommended.

Though the "workers were not happy with the recommendations" and during the closing years of our period, workers' movement advanced into a militant phase where the earlier complacency and inactivity of post war period was given up.

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1. V.B. Karnik, op. cit., p. 290.

2. For all of the above see V.B. Karnik, op. cit., pp. 302-303.

3. Ibid., p.303

4. Ibid., p. 312.

**CHAPTER V: DISCUSSION, SUMMARY AND  
CONCLUSION**



Social Security System has been studied by a number of scholars.<sup>1</sup> The literature which we have reviewed provided a good introduction to various aspects of the Indian Social Security System. But all these works have some limitations. Almost all of the above approached the Social Security System along an unquestioned acceptance of a western conceptual basis. The fact that the conditions where these concepts evolved were very different from that of India has not been given much emphasis. Such an approach has created problems for the understanding of the evolution of social security and legislation regarding it in the Indian context. This is because instead of understanding social security and legislations within the Indian context, these authors took the concepts of social security and its legislations as it evolved in the West and then confine themselves to the examinations of the progress made by India in achieving the same. As an example, Gupta<sup>2</sup>

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- 1 Sharma, A.M., Aspects of Labour Welfare and Social Security, Himalaya Publishing House, Bombay, 1981; Srivastava, K.D., Commentaries on E.S.I. Act 1948, Eastern Book Co., Lucknow, 1975; Sharma, K.M., Social Assistance in India, McMillan Co. of India, Delhi, 1976, and Moorthy, M.V., Principles of Labour Welfare, Gupta Brothers, New Delhi, 1965.
  - 2 N. H. Gupta, Social Security Legislation for Labour in India, Deep and Deep Publications, New Delhi, 1986.

discusses the emerging trends in Social Security and talks of legislative provisions for changing family structures and ageing patterns, reach of Social Security to rural poor and migrant workers, and changes in emphasis from cash to non-cash benefits, etc.<sup>1</sup> It is not difficult to see that it is unproductive to look for these trends in the Indian system where these may be desirable achievements. However, given India's socio-economic and political structure, they are hard to achieve.

Of the literature surveyed, Hasan<sup>2</sup> provides some historical view of the evolution of the Social Security legislation. This, however, is mainly descriptive with very little analysis. Most of these authors consider the principles of Social Security as universal and hence presume that it is transferable from one society to another.

Yet another feature of their studies is the fact that Social Security legislation is seen in isolation from labour legislation in general. Because of these limitations the studies that we have surveyed deal with the problem in very unsatisfactory fashion. Most of them conclude by emphasizing the need for improving both

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1 N.H. Gupta, op. cit., pp. 74-100.

2 N. Hasan, The Social Security Systems of India, S. Chand, Delhi, 1972.

the legislation as well as the machinery for providing Social Security measures.

In our analysis of health legislation we have tried to develop a different approach to the study of Social Security - through a historical analysis of pre and post independent India. Given our basic assumption that health is rooted in the social structure of a society we have tried to study the key factors in the larger social structure which determined the evolution of legislation influencing health of the workers and thereby workers health itself.

Our study of the process of industrialization, the evolution of the Indian labour force, the functioning of the Government machinery, the legislative assemblies and the interests of the Bourgeoisie and the working class brings out certain interesting aspects of labour legislation in India particularly that which influences health. It is this which we propose to discuss in the following paragraphs.

From 1885 onwards ever since industries in India became a visible part of its economy the conflict between those who own resources and those who laboured is very obvious, and labour legislation as it evolved has played a very significant role in handling this conflict between labour and capital.

In the initial periods of industrialization i.e. 1850s to 1900 when labour was provided by the uprooted peasantry and tribal population who were not only unskilled but also extremely poor and powerless, the nature of legislation was instead of being protective primarily oppressive. Thus we find that (Plantation Act) legislation were enacted primarily to mobilize labour for plantation and mines and to keep them imprisoned on the plantation or mines. The period beginning late nineteenth century and extending up to 1920s is a period wherein no repressive legislation came into being and some acts which were introduced like the Factories Act and Mines Act of 1901, were in the interests of the labour.

It is interesting, however, to know that the enactment of these acts was governed by reasons other than ~~that~~ of the workers.

The first and foremost was the interest of the British merchants and capitalists who saw Indian industries with their cheap labour as competitors. The statements made in the British Parliament and Associations of British Capitalists are adequate evidence of this. It is important to note however that though these legislations were passed and provided for some protection to workers in work places, the working conditions of people in mines,

plantation as well as in factories either remained poor or in fact worsened (Table 12, 13, 14). This is an indication of an ineffective legislation which though passed were not implemented.

The reasons of non-implementation as well as poor coverage also become clear when we look into the evidences of interaction between the government machinery and the owners. Even the debates on the acts in the legislative assembly show that one major argument used by the supporters of Indian entrepreneurs was their economic inability to invest too much capital in welfare services. This stand was supported by the government and is clear from the reports of the Factory Inspectorates as well as Legislative Assembly debates on acts, all of which sympathized with the owners and agreed that they should not be harassed too much.

This attitude of neglect of legislative measures to protect workers' interest continued till the Second World War. The Royal Commission on Labour also argued that industries in India need protection and that the millowners would be in no position to contribute to schemes for protecting health of the workers. The Commission was of the view that given the migratory nature of labour such schemes will not be necessary.

Apart from these arguments yet another argument which was offered against protective legislations was the fact that the subject of health was a domain of provincial governments and therefore it would be unfair for the Central Government to introduce such measures.<sup>1</sup>

The influence of the vested interests of the capitalists on labour legislation is also reflected by the coverage that certain industries got. As an example, textile industry (cotton) was the first to be covered by Factory Act which was also one of the major industries which competed with the British industry. Similarly though Factories Act were enacted in the year 1881, the major industries which were involved in exporting raw or processed goods were granted exemption.

Yet another feature which played a crucial role in determining the evolution of health legislation in India was the conflict between the big industrialist and small entrepreneurs. The bigger industrialists had already seen the wisdom of providing some security to their workers. This not only secured them some supply of labour but also provided them a protection from their labour seeking other jobs. This is obvious from the fact that some big industrialists were providing health services to their

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<sup>1</sup> Legislative Assembly Debates, 1935, p. 2128, 11<sup>th</sup> March, 1935.

workers much before any Central Legislation came into being. The epidemic outbreak of cholera in the Jharia coal field (producing 90% of the coal in 1906 produced in India) drove the mines off the labour supply. The big industrialists who were providing water at mines and some facilities also suffered because of cholera epidemic among their labour. Their association approached the government to arrange for protected water supply system and sanitary arrangements for coal field and surrounding villages.<sup>1</sup> Similarly on the Assam Tea Plantations the expense incurred on labour procurement compelled the planters to arrange for health services. The big planters organized their health services to protect against epidemic diseases. The emphasis of the health services provided on Assam tea plantations was to keep alive the children so that they could be available to labour on garden.<sup>2</sup> The economic interests of the insurance companies which were a major established enterprise run by European financiers and bankers also played significant role in this respect. The period after the First World War when insurance against employment injury was one of the

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1 N.A.I., 1910, Department of Commerce and Industry, (File Coal Field and Sanitary Arrangements, Geology and Minerals).

2 Assam Labour Enquiry Committee Report 1906, GOI, pp. 60, 86 and 165; and Evidence vol. Assam Labour Inquiry Committee, 1921-22, p. 149.

demands achieved by the workers which compelled the companies to device some methods to escape these liabilities. At this time the big industrialists in Bombay, Ahmedabad and Calcutta organized their insurance companies.<sup>1</sup> These interests were also represented on the Advisory Committee for Workmen's Compensation Act,<sup>2</sup> whereby the workmen's compensation was modified as a means of resource mobilization. Under the Act the employers were to pay the compensation against employment injuries which these large companies insured. The profitability to insurance companies was secured by narrowing down the liability of compensation. The Act only provided compensation for permanent workers. The difference in category permanent worker, and other the workers, were codified in the Factories and in the Mines Act in 1922 and 1923 respectively.<sup>3</sup> This way Workmen's Compensation Insurance Companies made profits till the period when demand for more protection was achieved by the workers. The industrialists found it more profitable to invest in other avenues. In the closing years of colonial

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1 GOI, 1931, R.L.C. Evidence vol. V, p. 191; vol. 1, pp. 263, 395.

2 L.A.D., p. 471, 13 September 1922.

3 GOI, 1929, The Unrepealed General Acts, 1921-23, Legislative Department, vol. III, Calcutta, 1929, p. 169; and vol. VII, p. 226.



rule and after independence import of new plants and technology, other materials etc. created more need for resources to import them. This time Social Security scheme was handed over to the state, wherein the employers were required to pay only one third of the cost, rest of which was to be procured from workers and by taxing the other people. Obviously their concern for health is not to ameliorate the misery of the worker but <sup>also</sup> to see that a constant supply of worker was maintained.

During the Second World War the need to produce forces the government to give up its laissez faire policy towards industrial growth and take strong interventive steps. Here we see that the old Factory Act was repealed and Factory Act of 1936 introduced more clearly defined legislation to protect the health of the workers at the work places.

The economic incentive was later strengthened by the political need as well. The Indian National movement started pressing the government to give more and more attention to stabilize Indian economy and some rights to the Indian people. As pointed out by Hasan:

But the period under review (1942-1951) has certain marked characteristics of its own, in the first instance because of the outbreak of the Second World War in 1939, acute shortage of labour was felt in many industries. Hence, in order to keep up the level of industrial production it was of utmost importance to

secure the cooperation of labour. For this purpose a number of concessions were made to working class under the Defence of India Rules (D.I.R. Rule 81A). Secondly, the appointment of Dr B.R. Ambedkar as a Labour member of the Viceroy's Council infused courage in the Government's labour policy. Thirdly, the Constitution of the Standing Labour Committee and the Indian Labour Conference provided a forum for the discussion of labour matters and for the evolution of a consensus in this behalf. Fourthly the ILO also started thinking in terms of comprehensive schemes of Social Security rather in terms of schemes of protection against individual contingencies. 1

The political pressure of the national movement also forced the government to take a serious view of the need for protection of health of the workers. This is clearly visible in the recommendations of the Royal Commission on Labour, 1931 and Labour Investigation Committee, 1946.

While the government was forced to intervene on behalf of the workers (however reluctantly) the bourgeoisie continued to fight the reforms all through. This is clear from reports of various chamber of merchants as well as associations of millowners. Even the Legislative Assembly were Labour Legislation and Social Security was discussed, the representative of bourgeoisie took stand emphasizing their own hardships and their inability to provide for the needs of the labour. Constantly they can be seen to have opposed the changes in Factory Acts, introduction of

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1 N. Hasan, 1972, The Social Security System of India, p. 40, S. Chand, Delhi.

Workmen's Compensation Act, Maternity Benefit Acts and the E.S.I. Act. When they could not stop the passage of a legislation they argued for minimizing the benefits whether it was a matter of wage payment or of provision of health services or a matter of maternity leave.

Our sources indicate that in handling the conflict between labour and capital the Government of British India openly protected the interests and the bourgeoisie and when the interests of the Indian capitalists were in conflict from those of the British. They often took sides with the latter in the initial phase of the industrialization although in the later period they saw the wisdom of looking after the interests of the bourgeoisie.

We thus find then that whether it was the government or the bourgeoisie or the legislative body which represented the emerging democratic process of future India - all of them played a role which was not supportive of interests of the working class. They used legislation to control and use the labour force. They delayed and neglected the introduction of protective legislation and even when they conceded the minimum possible. In

this antagonistic atmosphere though labour force had to assert itself and it goes to their credit that they did so against the most oppressive forces.

Our review of labour movement in pre-independent India makes it very clear that the Indian working class was at a disadvantage all through initially it consisted of the most impoverished unskilled masses who had no option but to give in the oppression of their masters. The non-availability of means of survival the destruction of their traditional occupations and agriculture forced them to work on the terms that their masters offered. The initial phases of the working class movement were therefore largely around the issue of wages, honour, job security and retrenchments. Even in such adverse conditions the workers did demand better working and living conditions. The 1884 Millhand Association meeting for the first time put before the owners their demands which were later incorporated into Workmen's Compensation Act. It was also the trade union movement which won the worker's rights such as reduced hours of work, rest and holiday, maternity benefits in local situations. Such small struggles played a crucial job in finally pressing the government for introducing all India legislations. Mr. N.M. Joshi said, "He (member)

certainly not moving amendment... in the interest of the workers who have by their own efforts, secured a 10 hours a day and 60 hours a week."<sup>1</sup>

We therefore conclude that legislation regarding security in India was rooted in its socio-economic and political structure and its inadequacy can be understood only when we analyse the context in which it developed and the function that it performed.

We now come to the issue of understanding social security legislation in independent India. The question that we want to answer is, after independence why India failed to develop a more positive legislation to protect the health of the worker. To do this, if we take into account the class that took over the reins of the country and the structure of economy that it built after independence answering the question does not remain as puzzling as it does when we confine ourselves to reading the progressive pronouncements that Indian Constitution and the Five Year Plans make regarding social security, health and welfare of workers.

In the section on role of the labour movement we have already seen the structure of economy that

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1. N.M. Joshi, LDA, 1921, 19th Feb. 1921, p.257.

developed in post-independent India we do not plan to go into a detailed discussion of the class character of the state in independent India. A quote from D.D. Koshambhi summarises the situation, as he writes, "the class that rules India to the paramount power, is the Indian bourgeoisie. This class has some peculiar characteristics, due primarily to the course of history. The Indian bourgeoisie is technically backward. Its production (and mentality) is overwhelmingly of a petty bourgeoisie nature as yet. Its government has a unique position as by far the greatest owner of capital assets and a monopolist whenever it chooses to be. This seemingly absolute power is under compulsion of reconciling the real needs of the country and its professed socialist goals, the rapacity of both petty bourgeoisie and tycon section of the ruling class. Finally this class came to power so late in a world where international bourgeoisie failure and crisis had already manifested itself."<sup>1</sup>

After independence these ruling classes took the task of rebuilding the nation, given the fact that

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1. D.D. Koshambhi, An Introduction to the Study of Indian History, Popular Book Depot, Bombay, 1961, p.9.

the national Congress was dominated by the representatives of the bourgeoisie and the landlords it was not surprising that their interest dominated the directions that India was to take. According to Paul Baran, "To promote development of industrial capitalism it (Congress) does not dare to offend the land interests. Seeking to mitigate the most outrageous inequalities of incomes, it refrain from interfering with the merchants and moneylenders. Looking for an improvement of the wretched position of labour, it is afraid to antagonise business, anti-imperialist by background it is certainly favours from foreign capital."<sup>1</sup>

In such a situation the Congress was forced to indulge in double talk while the hiatus between form and content of its plans instead of narrowing went on increasing after independence. In fact it was the same conflict which had earlier forced the split in the Indian Labour Movement when the National Congress decided to make its own separate organization outside AITUC under the banner of INTUC.

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1. Paul Baran, The Political Economy of Growth, John Calder, London, 1957, p.222.

Indian Government decided to go in for planned economic development. As we have already seen the Government intervention into the economy were assumed to be for the evolution of a socialistic pattern of society, in reality however the plans steered Indian economy under capitalist path. India's mixed economy in fact offered a much more substantial government support to the capitalist than was otherwise possible. This was done by creating a public sector which provided infrastructural facilities, and allowed resource transfer from public to private sector. In addition the government provided adequate subsidies to the private sector.

With such a strategy for development instead of reducing disparities and poverty the plans process in fact consolidated an economic structure where inequality of classes was the very basis of growth.

Labour which was an important factor in production was given a lot of lip service in the plans but its real interest was secondary given the continuing conflict between labour and capital. The emphasis on production continued and the logic that "betterment of labour lies in greater production" which offered by



the government of British India continued to be the guiding principles of Indian Planning.

The state machinery continued to act as a maintainer of harmony and a controller of the labour process. It considered "peace" in industry as a necessary condition for production and hence in the initial phases of planning attempted to achieve this by evidence of disputes internal settlements, collective bargaining conciliation and enquiry, arbitration, worker's education, worker's participation in management, unionization and provision of social security measures. The initial phase of optimism in planning however soon gave way to more harsher handling of labour movements when the plans did not materialize and the economy instead of gaining dynamism move towards stagnation.

That the evolution of labour legislation necessary for assuring health of the workers has to be seen within this context. Laws such as E.S.I., Maternity Benefit and Employees' Provident Fund Acts were enacted in fifties and sixties, but still remain poorly implemented and limited in their coverage. This feature of the legislation to protect the health of the workers is not a result of poor

implementation alone it indicates that in the present structure of economy, this is the extent to which they are required and necessary.

A very good example of the role that labour legislation has played in post-independent India is that of legislation for preventing<sup>children</sup> which in fact only lay down the terms and conditions of employment of children.<sup>1</sup> While the Constitution envisaged that the State in India will prevent the exploitation of children and will undertake programmes for their welfare.<sup>2</sup> Not only we have failed to provide these, but today the Government has no hesitation in openly accepting the need of child for the protection of industries. Hence over the past few years, instead of abolishing child labour there has been a move to introduce a bill<sup>3</sup> wherein the government talks of introducing measure to minimise the abuses of child labour.

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1. See Chapter III.
  2. "(Art.39) The State shall, in particular, direct its policy toward securing
    - (e) That the health and strength of the workers men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
    - (f) That childhood and youth are protected against exploitation and against moral and material abandonment." The Constitution of India, Min. of Law & Justice, GOI, 1972, pp.26-27.
  3. Patriot, 26 July, 1986. p4, colum,3.

In our study then we find that the labour legislations which were enacted arose in the first phase mainly out of the conflicting interests of the bourgeoisie and which basically facilitated the control over the workers. In the second phase when the workers got organized, they were able to struggle and extract some welfare concessions. But overall we find that the concessions wrested so far are merely for minimising abuse of labour and not for removing them.

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