

THE MAKING OF THE INDIAN FACTORIES ACT OF 1881.

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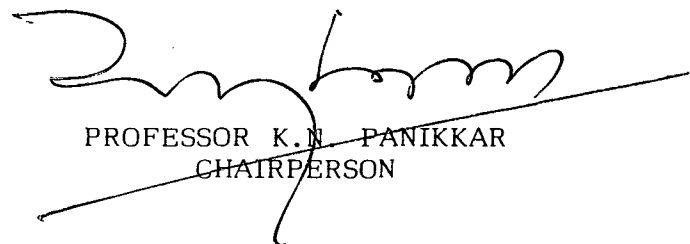
DECLARATION

This is to certify that this dissertation entitled "**THE MAKING OF THE INDIAN FACTORIES ACT OF 1881**" submitted by Mr. Rusheed Wadia 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 entirely his own work.

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



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ABBREVIATIONS

1. BMA - Bombay Millowners' Association
2. FC (1985) - Report of the Commissioners Appointed by the Government of Bombay in Council to inquire into the condition of the operatives in Bombay Factories and the necessity or otherwise for the passing of a Factory Act, Bombay, 1875.
3. GD - General Department
4. HPD - Hansard's Parliamentary Debates
5. LD - Legislative Department
6. MSA - Maharashtra State Archives
7. NAI - National Archives of India
8. NO - Native Opinion
9. PPRA - Printed Papers Relating to Acts.

INTRODUCTION

The working of the Cotton Mills of Bombay which began in 1856, remained free of any regulation by the Government till 1881. On July 1, 1881, the government commenced implementation of the Indian Factories Act. The Act was the culmination of a process which began in August 1874. It is our endeavour to make a detailed study of this process. In what follows, we shall retrace the steps of individual bureaucrats in the hope of situating these in the wider network of bureaucratic activity; keeping in mind the linkages of the government machinery in Bombay with the Government of India and the government in England.

It does not need emphasis that all events are part of wider processes which invariably influence the pace of events, their timing and the particular contexts in which the events take shape.

The Factory Commission of 1875 was the first attempt to investigate into the horrendous conditions in which ill-paid and miserable workers of all ages laboured from dawn to dusk in Bombay's Mills. The introduction of notions of regulation of hours of work, safety of workers, education etc. entered India for the first time in a decisive way through this Commission. Legislation like this, whatever

its motives, when properly implemented, was the only way the working class could secure an improvement in their material and cultural conditions; at least till the commencement of trade union activity.

The Indian Factories Act heralded a new phase in many areas. It added a new dimension to the relations between the British Cotton Mill industry and the Government. Till 1874-75 the measure of tariff reform had been employed by Lancashire to protect and further its trade with India. The Factory Act was a new addition to their armory. The willingness of the British government to assist Lancashire in this way, was also a new development.

The Act was also an important part of a new process - the development of a policy towards industrial labour in India. This was also to change the relations between the Indian Millowners and the governments. A further change was to take place in the attitude of the Indian Mills to labour.

The study of legislative activity like the Factory Act has another use. It allows us to locate those within the bureaucracy who are well disposed towards improvement in the lot of labour. It is not unreasonable to say that bureaucrats like these would play a distinctly different role in mediating between the conflicts of labour and capital; while continuing to function within the broad

parameters set by the economic and political system of which they were a part. Conflicts between workers and capitalists, the manner of their resolution play a not unimportant role in the development of the working class. Our study however, does not encompass all these issues; but these are among the wider problems we can attempt to understand with our study as a beginning.

In Chapter 1 we have tried to situate the issue of legislation in the broader interaction between different economic interests and the structure of decision making processes. Chapter 2 examines the sponsorship of the idea of labour legislation and the lobbying which preceded it. In Chapter 3, we take a look at the actual process of legislation.

In conclusion, we may add a few words on our sources. Legislative activity invariably generates information in the form of debates, enquiries, protests and petitions, reportage in the press etc. We have felt it important to make a wide use of primary sources. For studying the making of policy in Bombay, we have made use of the rich manuscript sources available in the General Department of the Maharashtra State Archives. Material from the Legislative Department of the National Archives has also been consulted

to understand developments in the Government of India. To study the activities of the British Mill interests and Shaftesbury, we have relied on the Parliamentary Debates. The actions of the Bombay Millowners were studied by reading the Reports of the Millowners' Association. Various other printed sources available in the Bombay Archives have also been consulted in this modest effort to explore the making of the Indian Factories Act of 1881.

Chapter I

INITIATION OF LABOUR LEGISLATION : THE CONTEXT

This is a study of the making of the Indian Factories Act of 1881. Our object is to examine this event vis-a-vis the Cotton Mills of Bombay.

To study labour legislation merely as an organization of laws and regulations following from government action (understood primarily in a legalistic fashion) would cause many vital questions to be left unanswered. Apart from those actually taking part in decision-making, there was a vast array of groups, individuals and lobbies which sought to influence the direction in which governmental activity moved. Besides, the legalistic approach fails to look at decisions in their political and economic contexts. Not infrequently, initiative towards legislative activity fails to take off because objective conditions are not ripe. Changes in these conditions often play an important role in pushing legislative activity in a certain direction. The legalistic approach also glosses over the inter-connections within the government machinery and errs in believing that it acts as one homogenous whole. Thus, legislation is a complex and dynamic process where a host of considerations

and pressures from various areas determine the pattern of decisions.¹ This fact has relevance also when we study the motives behind any labour legislation. The desire for an Act to regulate labour in Indian factories arose in a certain political and economic context in India and England.

PRESSURES AND COUNTER-PRESSURES

At a certain moment in time the desire for legislation was voiced, but it was many years before its realisation became a certainty. It would be instructive to study this process. It is important to study the manner in which the motives were expressed over the years. On the one hand, government had to be persuaded. There was also the task of responding to those who opposed the legislation. And neither the government nor the contending parties could turn a blind eye to public opinion. The need for factory legislation had to be legitimised. It was a process of interaction between the contending groups and government working itself out in the wider arena of the economic and political conditions of the time. Thus the motives have to be seen as arising in a certain context, followed by the commencement of a process of legislation which culminated in

1. S. Bhattacharya, Financial Foundations of the British Raj (Simla, 1971) pp.xvii-xviii.

the Indian Factories Act of 1881. Besides, studying motives in this fashion, gives us our first glimpse of the attitudes in England and India towards labour in Indian factories.

Before we begin our study, it would be useful to get acquainted with the participants in this process—the pressure groups in favour of and opposed to the legislation, the colonial administration at various levels and the individuals who participated for various reasons in creating conditions which made the legislation a certainty.

We have kept in mind a description of relations between pressure groups vis-a-vis the British government given to us in a study of the 'financial foundations of the Raj'.² It is useful to do so as some of the pressure groups involved in the making of finance policy were also concerned with the policy towards industrial labour in India. We must however, keep in mind the specificities of the latter process. In the period of our study, India was ruled by a tightly organized hierarchy of officials headed by Secretary of State and the Viceroy. Developments in the post 1858 period - the overland cable in 1868, the Suez canal in 1869 and the sub-marine cable in 1870 strengthened the nexus

2. Ibid., pp. xvi-xli.

between the Secretary of State and the Viceroy. The Secretary of State's control over financial matters, were also strengthened after 1858, enormously increasing his influence over administration.³ In India too the coming of railways and telegraph had bridged the gap between local governments and Calcutta. The Imperial and local legislature Councils widened or established by the Indian Councils Act of 1861 included a few Indians but had insignificant powers. Since they were entirely nominated bodies till 1892, they were devoid of any legal powers of discussing budgets or raising questions. So we had a political structure which concentrated enormous power in the hands of the Viceroy and Secretary of State.⁴ In Bombay it was the Governor and his Council which held sway. For administrative purposes a system of departments prevailed. There was no separate department for labour affairs if and when such matters arose they were put in the care of the General Department which was concerned with miscellaneous matters. Other departments like the Judicial Department were however, also consulted. In discussions on matters concerning legislation, some members of the bureaucracy played a more important role than others. Why a bureaucrat

3. Ibid., p.34 and p.36; S. Sarkar, Modern India. (Delhi, 1983), p.12.

4. S. Sarkar, Ibid., pp. 12-13.

played a certain role vis-a-vis certain legislative activity, is an object of wider study. It is certain however, that professional competence of individual bureaucrats influenced their selection for certain activities e.g. W. Moylan, who played an important role during the discussions in the Bombay government on the first Factories Act, was the Inspector of Steam Boilers.

There were various types of pressure groups which took an interest in factory legislation. On the one hand there was the Manchester Chamber of Commerce and 'Cotton M.P.s combine in England which lobbied hard for Lancashire Mill interests. Interest in Bombay's Cotton Mills began not long after the industry started in 1856.

According to S.D. Mehta the earliest protests were made in 1860.⁵ As early as 1861, the Manchester Chamber of Commerce criticised the Indian import and export duties which were 'already checking the progress of trade by fostering native manufactures under a false system of protective duties'.⁶ Among its other interests vis-a-vis India was the development of waste lands for cotton

5. S.D. Mehta, The Cotton Mills of India 1854 to 1954 (Bombay, 1954), p.34.

6. A Redford, Manchester Merchants and Foreign Trade Vol.2 1850-1939 (Manchester, 1956), pp.12-13.

cultivation especially after the American civil war affected cotton supplies.⁷ They further desired the development of transport and port facilities and a check on adulteration of raw cotton.⁸ Indian currency reform also engaged their attention.⁹

In Bombay, it was the Bombay Millowners Association which took up cudgels for the Cotton Mills. It described its main object as the promotion and protection of trade, commerce and manufactures in India in general and of the cotton trade in particular".¹⁰ Thus, it conducted a prolonged campaign against a duty of 5% levied in 1875 on American and Egyptian raw cotton imported into India. It also argued against the removal of duties on imported piece-goods (5%) and yarns (3 1/2%) levied under the 1875 Act. On both occasions it assured the British Government of wanting to help British manufactures.¹¹ Over the years the Association lobbied for government interference to restrict the influence of British textile interests.

7. Ibid, p.14.

8. S. Bhattacharya, loc, cit., p.xxii.

9. A. Redford, loc. cit., p.16.

10. S.D. Saklatvala, History of the Millowners' Association, Bombay 1875-1930 (Bombay, 1931), p.1.

11. Report of the BMA for the years 1875 and 1875-76 (Bombay, 1876), p.13 and p.59.

Evaluating its performance in November 1879, M.N. Banajee, a member of the committee of the Association had this to say: 'It is an undoubted fact that this Association has been the channel of doing immense good to the chief cotton industry of the place'.¹² Various methods were used by groups mentioned above for influencing government opinion. Petitions and memorials seem to be the most commonly used means of securing access to the administration. In 1868, along with the Liverpool Chamber of Commerce, the Manchester merchants petitioned for a more effective presence of commerce on the Council of the Secretary of State.¹³ The year 1874 saw Lord Salisbury, Secretary of State for India, receiving a deputation from the Manchester Chamber of Commerce which urged the abolition of the duty on cotton goods imported into India.¹⁴ The Millowners of Bombay also used the Memorial as a means of ventilating their grievances. Thus on 7 February 1876 they presented an address to Sir Louis Mallet opposing the proposed Factory Act and the demand of British manufacturers for the repeal of duties on piece-goods and yarns.¹⁵

12. S.D. Saklatwala, loc. cit., p.4.

13. A. Redford, loc. cit., p.27.

14. R.K. Das, Factory Legislation in India (Berlin, 1923), p.8.

15. MSA., GD., 1876, Vol. 59, p.73.

A convention seems to have been in existence in Bombay as regards the making of laws. The government thought it expedient to consult and confer with eminent members of those groups in Bombay who were likely to be affected by any impending measure. Regular consultations took place between the Bombay government and the Bombay Millowners Association when the Draft Factories Bill was being discussed in late 1878. Some of Bombay's most important Millowners were appointed on the Factories Commission of 1875. One reason for such a practice was voiced in another context by James Gibbs, President of the Income Tax Commission and member of the Bombay Council when he praised the contribution of Sir Cowasjee Jehanghier Readymoney as member of the same Commission in 1860. 'Yon brought to that Commission...an intimate acquaintance with the mercantile community of the city, which was of the greatest importance in enabling us to assess the tax'.¹⁶ V.N. Mandlik too, was praised by Sir Richard Temple for ably assisting in the legislative process as member of the Bombay Council.¹⁷

Apart from formal memorialising and deputations, the Press was not infrequently involved in the lobbying process.

16. J.C. Jehanghier, Life of Sir Cowasjee Jehanghier Readymoney (n.p., 1890), p.18.

17. Sir Richard Temple, Men and Events of my time in India (London, 1882), p.476.

Thus, not long after the Bombay Factories Commission submitted its report on July 2, 1875, a writer in the Times of London, alarmed at the cheap labour in Indian Mills warned his readers that 'unless some unlooked-for convulsions should arise, it is plain that all the wool of the Cape and our Australian colonies will one day be made in India for exportation to Europe'.¹⁸

In the "native" newspapers the Bombay Mills had a firm ally. Their opposition to British commercial policies was unanimous. On the question of factory legislation, with the exception of the Rast Goftar and Akbare Saudagar, the Press opined that labour legislation was an attempt to scuttle a young industry.

Besides the tightly organised business groups government opinion was sought to be shaped by other agencies which provided support to causes like labour legislation. On the one hand, we had Mary Carpenter and Lord Shaftesbury in England, with their interest in labour reform. Petitions by groups of citizens in Bombay could not be ignored by the government. And there was Sorabjee Shapoorjee Bengallee, who had championed numerous causes and was now arguing for labour legislation. Support for labour legislation was also

18. Quoted in R.K. Das, loc. cit., p.7.

forthcoming from some in the Mills of Bombay; partly out of humanitarian considerations and partly out of the desire for a more efficient work force. Interaction between these different enthusiasts added a new dimension to the politics of labour legislation. However, the strength and influence of the reformists varied in its prowess and resources, Lancashire clearly stood apart.

THE ROLE OF THE BUREAUCRACY

A not unimportant factor which needs to be touched upon in our exploration of different pressures influencing policy choice is the attitude of the Bombay bureaucracy. As we shall see later, a concern for the Cotton Mill workers of Bombay was closely linked to the interest the city's growing Mill industry aroused in England. Britain had a long history of factory legislation, the earliest attempt to limit the hours of child labour having been made in 1784.¹⁹ Those who manned the colonial administration, had seen the impact of legislation on British industry and labour. Apart from its humanitarian implications, its consequences for equalising the conditions of competition could not have escaped the British bureaucrat. The possible impact of this experience on the bureaucracy's attitudes towards Bombay's

19. B.L. Hutchins and A. Harrison, A History of Factory Legislation (London, 1926), p.9.

Mills and labour will be examined in Chapter 2. However, it is worth mentioning here an aspect of the Bombay bureaucracy which may have conditioned its perceptions. Voices were heard in England about the financial involvement of Bombay government officials in the cotton Mills there. This is likely, though it is difficult to estimate how widespread this tendency was. W. Moylan, Inspector of Steam Boilers and later Secretary to the Bombay Factory Commission of 1875 was in the employ of certain Mills and Cotton Presses.²⁰ It was also alleged in the British Parliament that officials had invested in the Anglo-Indian Mill established in Bombay in 1877.²¹ It was the first Mill which principally used European capital.²²

The process which culminated in the Indian Factories Act of 1881 began in Bombay. On August 26, 1874, Colonel H. Bollard, Mint Master of Bombay wrote to the Government there, about the need for a factory act "restricting the hours of labour for women and young children" in the city's spinning Mills.²³

20. MSA., GD., 1873, Vol.75, pp.165-166.

21. HPD, Vol. CCXXXV, 19 June 1877 - 22 July 1877 (London, 1877), p. 1112.

22. NO. July 1, 1877, p. 410.

23. MSA., GD., 1874, Vol.20, p.11.

After this, there was no looking back. It set in motion a series of events which culminated in the setting up of the Bombay Factory Commission on March 23, 1875. Within four days of the receipt of Bollard's letter, E. James, the Under-Secretary to Government in the General Department penned a note that the Collector of Bombay be asked to enquire about the number of hours children and women laboured in the Mills as also about other abuses apart from long hours of work.²⁴ Formal instructions followed on September 5, 1874.²⁵ A desire to hasten matters can be noticed at the highest levels in the Bombay Government. While writing to the Secretary of State in England for copies of the Factory Acts in force there, the Governor of Bombay noted that the subject of legislation in Bombay "will probably have to be taken up at an early date..."²⁶

It is pertinent to ask why Colonel Bollard took the initiative he did. He had been among the Commissioners appointed under the Boiler Inspection Act (1869)²⁷. This

24. Ibid., pp.14-15.

25. Ibid., pp.3-7.

26. Ibid., p.17. We may note here that opinions differed amongst the members of the Governor's Council on the necessity for an Act, though the need for some form of regulation of the Mills in Bombay was recognised by everyone. This is studied in Chapter 2.

27. MSA., GD., 1871, Vol.220, p.445.

may have introduced him to the condition of work in the Mills. A certain Mr. Bower of the Royal Mill in Bombay provided him with an estimate of the child and female work force at that time in the city's Mills.²⁸ In his letter, Boll'rd took notice of the yearly increase in the number of Mills and further felt that the earlier the question of protecting factory workers was taken up the easier would it be to legislate.²⁹ But, we are still left in the dark about why Bollard chose to write at the time he did; it was his letter which moved the government into action. It is relevant to state that on December 24 1873 i.e. nearly eight months before Bollard's letter, Major A.T. Moore, Inspector-in-Chief of the Cotton Department (Bombay) had in a Report voiced the need to regulate the hours and conditions of work in Bombay's Mills.³⁰ It proved inconsequential.³¹ Sometime

28. MSA., GD., 1874, Vol. 20, p.11.

29. Ibid., p.12.

30. Administration Report of the Cotton Department for the year 1872-73. (Bombay), p.6.

31. In reply to a query in the House of Commons on 8 February 1875 concerning the prospect of Factory legislation for India, the Under Secretary of State Lord George Hamilton made mention of Major Moore's Report. He further added that the Secretary of State had "in a despatch dated 30th April 1874 commended the subject to the best attention of the Government of Bombay." HPD, Vol. CCXXII, 5 Feb. 1875 - 17 Mar. 1875 (London, 1875), p.75. There is no evidence of such a despatch. Further, there is no reference to such a despatch when the Governor of Bombay first wrote to the Secretary of State on Sept. 25, 1874 informing him of the need for factory legislation in Bombay.

after May 1874, Lord Shaftesbury speaking in the British Parliament, had made reference to the Bombay Mills labour question; but to no avail.³² This sudden emergence of interest in Mill labour following the letter of Colonel Bollard is all the more striking as it contrasts sharply with the total absence of such concerns in the few years before 1874. The Administration Reports of the Bombay Presidency for the years 1871-74 reflect no interest in this issue.³³ The Moral and Material Progress Reports while conveying information about the rising industry make no mention of the conditions of work in the Mills.³⁴ Nor was the issue raised in any of the meetings of the Council of the Governor of Bombay in 1873 and 1874.³⁵ It is true that some propensity for labour reform existed among British officials in Bombay (see Chapter 2). Let us turn to the process Bollard's letter initiated for it is in the context of this process that it assumes significance.

32. HPD. Vol. CCXXVI. 26 Jul. 1875 - 13 Aug. 1875 (London, 1875), p.210.

33. Report on the Administration of the Bombay Presidency for the year 1871-72, 1872-73, 1873-74.

34. Statement exhibiting the moral and material progress and condition of India during the year 1871-72, 1872-73, 1873-74.

On March 23, 1875, the Government of Bombay appointed a Commission to investigate into and report on the condition of work prevalent in the factories in and around Bombay with the aim of ascertaining the necessity of legislation for regulating the hours of work, especially of women, young persons and children. Among the other aims of the desired legislation was securing workers against accidents, adequate ventilation and sanitation in the factories besides the general improvement in conditions of the workers employed.³⁶ F.F. Arbuthnot, Collector of Bombay, was to be the President of the Commission. W. Moylan, Inspector of Steam Boilers was to be its Secretary.³⁷ There were eight other members, of whom six were closely connected with companies engaged in the cotton Mill industry.³⁸ It is relevant to mention here an error in the writings on the Indian Factories Act of 1881 by earlier scholars like J.C.

35. Proceedings of the Council of the Governor of Bombay assembled for the purpose of making laws and regulations 1873 (Bombay, 1874); Proceedings of the Council of the Governor of Bombay assembled for the purpose of making laws and regulations 1874. (Bombay, 1875).

36. MSA., GD., 1875, Vol. 26, p.177.

37. Ibid., p.122.

38. The eight members were: J.K. Bythell, Rao Saheb V.N. Mandlik, Munguldass Nathoobhoy, Hamilton Maxwell, G.A. Kittredge, Thomas Blaney, Morarjee Goculdas, Dinshaw Manockjee Petit.

Kydd³⁹, R.K. Das⁴⁰ and Bipan Chandra⁴¹. Both J.C. Kydd and R.K. Das argue that the Bombay Factory Commission of 1875 was appointed at the instance of the Secretary of State.⁴² In their narrative they give importance to a despatch of the Secretary of State dated April 30, 1874.⁴³ According to our sources, it was on March 4, 1875 that the Secretary of State first wrote to the Governor of Bombay. He desired that an inquiry be made into the condition of labour in the Mills of Bombay and if the facts warranted it, an Act be passed to regulate the house of labour of women and children.⁴⁴ In his reply to the Secretary of State on April 5, 1875, the Governor of Bombay mentioned the appointment of a Commission to look into the labour question, before the receipt of the

39. J.C. Kydd, A History of Factory Legislation in India (Calcutta, 1920).
40. R.K. Das, Factory Legislation in India (Berlin, 1923).
41. Bipan Chandra, The Rise and Growth of Economic Nationalism in India (New Delhi, 1982).
42. Kydd, loc. cit., p.4; Das, loc. cit. p.14. Bipan Chandra who argues in the same way quotes J.C. Kydd, A History of Factory Legislation, p.4. Christine Dobbin is however an exception. In her Urban Leadership in Western India (London, 1972), p.205, she makes mention of the Govt. of Bombay having suggested to the Secretary of State that a Factory Act was needed in Bombay Presidency.
43. See our footnote No.31.
44. MSA., GD., 1875, Vol. 26, pp. 198-199.

former letter.⁴⁵ He further drew his attention to a request made for copies of Factory Acts in force in England (vide a letter dated September 24, 1874).⁴⁶

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The Factory Commission commenced proceedings on April 14, 1875.⁴⁷ It could not arrive at a unanimous conclusion. Only two of its members, Dr Blaney and Mr Arbuthnot were for a simple legislative enactment.⁴⁸ The Report then came up for discussion among members of the Bombay Governor's Council. We shall not deliberate over this now, but it came to be agreed by the Governor in Council that a final opinion on the Report could be voiced only after enquiries were made into the condition of the workers in the Ginning Factories in the collectorates of Surat and Broach.⁴⁹ On receipt of these reports the Governor of Bombay, P.E. Wodehouse opined, "The evidence... appears to me to establish, not so much that abuses exist as that it is possible for them to come

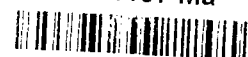
45. Ibid., p.203.

46. Ibid.

47. Report of the Commissioners Appointed....to Inquire into the condition of the operatives in the Bombay Factories.... in MSA., GD., 1875, Vol. 26, p.1.

48. We shall examine this in greater detail in Chapter 2.

49. MSA., GD., 1875, Vol. 26, p.333.



into existence under the present system."⁵⁰ He further averred that neither the operatives nor their representatives had complained to the Government of oppression by Millonwers.⁵¹ Besides, it was felt that for the workers, factories were a source of "remunerative employment which they would find almost impossible to obtain elsewhere."⁵² The matter was handed over to the Government of India with an opinion that if legislation was thought necessary "to prevent, for the future, abuses which do not now exist, this Government would confine it to sanitation and ventilation alone."⁵³ There is no evidence of any correspondence between the Government of India and the Bombay Government after this. Much later, in 1879, Viscount Cranbrooke who had become Secretary of State on April 2, 1878 was to declare that the decision to legislate was withheld due to the famine.⁵⁴ "It is obvious that the

50. Note of P.E. Wodehouse dated Jan. 13, 1876 in MSA., GD., 1876, Vol. 36, p.55.

51. Ibid.

52. Letter of E.W. Ravenscroft (Acting Chief Secretary to Govt. of Bombay) to Secretary to Govt. of Bombay (Deptt. of Revenue, Agriculture and Commerce) dated Feb. 1, 1876, in MSA., GD., 1876, Vol. 36, p.59.

53. Ibid.

54. A Famine affected Bombay Presidency in 1876 due to failure of the summer monsoon; it brought misery to 8 million people, 5 million of whom were affected severely. Many parts of Bombay Presidency remained affected till 1880. See B.M. Bhatia, Famines in India (Bombay, 1967), pp.90-91 and p.161.

employment of the people in any way during the time of the Famine was desirable; for thousands of families had to be supported and any interference with labour at that crisis was to be deprecated."⁵⁵

BRITISH COTTON INTERESTS

This process in Bombay, did not take place in isolation from events in England. It was naturally the practice of the Bombay Governor to keep the Secretary of State informed about developments in his domain. Thus on September 25, 1874, the Governor of Bombay wrote to the Secretary of State of the beginning of inquiries into the need for legislation to safeguard the women and children in Bombay's Mills.⁵⁶ A request was also made for the Factory Acts in force in England and any other material which could aid the

55. HPD, Vol. CCXLV, 31 Mar. 1879-8 May 1879. (London, 1879), p.30. The explanations of earlier scholars for no legislation taking place after the Commission of 1875, are not satisfactory. J.C. Kydd in Chapter 1 of A History of Factory Legislation abstains from discussing this issue. R.K. Das on p.16 of Factory Legislation in India fails to mention that after declining to legislate on its own, the Bombay Govt. had referred the matter to the Govt. of India. An argument similar to that of R.K. Das is provided by C. Dobbin in Urban Leadership in Western India, p.206 and Bipan Chandra in Rise and Growth of Economic Nationalism in India, p.328.

56. MSA., GD., 1874, Vol. 20, p.17.

legislation process in Bombay.⁵⁷ Nearly a year later the Bombay Governor was to write again. This time, the Secretary of State was informed of the salient features in the **Report of the Factory Commission (1875)**, submitted on July 2, 1875. Mention was also made of the fact that the Bombay government was reserving its action till the Collector of Surat and Broach submitted reports concerning the condition of workers in the ginning factories of those districts.⁵⁸

The 'Moral and Material Progress Reports' for the years 1871-1874, carry information about the State and progress of the Bombay Mills, the consequences of the cotton import duties etc.⁵⁹ There were good reasons for interest in Bombay's Mills in England. The fortunes of British Mills were inextricably linked with those of India and especially of Bombay. We have seen earlier, how the Manchester Chamber of Commerce lobbied with the British Government for tariff reform. In 1874 however, to the demand for tariff reform was added another; factory legislation for India. Mr.

57. Ibid.

58. MSA., GD., 1875, Vol. 26, p.335.

59. Statement exhibiting the moral and material.....of India during the year 1871-72, 1872-73, 1873-74.

Anderson, a millowner from Glasgow⁶⁰ voiced it in the House of Commons on February 8, 1875.⁶¹ This new demand constituted an entirely new dimension in the relations between the British Mill industry and the British State vis-a-vis the Cotton Mills of Bombay. It is significant that this new demand by a British millowner was voiced at about the same time when what was to become the Bombay Factory Commission was being constituted.⁶² It may, therefore, be useful to take a close look at the nature of England's cotton trade with India over the years.

This apprehension of the British Mill towards the Cotton Mills of Bombay had a history going back to 1860 when the earliest protests were voiced.⁶³ At a meeting of the Manchester Chamber of Commerce on April 1867, Mr Cassels deplored the preference in India for long cloths, T cloths and domestics produced by Bombay Mills over those made in England.⁶⁴ According to Messrs. William Nicol and Co.

60. R.K. Das, loc. cit. p.9.

61. HPD., Vol. CCXXII, 5 Feb. 1875 - 17 Mar. 1875, (London, 1875), p.76.

62. The Bombay Factory Commission was appointed on 23 Mar. 1875.

63. See Footnote 5 and 6 above.

64. Cited in P.R. Cola (Ed.), Undeveloped Wealth In India and State Reproductive Works (London, n.d.), p.364.

(Bombay) the products of Bombay Mills were preferred as they were sized to a much lower extent than those coming from England.⁶⁵ Mr Cassels also felt that the Bombay material, although a rougher is an honest article, and wears better than the latter."⁶⁶ It is difficult for want of more information to give a detailed picture of the damage suffered by the Mills of England in their trade with India. In 1874 **Native Opinion** estimated a decline of 5% in the import of cotton cloth from England into India.⁶⁷ In 1875 it was to write of English coarse cloths, long cloths, T-cloths and Domestics with the lower counts having "of late in a large measure been driven out of the market by the native Mills."⁶⁸ By 1874-75, out of a total import trade in cotton goods and yarns of 19,387,270 pounds, only about 900,000 pounds consisted of the coarse variety.⁶⁹ But it is unlikely that the British Mills ceased to covet the Indian market for coarse goods; for the Tariff Acts of 1871 and

65. Letter of William Nicol & Co. (Bombay) to the Secretary, Bombay Chamber of Commerce cited in P.R. Cola, Ibid., p.363.

66. Cited in Ibid., p.364.

67. NO, 12 Jul. 1874, p.438.

68. NO, 1 Aug. 1875, p.482.

69. Report of the BMA for the years 1875 and 1875-76. loc. cit., p.84.

1875 continued to impose duties on coarse yarn and cloth.⁷⁰ In 1878, when certain lower qualities of cotton cloth were exempted from duty, the import of coarse goods increased. According to the State of the Trade of British India for 1879-80 the import of grey goods had almost caused the importation of the medium and finer classes of goods to cease.⁷¹

In the manufacture of the sort of goods it did, Bombay's Mills had an advantage over the Mills of England. According to P.R. Cola, who promoted the Arkwright Mills in Bombay⁷², cotton goods made and consumed in India had an advantage of about 30% favouring them. They escaped "the costs incidental to English-made fabrics intended for exportation to India, besides the important additional

70. The 1871 Tariff Act imposed an import duty of 3 1/2% on cotton twist and yarn apart from a 5% duty on cotton goods. These were retained in the 1875 Tariff Act as well. (Vide R.C. Dutt, The Economic History of India, Vol.2, (New Delhi, 1976), p.293 and p.295.)

71. Quoted in Statement Submitted to the Tariff Board by the BMA, 1926 (Bombay, n.d.), p.3. The cloths exempted were unbleached T-cloths under 18 reed, jeans, domestics, sheetings and drill. The goods exempted were not to have yarn finer than 30s. (Vide, R.C. Dutt, loc. cit., p.300). It is not clear how long this state of affairs continued, but on Apr. 17, 1881 we see it mentioned in Native Opinion p.216 that the import of English cloth of the sort made in India have stopped.

72. S.M. Rutnagur, Bombay Industries: The Cotton Mills (Bombay, n.d.), p.10.

advantage of much cheaper and more abundant labour in India".⁷³ The cost of producing 1 lb. of No.20's yarn in Bombay, including coal was equal to the cost incurred in Manchester. But the disadvantage of Manchester lay in its Mills having to pay by way of interest and other expenses about 1.1/4 d. per lb. for transporting the cotton from Bombay to the Mill in Manchester, and a further 2 d. per lb. to bring the yarn back to Bombay.⁷⁴ Endowed with such advantages, repeal of the 5% import duty on cotton goods and 3.1/2% on cotton yarns would have "no appreciable effect on the permanency and progress of cotton Mills in India."⁷⁵ The import duty on 20's yarn into India was just 1/2 d. per lb. weight. If this were abolished, the spinners of Bombay would still be assured of a profit of 2.3/4 d. per lb. resulting from the expenditure saved by spinning in Bombay instead of shipping the cotton to Manchester.⁷⁶

73. P.R. Cola, loc. cit., p.362. This view relates to the situation around 1874, as the Preface is dated Oct. 1874. A similar view was expressed by J.K. Bathwell, a European merchant engaged in the Manchester trade, at a meeting of the Bombay Chamber of Commerce in 1873: "I have been told by agents and directors of the new mills..... that they are making as much as two annas a pound, or from 25 per cent to 30 per cent..." (Vide P.R. Cola, Ibid., p.363).

74. P.R. Cola, Ibid., p.362.

75. Ibid.

76. Ibid.

The market for finer goods was not subject to the same constraints. Mr John Robertson, the Glasgow cotton spinner had concluded from his secret investigation of Bombay's Mills that the market in India for finer classes of yarn and goods was unlimited.⁷⁷ But, the Tariff Committee in their Report to the Government of India was extremely pessimistic about the success of any attempt by Bombay's Mills to produce the finer qualities of yarn and cloth profitably.⁷⁸ Robertson's view was not dissimilar.⁷⁹ Having acquainted ourselves with certain general features of the English trade with India in cotton yarn and cloth, let us focus our attention on the same from 1873-74 onwards. We have chosen this period for two reasons. Firstly, it witnessed the commencement of the process which led to the legislation for factories in India. Besides, 1873 also saw the outbreak of the Great Depression (1873-1896) which Professor E.J. Hobsbawm has called "the first international challenge" to the British economy.⁸⁰ It was essentially a period of falling prices in a situation which saw the

77. Cited in Report of the BMA for the years 1875 and 1875-76, loc. cit., p.71.

78. Quoted in Ibid., p.23.

79. Footnote 23 in M.D. Morris, The Emergence of an Industrial Labor Force in India, (Bombay, 1965), p.28.

80. E.J. Hobsbawm, Industry and Empire (Middlesex, 1986), p.151.

emergence of a group of industrial and economically advanced nations which competed with each other.⁸¹ Our interest is in knowing how the British cotton Mill industry fared vis-a-vis India in this period. B.R. Mitchell and Phyllis Deane have given us information about the consumption of raw cotton in the British Mills.⁸² These are a reliable index of the health of this industry. The period 1873-1874 witnessed a decline in the rate of growth of consumption; 1875 saw an absolute decline with a real growth in 1876 when consumption exceeded the 1874 level. The period 1877-1879 saw an absolute decline once again with the 1879 figure being less than that of 1872.⁸³ We cannot elaborate upon the reasons for these developments, examination of which would require a larger study. This decline was accompanied by English trade faring badly in the face of competition from European countries and especially from America.⁸⁴ Tariff barriers by certain nations after 1870 had also affected Britain's foreign markets.⁸⁵

81. Ibid. p.131.

82. B.R. Mitchell and Phyllis Deane, Abstract of English Historical Statistics (London, 1971), p. 179.

83. See Appendix I

84. NO., Jan. 19, 1879, p.39.

85. S.Bhattacharya, loc. cit., p.15.

It may be useful, however, to state certain factors which may have conditioned the trade with India in this period of Depression, further damaging the fortunes of the British Mills. The number of Mills in Bombay increased from 14 in 1873 to 32 in 1881.⁸⁶ This will have certainly reduced the market for coarse goods from Britain.

Another development in this period was the depreciation of silver in 1874⁸⁷ which aroused the attention of the Manchester Chamber of Commerce in 1876,⁸⁸ although the nature of its impact is in dispute. Mr J.C. Fielden, a manufacturer from Manchester, while deposing before the Bombay and Lancashire Cotton Spinning Inquiry (whose Report was published in 1888), stated that the depreciation of silver had benefited the Indian spinner: 'When we import cotton from Bombay we gain because of the increased purchasing power of our money, as compared with theirs, upon

86. The growth of Mills is as follows: 15 in 1874, 27 in 1875, 29 in 1876, 31 in 1877 and 32 from 1878 to 1881. (Vide M.D. Morris, loc. cit., Appendix. I. p.213.)

87. As a result of the inflow of gold into the market due to discoveries in California, Australia and South Africa the value of silver money declined. With the increase of gold, its own price also declined. As a result less of anything could be purchased by it than earlier except silver for the value of silver had fallen 10% more than value of gold. (Vide NO, Jul. 25, 1875, p.467).

88. A Redford, loc. cit., p.35.

the cotton. But this advantage is exactly reversed when we ship the yarn there.'⁸⁹ But the majority on this Report had a different view. While it agreed that the Indian spinner benefited from depreciation of half penny per pound of yarn, they opined that as freight rate had fallen by a much larger amount since 1873, the Bombay spinner's advantage from silver depreciation had been more than counterbalanced.⁹⁰

The Famine in parts of Bombay Presidency from 1876 will have also affected the British cotton trade with India. Import of cotton twist and yarn from all countries fell from 2,794,769 pounds in 1876 to 2,733,514 pounds in 1877 with cotton goods declining from 16,450,212 pounds to 15,991,719 pounds during the same period.⁹¹ The import of the coarse goods after 1878 had increased, when duties on certain type of coarse cloths were abolished.⁹² The value of these imports is not known. The average value of grey cloth however, was never high.⁹³ And by 1881, we hear of the

89. Quoted in Ibid. pp.36-37.

90. Ibid., p.37.

91. R.C. Dutt, loc. cit., p.249.

92. See Footnote 71.

93. A. Redford, loc. cit., p.22.

import of English cloth and the type made in India, having come to an end.⁹⁴

The English Mill industry plagued by problems associated with the Depression which were worsened by difficulties described above was witness to one of the biggest industrial strikes till then. Local strikes resulted from several minor reduction of wages during 1877. In March 1878, 250,000 workers employed in 70 Mills were affected by a 10% reduction in wages. A colossal strike ensued. Blackburn was the scene of serious rioting. Mr Briggs, the Millowner M.P. from Blackburn was perhaps expressing the collective anxiety of his Mill-owning brethren, when he stated in the House of Commons : " Against falling prices and feeble markets, overwhelming supply and shrinking demand, all effort, all suggestion, have been exerted in vain. Capital and labour ...have fought for the mastery, exhausting and extending their giant strength in fratricidal strife. But now regretting bitterly, in their want, the time and money spent in strikes and lockouts, masters and men now stand aghast and amazed at the common ruin which seems to be enveloping them all..."⁹⁵

94. NO., Apr. 17, 1881, p.216.

95. HPD., Vol. CCXLV, 31 Mar. 1879 - 8 May 1879, (London, 1879), p.375.

It is an interesting feature of Britain's foreign trade with India, that, inspite of troubles in the cotton Mill industry, piece goods exports to India increased enormously in the period 1870-1880 from 923 Million yards (1870) to 1813 Million yards (1880). Fine goods will have contributed not inconsiderably to this increase. Mr Jacob Bright, the M.P. from Manchester admitted on July 10, 1877 in the House of Commons that "although the export of coarse goods to India had very much declined the exports of the finer fabrics had greatly increased."⁹⁶ The Native Opinion of April 17, 1881 admitted to the import of English cloth of the sort made in India having stopped. Clearly Britain's dependence on the Indian market had increased. In 1870, 28.4% of England's total piece-goods export was sent to India; in 1880 this figure rose to 40.3%.⁹⁷ "Britain had escaped" Hobsbawm comments, "from the Great Depression....not by modernising her economy, but by exploiting the remaining possibilities of her traditional situation."⁹⁸ He adds, "Indeed in this period of difficulty

96. HPD., Vol. CCXXXV, 19 June 1877 - 26 July 1877, (London, 1877), p.1091. It is difficult to assess the relative value of these goods; but the figures of the value of imports of cotton twist cum yarn and piece goods from all countries shows a declining trend; prices having fallen under the Depression.

97. A. Redford, loc. cit., p.22.

98. E.J. Hobsbawm, loc. cit., p.151.

Asia saved Lancashire, even more decisively than Latin America had done in the early part of the century."⁹⁹ We have seen above that the period which witnessed the demand and progress towards factory legislation for India, coincided with troubled times for the English Cotton Mill industry. This is not to say that the entire English Cotton Mill industry was affected to the same extent and responded uniformly to these troubles. We shall examine this in greater detail a bit later.

However, the increased dependence on India was unmistakable. The imposition in the 1875 Tariff Act of import duty on long staple cotton was perhaps the most revealing political expression of this new found necessity. The British Millowners were surely aware of the desire in Bombay to produce fine yarn and cloth. Attempts had been made in Bombay Mills to produce these by using a mix of Egyptian and Indian cotton.¹⁰⁰ The Millowners admitted that Mills being erected in 1875 were to have the means to produce fine cloth and yarn.¹⁰¹ In this period, a section of the Bombay Press expressed the importance of producing

99. Ibid., p.147.

100. P.R. Cola (ed.), loc. cit., pp.362-363.

101. Reports of the BMA for the years 1875 and 1875-76, loc. cit., p.17.

fine goods; it was an escape from the likely adverse consequences of over production by Mills producing only coarse goods.¹⁰² It is true, however, that the prospects of Indian Mills producing fine goods profitably were low. This was the opinion of both Robertson, the Glasgow spinner¹⁰³ and the Tariff Committee.¹⁰⁴ P.R. Cola reported that the experiments in Bombay to produce finer goods showed that the coarse yarns and cloths paid better.¹⁰⁵ The fine goods market continued to remain unattractive by and large, for the Bombay Mills atleast till 1894.¹⁰⁶

So the clause regarding long staple cotton in the Tariff Act of 1875 seems to have been included out of the desire to take precaution against a possible growth of fine goods manufacture in the Mills of Bombay. The inclusion of the same clause was also a reflection of an increased influence over the British Government on behalf of the Mill interests there. This was the first occasion after 1858

102. NO., Jul. 12, 1874; NO., Jul 19, 1874; NO., Jul. 26, 1874.

103. Cited in M.D. Morris, loc. cit. footnote 23, p.28.

104. Quoted in Reports of the BMA.....1875 and 1875-76, loc. cit., p.23.

105. P.R. Cola, loc. cit., p.363.

106. Report of the BMA for the year 1894, 1895, Bombay, p.29.

when a commercial measure was used which could have adversely affected the performance of the Mills in India.

The history of tariffs since 1858 consisted of a progressive reduction of duties on imported cotton twist, yarn and cloth. (See Appendix II) This progressive reduction was no doubt meant to aid the British Mills vis-a-vis those in India.¹⁰⁷ As a measure which sought to directly cause harm to the Mills of Bombay, the duty on long staple cotton imports was the first one. Given the constraints to manufacture of fine goods in Bombay, such a duty would prove genuinely restrictive.

Although the Tariff Act of 1875 retained the import duties on yarns (3 1/2%) and cloth (5%) it marked a departure from earlier British policies. In doing what it

107. The British Mills were not able to compete with their Indian counterparts in the production of coarse goods inspite of tariff reduction. It is true, however, that the British Millowners found the reduced duties burdensome. Throughout their attempt to get them revoked, the duties were represented as being protective. The facts were however, weighted against the British millowners. The advantages of the Bombay Mills were so great that revocation of duties would have no significant impact on their progress. (See footnote 76). Commenting upon these advantages Lord Salisbury, for whom defence of British Mill interests was an article of faith, had said: 'In the presence of influences so powerful, the effect of the 5 per cent duty is probably insignificant'. (Quoted in HPD., Vol. CCXXVII, 8 Feb. 1876 - 14 Mar. 1876, (London, 1876), p.1981.

did, the British government was directly participating in preserving a market for British Mills. As we have seen before, this market was extremely crucial to them at this juncture.¹⁰⁸ In 1878 again, with a Famine in parts of India causing a depression in trade¹⁰⁹, the lower qualities of cotton goods were exempted from duty.¹¹⁰ Further concessions were made in March 1879 when all imported goods without yarn finer than 30s were exempted.¹¹¹ Hobsbawm, commenting upon the relations between business and State in the era of Great Depression has observed, "Increasingly business, in one way or another, called on the State not only to give it a free hand, but to save it"¹¹²

It would be illuminating to briefly explore certain political developments of this period to understand the increased influence of the British Mills over the government of the day. British industry could not have had a better government. If firmly believed that the "fortunes of the economy ...depended on its industry, trade and finance which

108. See Footnotes 94 to 97.

109. A. Redford, loc. cit., p.35.

110. R.C. Dutt, loc. cit., p.300.

111. Ibid., p.303.

112. E.J. Hobsbawm, loc. cit. p.131.

-- so it was thought -- required Free Trade."¹¹³ And British Mills were doubly fortunate in having a Secretary of State who was "vehement in his desire to conciliate Lancashire."¹¹⁴ The British Mill interests desired the abolishment of the import duties on cotton twist and yarn (3 1/2%) and cotton goods (5%) imposed by the Tariff Act of 1871. They represented these duties as being protective. Although Lord Salisbury thought otherwise, he wrote to the Viceroy in July 1875: 'I cannot be insensible to the political evils which arise from the prevalent belief upon the matter.'¹¹⁵

In January 1874, Mr. Fairweather from Manchester had suggested a licence system for the Mills in India, to the Liberal Government of Gladstone. It was desired that every manufacturer in India ought to pay a tax of 3 shillings per spindle and 21 shillings per loom before he could start a cotton Mill. The only response Fairweather received was a note from the government: 'Mr. Gladstone will communicate with the Secretary of State on the subject.'¹¹⁶

113. Ibid., p.199.

114. R.C. Dutt., loc. cit. p.296.

115. Quoted in Ibid.

116. Quoted from the Times (London), in R.K. Das, loc. cit., p.8.

In 1876, we find the Duke of Argyll, Secretary of State in the earlier Gladstone government, continuing to oppose attempts at revocation of import duties on cotton twist, yarn and piecegoods imposed under the 1875 Tariff Act.¹¹⁷ This, perhaps explains why the Report of Major A.T. Moore (Inspector-in-Chief of the Cotton Department, Bombay) to the Gladstone government¹¹⁸ was ignored.

In the Conservatives, the British Mills certainly found a government more responsive to their needs. And, their ability to influence it took a step ahead with the appointment on the India Council of Mr Andrew Cassels, a former Director of the Manchester Chamber of Commerce.¹¹⁹ This marked a departure from earlier failures to secure a place on the same.¹²⁰

117. HPD, Vol. CCXXVII, 8 Feb. 1876 - 14 Mar. 1876 (London, 1876), pp.1981-1983.

118. Administration Report of the Cotton Department ... 1872-73 (Bombay), p.6.

119. A. Redford, loc. cit., p.27.

120. Ibid.

SUMMING UP

We commenced our narrative by trying to answer certain questions. Why did Colonel Bollard, Mint Master of Bombay write to the Bombay Government about conditions in the Mills on August 26, 1874? Bollard's letter started a process which was not unconnected with developments in England. A British Millowner voiced the need for factory legislation in India at about the time when the Factory Commission was being constituted in Bombay. This led us to inquire into the probable reasons for interest in factory legislation on the part of the British Mills. Our enquiry into their performance as also their India trade reveals some discomfort after 1874 with a deep crisis engulfing the industry in 1877-78.

The crisis in the Mills is accompanied by an increased dependence on the Indian market. This occurred at a time when British imports of coarse cloth to India had declined; and the Bombay Mills were growing. Large quantities of goods were being sent from Bombay to Arabia, Persia, Africa and China in competition with British Mills.¹²¹ And these

121. P.R. Cola, loc. cit., p.363; NO., 19 Jul. 1874, p. 452; NO., 26

markets were likely to become more important for the Bombay Mills as a way out of the increased competition resulting from an increase in their numbers.¹²²

Fortunately for the British Mills, after 1874, it had a Government which was ready to help. The Tariff Act of 1875, while maintaining for revenue purposes, duties on imported goods took steps to prevent a fine goods industry from growing in Bombay. In 1878, it helped a troubled industry push up, albeit temporarily, its export of coarse goods to India. If the British Millowners now desired a factory Act for India, they could turn to a government which could be influenced. Factory legislation for India had become practicable as far as the British Millowners were concerned. But it was many years before the Act became a certainty. It was pressure from interests in England and India which played an important role in causing the Government of India to introduce a Draft Bill in late 1878.

122. NO., 26 Jul. 1874, p.466.

Chapter II

THE SPONSORS OF THE INDIAN FACTORY ACT

In the earlier chapter we have tried to situate the question of labour legislation in the context of the interplay between various economic interests and the structure of decision-making processes. In this chapter, we shall examine the sponsorship of the idea of labour legislation and the lobbying which preceded legislation. It was in England that the lobbying began first; S.S. Bengallee of Bombay entering the fray only in 1878. While studying this process we shall explore the inter-connections between the different interests in England and those between England and India. While studying this process contextually we shall also look out for changes in the efforts of the protagonists over the period 1873 to 1879, when for a brief period the efforts to legislate were abandoned. At the outset, let us look at the activities of the British Millowners. To do this, we need to enter the portals of the House of Commons. In the beginning we shall list certain events, coming to their significance only later.

THE COTTON M.P. LOBBY

Between 8 February 1875 and 15 February 1876, Mr Anderson a millowner from Glasgow voiced in the Commons the need for factory legislation in India on 3 occasions.¹ These were in the form of separate questions asked of Lord Hamilton, Under Secretary of State for India. Meanwhile on February 1, 1876, the Government of Bombay had referred the matter of factory legislation to the Government of India², whose opinion the Secretary of State awaited.³ A month later, Lord Winmarleigh (Cotton MP from Lancaster), while arguing for changes in the Tariff Act of 1875, made mention of the absence of "restrictions on the hours of labour" in India.⁴ Meanwhile, significant developments had taken place elsewhere. On 10 April 1877, the Secretary of State made an urgent request to know if children worked in Mills from 76 to 80 hours a week and the number of Mills where

1. HPD., Vol. CCXXII, 5 Feb. 1875 - 17 Mar. 1875 (London 1875), p.76; HPD., Vol. CCXXIV, 4 May 1875 - 15 June 1875 (London, 1875), p. 158; HPD., Vol. CCXXVII, 8 Feb. 1876 - 14 Mar. 1876 (London, 1876), p.301.

2. See footnote 53.

3. Note of E.W. Ravenscroft, Acting Chief Secretary (Bombay) to Government of India dtd. 8.9.1876, in MSA., GD., Vol. 36, 1876, p.125.

4. HPD., Vol. CCXXVII, 8 Feb. 1876 - 14 Mar. 1876 (London, 1876), p.1999.

this practice was prevalent.⁵ While providing the information telegraphically⁶, the Secretary of State was referred to earlier communications made on 14 February. 1876 and 24 Sept. 1875.⁷ It is not clear what occasioned this sudden move from the Secretary of State. On August. 13, 1877 he declared in the House of Lords the decision of the Government of India to legislate for factories. This decision was conveyed to the Secretary of State in response to his communication of 18 April 1877.⁸

In spite of this favourable development, British Cotton Mill interests continued to lobby for amendment of the 1875 Tariff Act. On July 11, 1877, the House of Commons passed a resolution desiring revocation of duties levied on cotton manufacturer imported into India.⁹

5. MSA., GD., Vol. 40, 1877, p.269.

6. Children worked an average of 91 hours in 8 factories in Broach, 79 hours in 3 factories in Surat and 78 hours per week in all factories of Bombay (Telegram of Governor of Bombay to Secretary of State, dtd. 11.4.1877 in MSA., GD., Vol. 40, 1877, p.271.)

7. The earlier carried 15 copies of the Report of the Bombay Factory Commission (1875) and the letter 15 copies of the Report of the Collectors of Surat and Broach on the condition of labour in the Ginning factories.

8. HPD., Vol. CCXXXVI, 27 Jul. 1877 - 14 Aug. 1877 (London, 1877), p.815. It is not clear why the Sec. of State took so long to announce this decision of the Govt. of India.

9. R.C. Dutt, loc. cit., p.300.

In March 1878 they secured the exemption from duty of certain coarse goods.¹⁰ Further in March 1879, Lord Lytton exempted from import duty all imported goods devoid of yarn finer than 30s.¹¹ But the campaign for factory legislation did not decline. No movement towards legislation had taken place although a decision to do so had been taken. On April 4, 1879, while campaigning for abolishment of import duty on all cotton goods the House of Commons again witnessed mention of the need for a Factory Act in India by Mr Briggs of Blackburn (Lancashire) and Mr Sidebottom, also from Lancashire.¹²

Having mentioned the activities of the 'Cotton M.P.s' in the House of Commons vis-a-vis factory legislation for India, it is pertinent to state a few observations on their conduct. A total of seven 'Cotton MPs' raised the issue of factory legislation for India on six occasions between 8 Feb. 1875 and 4 April 1879 in the House of Commons and Lords. On three out of these six occasions, it was a Millowner from Glasgow¹³ who voiced the demand on a fourth

10. Ibid.

11. Ibid. p.303.

12. HPD., Vol. CCXLV, 31 Mar. 1879 - 8 May 1879 (London, 1879), pages 379 and 387 respectively.

13. Mr. Anderson

occasion it was one from Lancaster¹⁴ and on the fifth¹⁵ and sixth¹⁶ it was voiced by M.P.s. from the industrial region of Lancashire. Lancashire was Britain's most important centre. The Lancashire M.P.s first make mention of the need for factory legislation in India only on July 10, 1877, that is over two years after the M.P. from Glasgow had raised it in the House of Commons on 8 Feb. 1875. They voiced this need while demanding reform of the tariffs on cotton goods imported into India.¹⁷ A study of these statements is quite illuminating.

In the debate in the House of Commons on March 9 1875, J. Cross from Bolton¹⁸ (a textile centre in Lancashire) only inquired of the Secretary about "the probability of an early abolition of the protective duties" on cotton goods and

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14. Lord Winmarleigh
 15. Mr. Jacob Bright of Manchester (Lancashire). Colonel Walker from Salford (Lancashire), Mr. Briggs from Blackburn (Lancashire), Mr. Sidebottom from Lancashire and Mr. Birley from Manchester (Lancashire).
 16. Mr. Briggs, Mr. Sidebottom and Mr. Mundella from Sheffield.
 17. On Mar. 9, 1875, Mar. 14, 1876 and July 10, 1877 they were lobbying for a change in the 1875 Tariff Act, on Apr. 4, 1879 they demanded abolition of import duty on all cotton goods.
 18. R.K. Das, loc. cit., p.10.

yarns imported into India.¹⁹ The next time a Cotton M.P. is involved in a discussion on duties is on March 14, 1876 in the House of Lords. The debate, this time, was of greater duration than the earlier one.²⁰ Among its major participants were Lord Salisbury (Secretary of State) and the Duke of Argyll (Secretary of State in the earlier government of Gladstone.) The discussions primarily ranged from the relations between Manchester and Lord Salisbury to the merits and demerits of the government's Tariff policy vis-a-vis India. It was on this occasion that Lord Winmarleigh complained of the absence of "restrictions on the hours of labour"²¹ in India while elaborating on the numerous advantages the Indian Mills enjoyed e.g. higher wages of English workers, proximity of Indian Mills to the source of cotton supply etc. But the attitude of Winmarleigh is not one of consternation: "The manufacturers of Lancashire were not afraid of competing with the

19. HPD., Vol. CCXXII, 5 Feb. 1875 - 17 Mar. 1875. (London, 1875), pp. 1484 - 1485. Lord Hamilton, the Under Secretary of State, informed him of the appointment of a Commission to look into the matter. Lord Hamilton was referring to the Committee appointed in Nov. 1874 headed by Alonzo Money (Vide R.C. Dutt, loc. cit. p.295).

20. Its proceedings run into 62 pages (HPD, Vol. CCXXVII, 8 Feb. 1876 - 14 Mar. 1876, pp. 1946 - 2008) as opposed to the debate on 9 Mar. 1875 which run into 2 pages.

21. HPD., Vol. CCXXXV, loc. cit. pp. 1999 - 2000.

manufacturers of India; all they wanted was a fair field and no favour."²²

It was on July 10, 1877 during the debate on Tariff reform that M.Ps. from Lancashire first voiced the desire for factory legislation in India. This was done while they argued for change in the Tariff Act of 1875. On that occasion the tone of the debate had changed. Col. Walker spoke of Manchester "suffering hard times".²³ Mr. Briggs regretted that "the conditions of our trade are almost altogether altered."²⁴ Mr Sidebottom emphasised the "great depression in trade and the absence of demand from other markets."²⁵ Towards the end of his statement he declared: "We are passing through a most grave and serious crisis, the effects of which will be felt by thousands for many long years to come."²⁶ According to Sidney and Beatrice Webb the Depression of 1873 had spread to the British Mills in 1876²⁷ In 1877 raw cotton consumption fell from the 1876

22. Ibid. p. 2000.

23. HPD., Vol.CCXXV, 19 June 1877 - 26 Jul. 1877, (London, 1877), p.1098.

24. Ibid. p.1099.

25. Ibid. p.1109.

26. Ibid. p. 1116.

27. Sidney and Beatrice Webb, The History of Trade Unionism (London, 1920), p.343.

figure of 1280 m. lbs. to 1230 m. lbs., which was lower than the figure for 1873 (1245 m. lbs.).²⁸ By the year 1879, when the desire for factory legislation was raised for one last time by the Millowners in the House of Commons, their anxiety about their conditions had turned grave. Mr Briggs exclaimed that Lancashire had "never since 1826 had to submit to such a prolonged and widespread depression of trade."²⁹ Mr Sidebottom echoed similar sentiments when he deplored the "state of partial paralysis. Never before, in its whole history, was such an intense state of depression known."³⁰ Jacob Bright, both despaired and aggressively demanded state help "So long as they had factories standing idle.....so long as they had men working for reduced wages and industries stopped, so long would they continue to press upon the Government that the interest of Manchester

28. See Appendix I

29. HPD., Vol. CCXLV, 31 Mar. 1879 - 8 May 1879. (London, 1879), p.375.

30. Ibid., p.390.

31. Ibid., p.398.

32. See Appendix I.

33. See Appendix I

34. HPD., Vol. CCXLV, 31 Mar. 1879 - 8 May 1879. (London, 1879), p.375.

35. Ibid., p.390.

required attention and should be no longer neglected."³⁶ 1879 was the worst year for the British Mill industry since the Depression commenced. The consumption of raw cotton plummeted to 1150 m. lbs., which was less than the figure for 1872 (1181 m. lbs.)³⁷. Besides, wage reductions of 10% in 1878 had caused massive strikes; serious riots broke out in Blackburn (Lancashire)³⁸ adversely affecting the Mill industry.

Thus, it is only after July 10, 1877 that the millowners of Lancashire voice the existence of a crisis in their industry in the House of Commons. It is after the same date again, that they raise the issue of factory legislation for India in a concerted way. This happens more than two and a half years after a millowner from Glasgow raised it in the House of Commons.³⁹ He was to do this on three occasions upto 15 Feb. 1876.⁴⁰ This late entry in the battle for factory legislation in India on the part of the largest and most important textile centre of England cannot

36. Ibid., p.398.

37. See Appendix I.

38. Sidney and Beatrice Webb, loc. cit. p.344.

39. A Lancaster Millowner had raised this issue on Mar. 14 1876.

40. It may be useful to add that Anderson ceased to raise the issue of labour legislation after 15 Feb. 1876.

escape attention. It may also be noted that Mr. Anderson always raised the issue of factory legislation as a separate question; the Lancashire M.P.s. voicing it only as part of lengthy deliberations on Indian tariff reform in which Anderson remained totally uninvolved. The Lancashire millowners are seen emphasising the need for tariff reform much more in their deliberations between 1875 and 1879. It may also be noted that in the past the Manchester Chamber of Commerce had employed the pressure tactics of petitions and sending delegations to secure reform of the Indian tariff.⁴¹ We do not notice employment of such pressure in the case of their lobbying for factory legislation. Redford has observed that in the "agitation in Lancashire in the 'seventies and 'eighties for some control on the hours of labour in Indian mills....the Manchester Chamber of Commerce had taken no active part."⁴²

It cannot be missed that out of the six occasions that the issue of factory legislation was raised in Parliament by millowners; on one occasion it was a millowner from Lancaster who did it, twice by millowners from Lancashire and thrice by a millowner from Glasgow -- which was hardly as large and important a textile region as Lancashire. Not only were their differences in levels of development among the various textile regions of England, but such contrasts existed even within regions. These may be due to

differences in product-mixes and economies of each of these centres; e.g. the millowners of Oldham a textile centre in Lancashire were unable to send coarse cloth to India even after remission of duties on them in March 1879.⁴³ Certain manufacturers of Lancashire would benefit more from this revision of duties than others, as the goods they exported would come under the purview of this measure.⁴⁴ There were other reasons too for different levels of development. The mills of Glasgow had witnessed a steady decline from 1838 onwards as compared to those of Lancashire. According to Sidney and Beatrice Webb this was related to the collapse of Trade Unionism and slack enforcement of the Factory Acts. As a result labour productivity was low nor had improvements in plant and machinery taken place.⁴⁵ It remains to be explored how these differences affected

41. In 1868 the Chambers of Commerce of Liverpool and Manchester had petitioned the Govt. of India for better representation on the Council of the Secretary of State; in 1874 a deputation of the Manchester Chamber of Commerce had demanded abolishment of import duties on cotton goods entering India.

42. A. Redford, loc. cit., p.42.

43. Statement of Mr. Hibbert, M.P. from Oldham in HPD, Vol. CCXLV, 31 Mar. 1879 - 8 May 1879 (London, 1879), p.400.

44. Statements of Mr. Jacob Bright and Mr. Sergeant Spinks in Ibid., pages 396 and 411 respectively.

45. Sidney and Beatrice Webb, loc. cit., p.763, Footnote 1.

attitudes on the question of Indian labour legislation. However, the evidence we have presented suggests that it is misleading to argue, as earlier writers have done, for a single uniform approach by the entire British Mill Industry.⁴⁶

LORD SHAFTESBURY AND OTHER SPONSORS

We have made a detailed appraisal of the manner in which British millowners lobbied in Parliament to make factory legislation for India a reality from the moment it was conceived. The reasons for their disgruntlement is evident -- the Mills of Bombay were deriving an enormous advantage over them through cheap labour worked for hours much longer than theirs.

Concern for the workers in Bombay Mills was also voiced by individuals like Lord Shaftesbury, Alexander Redgrave and Mary Carpenter. In April 1878, S.S. Bengalee of Bombay made his first move to influence the government in favour of factory legislation.

Lord Shaftesbury clearly dominated the scene in England. Establishing the motives of people like

46. This is the view of R.K. Das and Bipan Chandra.

Shaftesbury poses serious problems. The motives of the British millowners are evident. How did individuals like Shaftesbury push ahead the process we are studying? We shall attempt to study his arguments in the context of broader developments. We shall also try to explore connections between him and the millowners of England. Besides, the relationship between the activities in England and India will be of interest to us. The possible influence of ideology would also be considered.

We shall at the outset survey the arguments of the protagonists in England and India. Though Shaftesbury had made reference to the Bombay labour question sometime after May 1874, his serious involvement in it commenced only after 30 July 1875. When Shaftesbury took up cudgels for labour reform in India, he was in the evening of his life. Born in 1801, he had been involved in the improvement of working conditions of English factory children since 1832; having entered Parliament in 1826. In 1833 he introduced the Ten Hours Bill. A Tory till 1846, he was later converted to Free Trade; being elevated to earldom in 1851.⁴⁷ In England, Shaftesbury was the first activist in the cause of

47. B.L. Hutchins and A. Harrison, A History of Factory Legislation (London, 1926), footnote 2 p.34, pages 46 and 69.

labour legislation for India. It is true that before him Alexander Redgrave, the Inspector of Factories in England, had voiced concern about conditions in Bombay's Mills on Oct. 31, 1875.⁴⁸ A bit later Mary Carpenter, Secretary of the National Indian Association had moved a resolution on Dec. 17, 1874, desiring factory legislation in India.⁴⁹ But these statements acquired an influence only through Lord Shaftesbury's activity in the House of Lords on 30 July 1875. According to one writer these expressions of concern were rooted in an "increased sympathy with industrial conditions....indicating a higher moral tone" in those years.⁵⁰ This explanation is not entirely adequate. Both

48. R.K. Das, loc. cit., p.6.

49. J.C. Kydd, loc. cit., footnote 2, page 6. The National Indian Association was founded in England in 1870. One of its main objects was to promote knowledge and interest in India throughout England. (Vide Ibid.) Mary Carpenter, one of the leading lights of this Association was deeply influenced by Christianity. While talking about the uplift of destitute children in England, she made reference to "the grand truth equality of all before God." For her India was a land where a "deep gulf separates the higher and educated from the lower portion of society..." Though she was aghast at the condition of factories in India, she was quite at ease with the rich of Bombay. For her setting up of factories was an important advance. They could act as saviours from famine and provide opportunities to give education to workers. Education she felt would produce better workers. It was a means of self-improvement. (Vide Mary Carpenter, Six Months in India, Vol. 1 (1868) p.43 and Vol.2 p.3, pp.9-10, pp.36-37, p.81, p.129 and pp.133-134).

50. J.C. Kydd, loc. cit. pp.2-3 has quoted B.L. Hutchins and A. Harrison, loc. cit., p.174.

Redgrave and Carpenter laid emphasis on the adverse conditions in the Cotton Mills in their statements. There is no criticism of conditions in the Jute Mills of India at that time. Lord Shaftesbury quotes both Redgrave and Carpenter approvingly. But though he criticised the long hours of work in the Jute Mills in India⁵¹, it is only for Cotton Mill labour that he demanded legislation.⁵² Lord Salisbury, the Secretary of State echoed Shaftesbury's views on the need for legislation. To Shaftesbury's call, that legislation be undertaken "while the system is yet young",⁵³ Salisbury responded "There is no doubt, however, that the case is urgent.... for in a few years hence the difficulty of dealing with it will be greatly increased."⁵⁴ In response to Shaftesbury's desire for "assurance of...earnest and active cooperation",⁵⁵ Salisbury intoned, "The history of the Government of India shows,...., that it will not be deterred by any political obstacles from doing what it believes to be its duty...Your Lordships may rest assured that the Indian Government will show no shortcoming in the discharge of its high duties..."⁵⁶. However,

51. Lord Shaftesbury makes mention of 14 Jute Mills in India at that time. (Vide HPD, Vol. CCXXVI, 26 Jul. 1875 - 13 Aug. 1875 (London, 1875), p.210.

52. Ibid., p.211.

53. Ibid.

54. Ibid. pp.212-213.

55. Ibid. p.211

56. Ibid. pp.213-214.

Salisbury's was a more cautious approach. For him, support from at least some sections of the Indian community was necessary for the labour legislation to be successful. He also opined that workers were keen on making some money from the labour of their children.⁵⁷ At the same time, in the Commons debate in 1877, he declared that the Government of India had arrived at a decision to legislate. On Nov. 4, 1878, the process of legislation began with the Government of India sending "the draft of a Bill to regulate labour in Factories which it is proposed to pass into law" to the Bombay Government.⁵⁸

India and Cottons continued to engage the attention of interested parties in England. The last occasion when a discussion of any significance took place in Bombay was on February 1, 1876.⁵⁹ But in England the clamour for aiding British Mills had proceeded apace. On July 11, 1877, the House of Commons passed a resolution aimed at an early

57. HPD., Vol. CCXXXVI, 27 Jul. 1877 - 14 Aug. 1877 (London, 1877), pp. 814-815. Children interviewed by the Bombay Factory Commission of 1875 were worried that a provision of four holidays a month would cause a reduction in their wages. (Vide Report of the Commissioners Appointed... to Inquire into the condition of the Operatives in the Bombay Factories..... in MSA., GD., 1875, Vol.26, pp.136-137.)

58. MSA., GD., Vol. 22, 1879, p.327.

59. See footnote 52.

repeal of import duties.⁶⁰ In 1878 again, with parts of India reeling under a famine, the lower qualities of cotton goods were exempted from duty.⁶¹ And although the process of legislating had begun, lobbying for labour legislation continued in the House of Commons on April 4, 1879. The same questions featured in the House of Lords too, on the same day. This time, Lord Shaftesbury's tone was bellicose: "The system is as yet in its infancy, and may easily be controlled; but allow it to acquire much larger proportions and it will put you at defiance."⁶² He bemoaned the helpless condition of the workers in Bombay and then demanded to know, that, when "In their distress they lift their eyes to the Imperial Parliament;...shall it be replied, my Lords, that 'on the side of their oppressors there was power, but that the oppressor had no comforter?'"⁶³

THE ROLE OF BENGALLEE

It was on this occasion that Shaftesbury informed the House of the activities of S.S. Bengallee towards factory

60. R.C. Dutt, loc. cit., pp.299-300.

61. See footnote 109 and 110.

62. HPD, Vol. CCXLV, 31 Mar. 1879 - 8 May 1879 (London, 1879), p.358.

63. Ibid.

legislation in Bombay. Bengallee had for many years promoted numerous causes both within his community and without. He was intimately connected with the Cotton Mill business and ranked as among Bombay's very influential figures. For many years Bengallee had taken a keen interest in factory labour. But apart from voicing his concern in the local newspapers, he had not been able to do anything substantial.⁶⁴ In 1876 he was nominated a member of the Bombay Legislative Council where he remained till 1878⁶⁵. On April 22, 1878 he submitted the Draft of an enactment on labour to the Bombay Government.⁶⁶ Mr. Croft, an influential person from Manchester⁶⁷, had enthusiastically supplied him with information on mill conditions having obtained them from a couple of European employers in the mills of Bombay.⁶⁸ Bengallee had also discussed the measure he was to draft with many government officials.⁶⁹ But the Bombay millowners who got wind of his Draft proved

64. N.S. Bengallee, The Life of Sorabjee Shapoorjee Bengallee (n.d.), p.51.

65. Ibid. p.62.

66. Ibid. p.151.

67. Ibid. p.51.

68. Cited in a letter of Bengallee to Mr. Croft (dtd. 26 Jul. 1878) in Ibid. p.153.

69. Ibid.

too strong for him.⁷⁰ "They got information that I had sent in the Draft Bill, and had sufficient influence, with the assistance of the Hon'ble Mr Gibbs to cause the Draft to be forwarded to the Government of India with a distinct opinion expressed at the same time by the Bombay Government, that there is no necessity for an enactment even so limited in its scope as the one I proposed."⁷¹ Mr James Gibbs was at that time a member of the Bombay Governor's Council. Having failed in his task, Bengallee tried to promote his cause "through English influence, which as a matter of course, is so potent with our governing classes."⁷² Thus Bengallee depatched 100 copies of his Draft Bill to Mr Croft⁷³ with the request that they be distributed "among such people in England who are likely to take an interest in this matter." Among the people named were Lord Shaftesbury and Mr Mundella.⁷⁴ It may be noted here that on April 16, 1877, Bengallee had protested against any attempt at removal of duties on cotton goods and yarns imported into India.⁷⁵

70. Ibid.

71. Ibid.

72. Ibid. pp.153-154.

73. This was on 26 Jul. 1878

74. Mr. Mundella was a M.P. from Sheffield.

75. N.S. Bengallee, loc. cit., pp.328-339.

The involvement of British Mill interests in promoting such measures was surely known to him. This co-existence of opposition to British mill interests on the one hand and of seeking help from people with good connection with Manchester like Mr Croft (or even Mr. Mundella), is an interesting feature of Bengallee's activity. It is significant that the involvement of British mill interests in the Indian labour question does not ever figure in Bengallee's utterances. On November 13, 1878 Bengallee made another attempt to convince the government by submitting **A Memorandum on the question of Labour of Children employed in the Cotton Mills of Bombay** to the Bombay government. These were submitted along with copies of a letter he had written to Dr. Blaney, one of the members of the 1875 Bombay Factory Commission.⁷⁶ But Bengallee's efforts failed to have an impact on the Bombay government.

It may be useful here to inquire into the impact that Bengallee's activities had on promoting the process towards legislation. One writer has made Bengallee responsible for the Factory Act of 1881.⁷⁷ This deserves to be examined. We must recall a declaration of Lord Salisbury on August 13,

76. MSA., GD., Vol. 22, 1879, p. 291.

77. N.S. Bengallee, loc. cit., p.145.

1877 about the decision of the Government of India to legislate for factories. We know, however, that the legislative process began only on November 4 1878, with the draft of a Bill being sent by the Government of India to Bombay. It is not clear why it took so long for the Government of India to act on a decision it had taken. The compulsions it faced due to the famine after the submission of the Report of the 1875 Bombay Factory Commission,⁷⁸ was perhaps still causing it to drag its feet. But if Bengallee did not influence the decision of August 13, 1877, did he in any way influence the later commencement of the legislative process on November 4, 1878?

As we have seen Bengallee's Draft Bill failed to have the effect he had desired. The **Memorandum** etc. sent on November 13, 1878 also failed to elicit a positive response. E.W. Ravenscroft, Chief Secretary to the Government of Bombay noted on November 30, 1878, that, the material be "filed as the Government of India have determined to take action on the matter for the whole of India".⁷⁹ But the attitude towards Bengallee was to change. On Dec. 22, 1878, the Governor of Bombay expressed approval for Bengallee's

78. See footnotes 54 and 55.

79. MSA., GD., Vol.22, 1879, p.306.

Bill. He was willing to support it in most of its vital clauses for it was "based upon a consideration of the legislation which has occurred in other countries with special reference to the circumstances of Bombay, and that it is well adapted to Bombay."⁸⁰ It is not clear why this happened. R.K. Das has observed that it was probably due to the publication in the *Times* of London of Bengallee's letter to Mr. Croft⁸¹ and the "several criticism, rejoinders and appeals"⁸² it generated. This is difficult to verify. We shall in Chapter 3 explore other possible reasons rooted in the thinking of Bombay bureaucrats on this issue.

It is true, however, that Bengallee's letter to Croft acquired influence. But this happened because of the use it was put to by Lord Shaftesbury. Besides, it arrived at a crucial moment. It became part of a political process in England which, having commenced in 1874, had relentlessly pursued the aim of factory legislation in India. This was not the case in Bombay, Throughout 1876 and for much of 1877, there was no discussion in the Bombay government on the need for factory legislation. But, as we have seen

80. MSA., GD., Vol.22, 1879, p.424.

81. R.K. Das, loc. cit. p.21.

82. Ibid. p.18.

earlier, from 1874 onwards, there is a government in England increasingly giving assistance to the British Mills to extend and protect the Indian market. We also notice the same government unrelenting in its sympathy towards the demand for factory legislation in India. In a Minute dated December 22, 1878, Richard Temple, Governor of Bombay, admitted this; "It has,, been officially intimated to us from time to time that the attention of the Secretary of State and the Government of India continues to be attracted to the subject."⁸³

We have tried to retrace the path which caused these authorities to be 'attracted to the subject'. This process began (in Bombay) on August 26, 1874 and culminated on November 4, 1878 with the Government of India issuing the draft of a Bill. The legislation had at last become a certainty. Through a series of steps which we shall study in Chapter 3, an Act was passed on April 15, 1881. It came into force on July 1, 1881. In our study, there has been a departure from the narrative of R.K. Das.⁸⁴

83. MSA., GD., Vol.22, 1879, p.424.

84. R.K. Das, loc. cit. pp.4-21. We have tried to ask a different set of questions, causing us to fix attention on processes which have skipped his notice. Das has abstained from situating the process of lobbying in England in the political and economic developments affecting that country after 1873 and especially its Cotton Mill industry. There is no discussion at all of the Depression. Thus, in his
f.n. contd.....

THE ROLE OF SHAFTESBURY

There is one question, however, which remains unanswered in our narrative. We have seen earlier that upto the issue of the draft Bill of November 4, 1878, there is a more enduring and persistent interest in factory legislation for India in England. We have also seen that the efforts of the British Mill interests had gained in strength since the Conservatives came to power in 1874. The appointment of Lord Lytton as Governor General was a further boon to Britain's Mill industry. The generous concessions to the British Mills vis-a-vis the Indian Cotton goods market in 1878 and 1879 were granted under him. The surrender of import duties on coarse cotton goods in 1879 by Lytton was done against the advice of a majority of his councillors.⁸⁵

But the character of Lord Shaftesbury's involvement in the process we have discussed remains unclear. What was the nature of his relationship with the millowners lobbying for legislation for India?

narrative, there is no inquiry into why the process towards legislation began when it did. While he has made mention of the fight for tariff reform by the British Mills, he has abstained from relating it to the process of lobbying for factory legislation by the Millowners of England. Nor is there any awareness of the need to arrange the processes in India and England in order of importance. Bipan Chandra in his Rise and Growth of Economic Nationalism in India Chapter 8 has concentrated more on the response of the Indian Press and intelligentsia; but his broad interpretation of events follows that of R.K. Das.

85. R.C. Dutt, loc. cit. p.303.

It is therefore worthwhile to take a closer look at Shaftesbury in the House of Lords between 1875 and 1879. It is inconceivable that anyone who was part of the House of Parliament and participated in it, would be unaware of British Millowners voicing the need for factory legislation for India. When Shaftesbury spoke in the House of Lords on August 13, 1877, Mr. Anderson the Millowner from Glasgow had already voiced the need for factory legislation in the House of Commons on three occasions.⁸⁶ On Mar. 14, 1876, Lord Winmarleigh from Lancaster raised the issue again in the House of Lords. The issue had come up again in the House of Commons on July 10, 1877 when five M.P.s. from the Mill districts of Lancashire spoke on it. It is therefore surprising that on two out of the three occasions he addressed the House of Lords on the labour question, he took pains to deny the involvement of Lancashire in the agitation.⁸⁷ We may recall here the role of Mr. Croft of Manchester in passing on a copy of Bengallee's letter to Shaftesbury. Shaftesbury could not be unaware of Croft's identity.

We also notice that, Salisbury too, made it a point to emphasize that Lancashire was uninvolved in the labour

86. Feb. 8, 1875; May 6, 1875; Feb. 15, 1876.

87. HPD., Vol. CCXXXVI, 27 July 1877 - 14 Aug. 1877, p. 814; HPD. Vol. CCXLV, 31 Mar. 1879 - 8 May 1879, p. 356.

question of India.⁸⁸ He also denied that Shaftesbury had conspired with British Mill interests.⁸⁹ Instead, he stressed the "philanthropy" and "noble" disposition of his "Friend", Shaftesbury.⁹⁰ It is possible that the desire to underplay the hand of British Mill interests in the agitation was inspired in response to a barrage of near unanimous criticism of factory legislation in the Indian Press (See Chapter 3.) But the question remains: why would Shaftesbury agree to conceal the activities of British Mill interests? It is useful to examine the reasons why Shaftesbury gave for factory legislation in India. On the one hand he believed that "the claims of humanity should be respected"⁹¹ Further, there was a commercial side to it. Cheap labour, raw materials in the vicinity and long hours of work gave India an undue advantage over the British Mills. "We are giving them a very unfair advantage over the manufactures of our own country and we might be undersold even in Manchester itself by manufactured goods imported from the East."⁹² The import duty on British cotton goods,

88. HPD., Vol. CCXXVI, loc. cit. p.213, HPD., Vol. CCXXXVI, loc. cit. p.814.

89. Ibid; Ibid.

90. Ibid; Ibid.

91. HPD., Vol. CCXXXVI, loc. cit. p.814.

92. HPD., Vol. CCXXVI, loc. cit., p.211.

was one more grievance for Shaftesbury.⁹³ There does not seem to be any fundamental contradiction between the views of Shaftesbury and those of the Mill interests of England. Shaftesbury, we must remember, had come to accept the principles of Free Trade as early as 1846.⁹⁴ And, "discriminatory interventionism"⁹⁵ would permit interference by the British government, to deny undue advantages to Indian Mills in the form of very long hours of work. We cannot also forget that while discussing labour in India, although Shaftesbury does mention the adverse condition of work of Jute Mill labour,⁹⁶ it is only the Cotton Mill workers of India who are the focus of his legislative demand.⁹⁷

93. Ibid.

94. B.L. Hutchins and A. Harrison, loc. cit. p.69.

95. The term describes a policy which while accepting the principles of non-interventionism (e.g. in denial of tariff protection to Indian Mills), allowed for a departure from the same (e.g. in ensuring supply of raw material for Manchester) (Vide S. Bhattacharya, loc. cit. p.21)

96. HPD., Vol. CCXXVI, 26 Jul. 1875 - 13 Aug. 1875, p.210.

97. Ibid.; HPD., Vol. CCXXXVI, loc. cit. pp. 813-814; HPD., Vol. CCXLV, loc. cit. pp.349-358.

COTTON, A NATIONAL QUESTION

Shaftesbury's views on labour reform for India, were therefore not outside of the influence of the dominant political and economic ideology of the time. And, in the sustenance of this thinking the cotton trade of England played a crucial role. Foreign trade played a vital role in the British economy. For its growth it needed to exchange its manufacture and services like capital, shipping, banking, insurance etc. for raw materials and food from abroad⁹⁸. In industries like cotton, the role of the foreign market was even more significant; it exported over half the total value of its production at the beginning of the nineteenth century and nearly four-fifths towards the end.⁹⁹ The British Cotton Mills were one of England's preeminent industry; employing directly and indirectly a significant percentage of the workforce.

Further, the fortune of other industries like shipping, ports, banking, insurance were linked in no small way with the cotton trade. It was therefore to be expected that a decline in the fortunes of the Mills would cause disquiet at a wider level. The cotton mill industry's decline would

98. E.J. Hobsbawm, loc. cit. p.135.

99. Ibid. p.136.

have a national impact. It is not insignificant that in March 1889, Lord Cross, Secretary of State received a deputation of workers who desired an end to a situation where they had to 'compete with Indian mill operatives who wer employed for 80 or more hours a week'.¹⁰⁰ It is useful, therefore, to keep in mind these wider developments in British society while evaluating the thinking of Lord Shaftesbury. When we compare the activities of the British Mill interests and Shaftesbury in Parliament, it is evident that in the campaign for labour legislation in India, Shaftesbury is at centre-stage. Anderson confined his moves to raising questions on three occasions. The Cotton M.P.s. from Lancaster and Lancashire raised the issue of long hours of work in India (and the need for their reduction) in the context of debates on tariff reform for India. It is true that with the passage of time and the increasingly deepening crisis in the British Mill industry, the M.P.s. from Lancarhire began to voice their despair in tones which were shrill. But, as we have seen earlier, the bulk of the debate is on the need for tariff reform; for increased assistance from the government to protect and extend the Indian markets. The need for factory legislation is certainly mentioned; but if we compare the volume of

100. Quoted in S.D. Mehta, loc. cit. p.129.

deliberations on tariff reform and labour legislation, it is the former which clearly overshadowed the latter.

In other words, the Cotton M.P.s. made more noise about tariffs than about labour legislation. The latter was left to Shaftesbury. One has to compare the volumes of their respective utterances on labour conditions in India etc. to appreciate this. Perhaps, this was part of a plan; perhaps it was not. As we have seen above, the British Mill interests would have absolutely no objection to Shaftesbury being in the lead. After all, Shaftesbury, while known to be a labour-reformer for nearly four decades had unimpeachable credentials as a defender of capitulation. Shaftesbury's views on Trade Unions is most revealing. Reacting to trade union struggles after 1867, Shaftesbury had written that, 'the working people may be emancipated from the tightest thralldom they have yet endured. All the single despots, and all the aristocracies that ever were or ever will be, are as puffs of wind compared with these tornadoes, the Trade Unions.'¹⁰¹

101. Quoted in Sidney and Beatrice Webb, loc. cit, p.293.

CONCLUSION

In our narrative hitherto, we have been able to show that the events leading to factory legislation began in Bombay. A letter by Colonel Bollard, the Mint Master on Aug. 26, 1874 sparked off a process -- discussions in the Bombay government leading to the appointment of a Factory Commission. The Commission failed to arrive at a unanimous decision. The Government of India deferred a decision on the subject due to the famine which affected parts of Bombay Presidency after 1876. It was reluctant to interfere with employment opportunities at such a moment. We have also seen that the process in Bombay was closely linked to developments in English politics, economy and especially the Cotton Mills there (Chapter I). The Depression of 1873 and its adverse impact on the British Mills and their trade with India, at a time when the Bombay Mills were growing in size led to increased demands from the Government to assist in protecting and extending the market in India and abroad. The year 1881 saw the eclipse of British goods of the sort made in India from the Indian market; but the fine goods market had grown. These developments in England, and the comparatively greater and more persistent pressures from England (even when discussions had stopped in Bombay between 1876 and late 1878) give us a clue to the interests behind

the proposed legislation and the reason for its proposal in the period it did. It is as yet extremely difficult to document the precise manner in which pressures and lobbying caused certain decisions to be taken by certain people in Bombay at a certain moment. This will have to wait till we secure access to letters and private correspondences of British officials.

Our study of the process in England in this Chapter, revealed interesting features. There was no uniform response from the Mill interests of England to the Indian market and factory legislation there. The Glasgow millowners were certainly more active in demanding factory legislation than those from Lancashire; the latter taking a greater interest in tariff reform instead. Again, Shaftesbury, around whom the campaign revolved in England, had more to his thinking than philanthropy. The views he expressed had a lot to do with the needs of an entire economy extremely dependent on foreign trade (and especially the cotton trade) at a time when Britain was compelled to increase dependence on its foreign possessions.

This is not to deny a role to the developments in Bombay. Bengallee's activities did not go unnoticed; but they acquired influence only in so far as they merged with the more powerful pressures emanating from England. His

influence in Bombay was to increase a bit later, when discussions began in Bombay to make the legislation. We shall study that part of the story in next Chapter.

CHAPTER 3

THE PROCESS OF LEGISLATION

In the earlier chapters we have studied the context in which the legislation was initiated. The pursuits of those who sponsored it also engaged our attention. We traced this process upto the time when the first draft of a Bill was issued by the Government of India. This saw the commencement of over two years of hectic lobbying in Bombay, in favour of and against the Bill. It was a consequence of this interaction between the government at various levels and those who sought to influence decision making, that the policy emerged. The actual task of drafting the Act was undertaken by the Government of India. The Government in Bombay was among the many agencies consulted while doing so. The Bombay Government was subject to various pressures. The millowners lobbied to thwart any interference in the functioning of the Mills. Individuals like S.S. Bengallee on the other hand, desired legislation at once. The "native" Press remained interested in the matter throughout the period of our study.

In order to get a window into the relationship between these contending parties, we need to go back in time. The appointment and conduct of the Bombay Factory Commission of

1875 is a convenient point to begin with. It may allow us to see some of these interested parties playing their roles. It could also acquaint us with the behaviour of the bureaucracy in Bombay. While pursuing this inquiry, we can try to answer certain questions. Can we indentify certain individuals more active than others, in the shaping of this event? Are there certain nuclei around which decision making revolves? What influence do those opposing labour legislation in Bombay, have on these decisions?

As we have seen earlier, the process towards legislation in Bombay began with the letter of Colonel Bollard, the Mint Master. Bollard desired that the Bombay government restrict the hours of labour for women and young children in the Mills by passing a factory Act.¹ A few days later, E. James, an Under Secretary to the Bombay Government, wrote to the Collector F.F. Arbuthnot asking him to make enquiries about the hours women and children worked, the period allowed for rest, etc.² Mr Moylau, the Inspector of Steam Boilers, was mentioned as a person he could receive assistance from.³ Replying to James on January 8, 1875, Arbuthnot suggested the need for a committee to examine the

1. MSA, GD, vol.20, 1874, p.11.

2. Ibid, p.6

3. Ibid, pp.6-7.

number of hours men, women and children could work. The Committee, he felt, could also take up the matter of closing the Mills on certain days every month. The need to protect machinery and the sanitary arrangements were among the other issues found working of investigation.⁴ Arbuthnot also opined that the suggestions of the committee could be incorporated into a law.⁵ The need to legislate, first suggested by Bollard had therefore gained currency and support. A note of James dated January 15, 1875, informs us of the decision to appoint the desired committee with Arbuthnot as its likely resident. The other possible members mentioned were V.N. Mandlik, who was in government service; Thomas Blaney, a physician; and Mr Hamilton Maxwell; Sir Munguldass Nathoobhoy and Moragee Gouldas, all prominent Millowners of Bombay⁶. Sir Philip Wodehouse, the Bombay Governor was to later suggest that, "one or two of the principal and most intelligent millowners should be invited to serve on the committee."⁷ The Factory Commission which began proceedings on April 14, 1875 had eight other members besides Arbuthnot.⁸ Mr Moylan was to be its

4. MSA, GD, vol.26, 1875, p.133.

5. Ibid

6. Ibid, pp.138-139.

7. Ibid, p.143.

8. See Chapter 1, Footnote 8.

Secretary. We may recall here, a practice of the Bombay government discussed earlier.⁹ The government thought it useful to consult important members of those interests in Bombay who would be affected by any measure they contemplated adopting. According to S.M. Edwardes, it was D.M. Petit's "predominant position" in the millowning community which won him membership of the Bombay Factory Commission.¹⁰ The Commission paid attention to subjects like

- a) danger from machinery and need for protection,
- b) age of employment of children c) hours of work
- d) holidays e) sanitation f) ventilation g)
- education and, h) the necessity of legislation.¹¹

It held ten meetings to examine twenty more witnesses. There included ten managers and millowners, four engineers, two unacademics, one foreman, ten workers and labourers and two physicians.¹² The condition of factory labour as revealed by the inquiry and recommendations of the witnesses may be summarised in the following way:- The

9. See Chapter 1, Footnote 16 and 17.

10. S.M. Edwardes, Memoir of Sir Diushaw Manuckjee Petit, (1923), p.21.

11. FC (1875), pp.7-10.

12. Ibid. p.1.

machinery in all the Mills was well protected though variations existed among them. However, improvements were possible in this regard.¹³ There was no certainty as regards the age of children employed in the Mills. While some witnesses thought the youngest to be not older than five or six years, others stated the minimum to be seven, eight or ten years. Opinions as regards the minimum age of the employment of children varied from five or six years to ten years.¹⁴ As regards the hours of work, while some witnesses decried the very long hours children worked, others emphatically supported the practice. Some of the former category of witnesses would variously limit their hours of work to five to six or ten to ten and a half per day. Almost all the witnesses agreed that the working hours of adult operatives were too long. Some of these proposed that they workd ten, ten and a half to eleven hours a day; though there were others who liked the men to work as long as they liked.¹⁵

As regards holidays, most workers being Hindu by religion, they were permitted their religious holidays which

13. Ibid, p.7.

14. Ibid.

15. Ibid, p.8

numbered about fourteen to fifteen every year. In addition to this, one Mill gave fifty two Sundays in a year, while the next rest provided only twenty-six. While some witnesses agreed on the need for a day's rest every week, they differed on whether it should be a Sunday. There were others however, who saw it as quite unnecessary to close the Mills once every week.¹⁶

The sanitation conditions in the Mills and Presses as regards availability of necessities, urinals, and water was found to be "on the whole, fair".¹⁷ It was, however, found that defaulting Mills posed a hazard to the large number of workers who had to resort to the jungle or seaside near their place of work to answer the calls of nature. Improvements in these mills were called for.¹⁸ The Commission also examined the state of ventilation in the Mills of Bombay. It was found that while there were "abundant means of ventilation in all the Mills"¹⁹, they could not be employed lest the resultant draughts would adversely affect production. Fan blasts, underground passages and ventilators were employed in some Mills to

16. Ibid.

17. Ibid, p.9.

18. Ibid.

19. Ibid.

eliminate cotton dust and obnoxious smells. The witnesses admitted that the temperature was "injuriously high, and that the operatives have to submit to the inconvenience and danger of a fluffy and tainted atmosphere"²⁰ in certain rooms of the Mills. The need to improve ventilation was expressed. "For this purpose some cheap and expeditious expedient should be resorted to in the case of Mills which are already in activity, while in the case of those in course of erection, or that may be erected in future, some approved plan of ventilation known to professional architects should be adopted."²¹

As regard the education of operatives, the Commission found that a system of elementary education in the vernacular had been introduced in two mills. But there was no unanimity among the witnesses as regards its usefulness.²²

The question of legislation for factories, evoked similar equivocation. Some agreed on its necessity, others felt it would operate against the Millowners' interests. Those who desired it, wanted one which was "simple in its

20. Ibid.

21. Ibid.

22. Ibid., pp.9-10.

requirements and free from any harassing restrictions on millowners."²³ Some others, wanted it to regulate labour and machinery, while others opined that it should only affect women and children, and regulate the payment of wages.²⁴

In their report to the Bombay Government on July 2, 1875, F.F. Arbuthnot the President and Thomas Blaney, expressed the desire for a "simple legislative enactment", which, they felt "would be beneficial both to the Factory owners and operatives."²⁵ They further averred that the Act should be passed by the Government of India and applied to the whole of British India. "To apply such an Act to the city of Bombay or to the Bombay Presidency only, would be certainly detrimental to their interests."²⁶

The Millowners on the Commission opposed legislation of any sort.²⁷ V.N.Mandlik had a similar opinion, as although children were "nominally employed for ten to eleven hours", their working hours (as they worked alternately) appear to be half of those of the adults."²⁸ As regards the working

23. Ibid, p.10.

24. Ibid.

25. Ibid, p.2.

26. Ibid.

27. Ibid and Ibid, p.5.

28. Ibid, p.5.

hours of adults too, the cast his lot with the Millowners.²⁹
Two other members of the Commission, Mr Kittredge and Mr
J.K. Bythell, could not represent their views; the former
having resigned before the deliberations commenced and the
latter having sailed for England on May 24, 1875, after a
serious illness.³⁰

The Millowners had tried hard to influence the course
the Commission took. On the one hand they tried to
influence the sort of evidence that could be collected on the
work of women and children in the Mills. According to
Thomas Blaney the evidence on labour of women and children
collected by the Commission was "not worth much" as it "was
taken at the Mills, in the presence of the mill officials,
and that the persons examined were put forward by these
officials".³¹ A similar charge was also made by James
Aspin, Manager of a Mill owned by M.N. Petit. According to
him, "every witness brought before" the Commission "was more
or less intimidated, a catechism being actually prepared by

29. Ibid. pp. 5-6. Mandlik however supported the
improvement of sanitation in Mills and the educational
condition of the workers.

30. Ibid., p.3.

31. Letter of Thomas Blaney to S.S. Bengallee dated October
25, 1878 (vide MSA. GD. vol.22,p.301)

the employers for the operatives".³² spin had declined to appear before the Commission.³³ This practice of the Millowners promoted the concealment of reality in the Mills. Blaney cited the example of the hours of work of women and children, "which were not brought out in the evidence..... These are practically from sunrise to sunset..... thirteen hours daily in summer, and quarter to twelve hours daily in winter. In several, if not most of the mills, only half an hour for meals is given at mid-day".³⁴ S.S. Bengallee also accused the Millowners of trying to influence the proceedings of the Commission, especially as regards the hours of work of children. In a **Memorandum** submitted to the Bombay Government, Bengallee observed, "The truth is that the few members of the Bombay Factory Commission, who were neither owners nor agents of Cotton Mills, were imposed upon when they wrote in their Report that the factory children worked and rested alternately while on the mill premises all the day."³⁵ The Millowner had good reasons to obfuscate the

32. Cited in HPD, vol.CCXLV, 31 Mar 1879-8 May 1879 (London, 1879), p.353.

33. FC (1875), p.17.

34. Letter of Thomas Blaney to S.S.Bengallee, dated Oct.25,1878 (vide loc. cit.)

35. Memorandum on Labour of Children Employed in the Cotton Mills of Bombay (vide MSA. GD vol.22, 1879, p.293). The **Memorandum** was accompanied by evidence, Bengallee had collected from the proceedings of the Factory Commission of 1875, which showed that the children were at work all the time a mill worked, with the exception of half an hour for rest in the middle of the day.

nature of child labour in the Mills. We shall see later, the reasons for this. In spite of the efforts of the Millowners, the Commission was to recommend to the government that "should it be eventually decided that an Imperial Act be passed",³⁶ the Act was to provide for the protection of machinery, children under eight years of age were not to be employed. Children from eight to fourteen years could not work more than eight hours daily. The hours of work in the Mills were not to exceed twelve a day. These were to include one hour of rest, which was to be given either at one time or at different times during the day. All factories were to be closed once a week; the day of closure was to be decided by the owners and workers. Other holidays in the year were to be given according to the wishes of the employers and operatives. Every factory was to provide good drinking water.³⁷ All the Commissioners agreed that "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 of great benefit to the country generally, and they require encouragement of every description."³⁸

36. FC (1875), p.3.

37. Ibid, p.3.

38. Ibid.

Arbuthnot and Blaney were the only members of the Factory Commission who supported legislation. It is useful to inquire into the probable reasons for this. The details of Arbuthnot's personal life do not offer any clue. Forster Fitzgerald Arbuthnot (1833-1901) was born in Belgaum, Bombay Presidency. Educated privately on the continent and then groomed at Haileybury in 1851, he joined the Bombay Civil Service in 1853. An Orientalist, his works were in the nature of popular compilations, the two most important being 'Persian Portraits' (1887) and 'Arabic Authors' (1890). In 1891, he inaugurated a new series of the 'Oriental Translation Fund'. Besides, he was a member of the Council and trustee of the Royal Asiatic Society.³⁹

In his approach to the investigation of working conditions, he revealed a penchant for detail. The scope of the Commission outlined by him as President was more comprehensive than was suggested in the letter Bollard wrote to the Bombay government recommending an Act. In a letter to E. James on January 8, 1875, he had suggested the need to go beyond an investigation only of the conditions of work in the factories. Issues like payment of salaries, fines, medical treatment, education and housing were also to be

39. Dictionary of National Biography, vol.1 (London, 1927) pp.47-48.

examined.⁴⁰ One feature of the Bombay Factory Commission's proceedings which do not escape is the exceptionally wide range of questions asked to the witnesses. It may be noted that among the members of the Commission, only Arbuthnot and Blaney were present at each of the ten meetings held. Munguladass Nathoobhoy and Mr. Maxwell were present in eight out of these ten meetings. The other Millowners attended most irregularly.⁴¹ Mandlik was present at only one meeting. It is inconceivable that any of the millowners would raise questions of the sort that were raised during the proceedings. It is evident that the questioning of the witness was undertaken by Arbuthnot and Blaney. However, it may be noted that Arbuthnot believed in an impartial attitude towards the investigation. A letter he wrote to E. James illustrates this: ...it would be easy on the part of the Millowners to draw a picture of the extreme comforts, happiness and well-being of the operatives employed by them, while on the other hand the operative themselves might sketch with vigour their extreme misery and helplessness. It remains with Government to decide therefore, without too great an interference on either side, what capital owes to

40. MSA, GD, vol.26, 1875, p.133.

41. FC (1875), p.143.

labour and vice versa.⁴² Thomas Blaney, however, was more unequivocal in his sympathies for labour. He blamed the system of life agents deriving profits from the production of cloth and yarn and not from sales for the very long hours of work. "It is a system which must exact the utmost from the employees, for the loss of five minutes in to that agent a personal loss... where such a system does or can prevail there is danger that it will fall upon the working classes..."⁴³ Blaney's personal life reveal a sympathy for the poor. Thomas Blaney (1823-1903) was of humble origin. He came to Bombay with his parents when he was only three years of age. In 1851 he entered the Grant Medical College, Bombay and in the years to come, came to have a large private practice in Bombay. His interest in the city's sanitation led him to write in 1867 on "Fevers as connected with the sanitation of Bombay". From 1876 to 1893, he served as coroner of Bombay. An active philanthropist, he would never take professional fees from a widow. For many months, he provided free tuition and mid-day meals to children of 'poor whites' in his own home. More than seventy children were thus cared for. The Blaney school as it came to be called, was later taken over by a

42. Letter dated January 8, 1875) (vide MSA GD, vol.26, 1875), pp.131-133.

43. Letter of Thomas Blaney to S.S. Bengallee dated Oct.25, 1878 (vide loc. cit. p.303).

representative committee. Blaney did not hesitate to take up cudgels against the monied and powerful. As a member of the Bombay Municipality's statutory standing committee, he successfully resisted the efforts of a powerful English syndicate to secure control of the city's water supply.⁴⁴

The Report of the Bombay Factory Commission was submitted to the Bombay Government on July 2, 1875. The Report was not greeted with unanimous approval by all the senior members of the Government. While Governor Wodehouse desired recommending to the Government of India that vide an enactment no boy or girl should be allowed to work for more than half the working hours of each day⁴⁵; Alexander Rogers, Third Member of the Council, felt otherwise. According to him, it would be opposed both by the Millowners and the operatives. The latter would suffer a reduction in their earnings, he feared.⁴⁶ Rogers was also of the opinion that the children in the factories were "not treated harshly or driven too hard to work, but that on the contrary, a good

44. Dictionary of National Biography, vol.1, loc. cit., pp.177-178.

45. Note of Sir P.E. Wodehouse, dated 28.8.1875 (vide MSA, GD, vol.26, 1875, p.310).

46. Note of Alexander Rogers dated 31.8.1875 (vide Ibid, p.316).

deal of relaxation is allowed..."⁴⁷ James Gibbs, Fourth Member of the Council, also differed with Wodehouse. For him, eight years was to be the minimum age of employment; while no child under twelve years was to be worked for more than eight hours.⁴⁸ These disagreements seem to have been of consequence. The decision to recommend legislation to the Government of India, was held in abeyance. Instead, it was decided to inquire into the state of the operatives in the Ginning factories of Surat and Broach Collectorates, before deciding on the matter.⁴⁹ Discussion on the matter of legislation was resumed on receipt of the Reports on Surat and Broach. The Government declined to recommend legislation for factories in Bombay Presidency. It was felt that, "the evidence which has been given with regard to these factories appears to establish not so much that abuses do exist in regard to their working as that it is possible for them to come into existence under the present system".⁵⁰ The Government had other reasons too. The absence of complaints of oppression by millowners, on the part of the

47. Ibid.

48. Note of James Gibbs, dated 2.9.1875 (vide Ibid, p.316).

49. Letter of W.G. Pedder, Acting Secretary to Government of Bombay to the Secretary to Government of India, in MSA, GD, vol.26, 1875.

50. MSA, GD, vol.36, 1876, p.59.

workers or their representatives was emphasized.⁵¹ The factories were cited as being "of the greatest value to the poorest classes of the population to whom they afford remunerative employment which they would find it impossible to obtain elsewhere"⁵² The Bombay Government however, agreed to support legislation by the Government of India, if it was confined to sanitation and ventilation.⁵³

In our narrative hitherto, we observe certain features of a policy in the making. The Millowners lobbied hard to influence the course of the Commission. They were successful to an extent; but failed to prevent the Commission from recommending the need for legislation. We also notice that in their deliberations, the members of the Governor's Council did not ignore the wishes of the millowners. Their concerns nevertheless, were much wider.

51. Ibid. In response to this view, Thomas Blaney had this to say: "This I regard to be a specious and deceptive argument... When an epidemic breaks out in a large city, the people make no complaint of the mortality it causes, in many, if not most instances, if they were asked to move out of the range of the epidemic, they would decline to do so if not compelled. Could the Government allow this as a good reason to let the people die unaided? And yet it is exactly the argument which has been used in favour of non-interference by the Government" (Vide MSA, GD, vol.22, 1879, p.303).

52. MSA, GD, vol.36, 1876, p.59.

53. Ibid.

Industry was also seen as a source of employment where such opportunities were wanting. We have mentioned in Chapter I the possibility of the experience of British factory legislation influencing Bombay officials towards employing legislation for labour in Bombay's Mills to equalise their conditions of competition with Lancashire. It is, as yet, difficult to locate such a tendency in the Bombay bureaucracy. In this connection, we may recall that the English Factory Acts were asked for prior to the composition of the Commission. These were also circulated among members of the Commission.⁵⁴ What role did they play in the conduct of the Commission? It is possible that they influenced the nature of questions asked during the inquiry. There is some evidence to show that they were found useful for making legislation which was effective. The need to imitate provisions of the English Factory Acts was voiced by Alexander Rogers, during discussions on a day's stoppage of work in the mills after the Report of the Factory Commission was received.⁵⁵ Again, the need to follow the English Acts was advised by Rogers, for the provision of surgical examination of children to be employed in factories.⁵⁶

54. MSA, GD, vol.26, 1875, p.177.

55. Ibid, pp.312-313.

56. Ibid, p.319.

Among the officials in Bombay, E. James the Under-Secretary is seen as playing a rather active role in getting things to move at the outset. He was joined by the Collector Arbuthnot who helped organize the Commission apart from suggesting the scope of the inquiry. As the proceedings of the Commission drew to a close, the matter became the courses of the Governor and his Council.

One other feature we notice is the widening scope of the inquiry from the day it was launched in August 1874. Bollard's letter had asked for an investigation into the conditions in the cotton mills of Bombay. However the Factory Commission also examined the situation in the cotton Presses and Gins of the city.⁵⁷

Prior to the appointment of the Commission, Alexander Rogers had expressed the need to inquire into the working condition in the Jute Mills too.⁵⁸

57. It examined William Duncan (Managing Engineer of the Prince of Wales Cotton Press), Mr. Joseph Sharpe (Engineer, Apollo Press Company), Mr. David Henderson (Engineer, Indian Press Company), Assur Veerjee (Muccadum to the Scott Press), Mr. George Brooks (Manager, Colaba Press Company) and Rama Antoba (a Press-work labourer). (Vide FC (1875), Contents).

58. MSA, GD, Vol.26, 1875, p.142.

A DRAFT BILL BECOMES AN ACT

Nothing happened in the Bombay Government after it handed over the matter to the Government of India. The year 1877 and most of 1878 were uneventful. The draft of an enactment on labour presented by S.S. Bengallee evoked no response. On November 4, 1878 the Government of India forwarded the draft of a Bill to Bombay for criticism on the various issues it dealt with.⁵⁹ At last the die had been cast. But those opposed to legislation were hardly a spent force. Before this Bill became an Act, it was to come under serious scrutiny and opposition. We hope to study this process and its impact on the character of the Act as it was ultimately passed in 1881.

In response to the communication of November 4, the Government of Bombay communicated its acceptance of the need for legislation.⁶⁰ On November 7, 1879, a Factories Bill was introduced in the Council of the Governor-General of India. It was indicated that the Government had come to the conclusion that the legislation to be made should be

59. MSA, GD, vol.22, 1879, p.327.

60. Minute by Governor of Bombay dated December 22, 1878 (vide Ibid, p.424). The Governor made mention of the influence Bengallee's Draft Bill had on him. However, this seems to be the only influence Bengallee came to exercise in promoting the legislation at this time.

confined to determination of the age at which children are to be employed, the restriction of the hours of labour for children and young persons, the prevention of employment of children and young persons in certain dangerous work, the fencing of dangerous machinery, the reporting of accidents and the appointment of Government Inspectors.⁶¹

The Bill was to be applicable only to those parts of British India to which it could be extended by the local governments, with the approval of the Governor-General in Council.⁶² This Factories Bill was introduced in the Council of the Governor-General by Mr. Colvin, who declared that it be referred to a select committee for further consideration. This action was suggested and accepted as it was felt that on certain aspects of the Bill, more information was required. For instance, the original aim was to make the Act permissive. It was left to the local governments to act upon it. The definition of 'factory' in the Draft Bill was inadequate and sufficient consideration had not been given to the determination of age below which persons were to be defined as "children" and "young persons", and of the age under which the employment of

61. J.C. Kydd, loc. cit., p.12.

62. Ibid, pp.15-16.

children was to be prohibited. Thus, it was decided to refer these matters to the local governments. The decision to appoint a Select Committee was also taken.⁶³ In terminating the discussion in the Council, Mr. Colvin stressed what he believed to be the two main purposes of the legislation that was desired. It was firstly, to provide security from accidents. It was further meant to protect children and young persons from being overworked.

The Millowners of Bombay were watching the proceedings in the Governor-General's Council with discomfort. They desired that the Bill be applicable to all of the British India. They were as keen on enactments similar to the Bill being made for Native States like Hyderabad, Bhavnagar and Indore, so that "such factories, which compete with the Bombay mills, may have no protective advantage"⁶⁴ In the Draft Bill of 1878, a "child" had been defined as a person under twelve years of age; whereas a "young person" was one between the age group twelve to sixteen⁶⁵. The millowners

63. Ibid, p.16.

64. Letter of BMA to Under Secretary to Government dated 15 January 1880 (Vide NAI., LD, PPRA, 1881, Nos. 15-17). The Poona Sarvajanik Sabha also felt the same way (vide J.C. Kydd, loc. cit., pp.17-18, footnote 3).

65. MSA, GD, vol. 22, 1879, p.332.

desired that the category of "young persons" be removed.⁶⁶ They were averse to any Act being applicable to persons above the age of twelve years.⁶⁷ They also objected to the hours of work as stipulated in the Draft Bill of 1878. It had restricted the hours of child labour to a maximum of six.⁶⁸ They desired that children be permitted to work a maximum of seven hours.⁶⁹ On March 2, 1880, the Select Committee presented a Report along with the Draft Bill with alterations and amendments, the resultant of responses from Local Governments and its own inquiries.

The new Bill came to be extended to the whole of British India.⁷⁰ The original Bill had made a distinction between "children" and "young persons". The Select Committee abolished this distinction and the Bill brought forward by it dealt with one class, i.e., children or persons under the age of fourteen years.⁷¹ The minimum

66. Letter of BMA to Under Secretary to Government, dated 15 January 1880 (vide Ibid.)

67. Ibid.

68. MSA, GD, vol.22, 1879, p.332.

69. Letter of BMA to Under Secretary to Government, dated 15 January 1880.

70. "A Bill to Regulate Labour in Factories" (vide NAI, LD., PPRA, 1881, Nos. 15-17).

71. Ibid.

age of employment was to be eight years and the maximum daily employment for such children, nine years.⁷² The Bill required that they should have four holidays in the month. Other points of amendment referred to the rules for fencing machinery, which were brought more into conformity with the English law. Local governments were empowered to require the owners of factories to maintain for the information of the Inspector, registers of the children employed in such a factory.⁷³ The Bombay millowners continued to be dissatisfied. They wanted the definition of a "child" to be changed and, mean a person under ten years of age.⁷⁴

It may be useful to inquire into the reasons for the Millowners of Bombay inviting upon the changes they did, namely the elimination of the category of "young persons" and the recognition of children being persons under ten years of age. While detailed data on employment of children in all the Mills is not available, there is evidence about the age composition of workers in different departments of a mill of 60,548 spindles.⁷⁵ According to this information,

72. Ibid.

73. Ibid.

74. Letter of BMA, dated 6 September 1880 (vide Report of the BMA for the year ending 31st October 1880, p.43).

75. MSA, GD, vol.22, 1879, p. 363.

the percentage of workmen falling in the age group of twelve to sixteen (which is what "young persons" was defined to be) is high. This mill which employed 2,358 workers had 559 workers in this age group.⁷⁶ The new Draft Bill had defined children as being under 14 years of age. In the Mill mentioned above there were 524 workers in the age group of eight to twelve years.⁷⁷ Thus, the desire of the Millowners to effect changes in the clauses mentioned was prompted by the desire to have as few of their workmen falling under the purview of factory legislation.

Certain amendments accompanied the Bill when it was brought before the Governor-General on April 9, 1881. These were embodied in the Act as it was finally passed. In the definition of a factory, an addition was made whereby indigo factories and factories on tea and coffee plantations were exempted from the provisions of the Act. The appointment of special officers as Inspectors was left to the discretion of the local Government. The most important amendment was with regard to the age at which children could be employed. As we have seen the minimum age of employment had been fixed at 8 years and the maximum age of employment at 14 years. This

76. Ibid.

77. Ibid.

was amended by the Council, so that in the Act the minimum age was 7 years and the maximum 12 years.⁷⁸

The changes in the provisions of the Bills over time will not have displeased the Millowners entirely; though they had lost the battle to prevent legislation. In these years that the lobbying took place, the "native" press took a keen interest in what ensued. With the exception of a few papers like Rast Goftar and Akbare Saudagar their attitude was one of relentless opposition to interference of any sort in the functioning of the Mills. There is a detailed examination of the activities of the "native" Press in a study of the growth of economic nationalism in India.⁷⁹ There is, however, absolutely no evidence to show that the Press played any role in effecting major changes in Government policy. It had no reason to feel happy with the outcome of events. In our narrative above, we have emphasised the activities of the Millowners of Bombay more than those of other groups and interests. This is so because compared to others, the Millowners' Association played a more decisive role in modifying, to some extent, Government policy. On 26 December 1879, Raghava Succaram and 578 others had petitioned the Government of India to

78. J.C. Kydd, loc. cit., pp.18-19.

79. Bipan Chandra, loc. cit., pp.330-337.

legislate for factories in Bombay.⁸⁰ Again on 8 October 1880, B.R. Facked and 634 others petitioned for legislation.⁸¹ However, we do not know of any serious impact of these actions.

The Indian Factories Act as it came to be implemented from July 1, 1881, embodied in itself both the notions of labour policy held by the British Government in India as also the interest of those whom it would have adversely affected. There was no surrender to the demands of the Millowners of Bombay who constituted an important section of those who would be affected by the legislation, but the recognition of their importance as a pressure group is evident.

80. NAI. LD, PPRA, 1881, nos. 15-17.

81. Ibid.

CONCLUSION

Our study began with a look at the developments in Bombay in 1874 where the events leading to factory legislation began.

Colonel Bollard's letter caused certain developments in the Bombay Government which led to the appointment of the Factory Commission. The Bombay government declined to recommend legislation to the Government of India and the famine in parts of Bombay Presidency after 1876, led to a deferrment of the decision to legislate by the latter. The linkages between political developments in Bombay and political and economic processes in England led us to explore the changes taking place there, especially after 1873. We noticed that the Depression of 1873 and its impact on the British Mill industry (during a period when the Bombay Cotton Mill industry was growing), caused the former to put increased demands upon the Government to assist in protecting and extending the market in India and abroad. The fact that the Indian market for coarse goods was declining made the situation more critical. The stronger and more persistent pressures from England suggested the possibility of a nexus between the British Mill interests and certain decisions in Bombay at a certain time. However, our efforts to locate individual bureaucrats in Bombay

subservient British Mill interests proved futile. While the presence of such individuals can hardly be ruled out, given the enormous importance of the cotton trade in England, we also notice that the interest in labour affairs in the Bombay government widened to include workes in Cotton Gins and Presses, apart from those in the Mills. A study of the activities of the Cotton M.P.s in England revealed the absence of a uniform attitude towards legislation for India. The millowners of Glasgow took an early and more active interest in the matter, Lancashire entering the fray only in 1877.

Besides the Cotton M.P.s we explored the activities of other individuals in England and India. Among these, it is Lord Shaftesbury who occupies the premier position. In England, the whole agitation entirely centered around him. While it is difficult to contest the philanthropic intentions of Shaftesbury. One does not fail to notice the influence of the dominant political and economic ideology of the time on his attitude to labour reform in India. In Bombay, the businessman-reformer S.S. Bengallee also pushed hard for legislation. But his actions had an appeal only insofar as they became part of more powerful forces in England.

Shifting the focus to Bombay, we noticed a certain pattern of decision-making. Not all the officials involved

themselves in the making of the policy on labour. Our evidence made us acutely aware of the interest, the Bombay Millowners took in the affairs of the Bombay government. This practice was perhaps aided by the convention of the government consulting groups, whose interests were likely to be affected by a particular legislation. We must not however, exaggerate the influence the Millowners had on the affairs of the State. While a reluctance to ignore the aspirations of Mill interests is manifest even in the Government of India; the passing of the legislation struck a blow to the independence from Government interference that the Millowners had cherished hitherto. It may also be noted that the Act of 1881 went much beyond regulating conditions in the Cotton Mills alone. It would for instance affect Jute Mills as well, which were primarily controlled by the British. The fact that the factory Legislation would adversely affect the Indian Cotton Mills was evident to the Government. But it is difficult to accept that it was only these narrow considerations which prompted the activities of the Government of India.

Thus a process for initiating legislation, which grew substantially due to the influence of the British Cotton Mill industry plagued by a severe crisis, came to an end in a form which showed the influence of humanitarian attitudes also.

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APPENDIX I

RAW COTTON CONSUMPTION IN ENGLAND 1870-1879*

YEAR	RAW COTTON CONSUMPTION (In million lb).	PERCENTAGE CHANGE OVER THE PREVIOUS YEAR
1870	1078	
1871	Not available	
1872	1181	9.55
1873	1245	5.4
1874	1277	2.6
1875	1229	-3.8
1876	1280	4
1877	1230	-3.9
1878	1192	-3.1
1879	1150	-3.5

*Source : Compiled from B.R. Mitchell (with the collaboration of Phyllis Deane, Abstract of English Historical Statistics (London, 1971), p.179.

APPENDIX II

CHANGES IN COTTON TARIFF BETWEEN 1859 TO 1879*

1. 1859: There was a 10% duty on cotton piece goods; the duty on cotton twist and yarn being 5%.
2. 1860: The duty on cotton twist and yarn was raised to 10%.
3. 1861: The duty on cotton twist and yarn was reduced to 5%.
4. 1862: The duty on cotton piece goods was reduced to 5%. There was a further reduction in the duty on cotton twist and yarn to 3.5%.
5. 1871: Though the valuations were revised, the import duty on cotton piece goods remained at 5% and on cotton twist and yarn at 3.5%.
6. 1875: The import duties on cotton piece goods and twist were retained as in 1871. But a 5% import duty on long staple cotton was imposed.
7. 1878: Certain coarse goods like unbleached T-cloths under 18 reed, jeans, domestics, sheetings, and drill were exempted from duty. These goods were not to contain yarn finer than 30s.
8. 1879: All imported cotton goods which did not contain yarn finer than 30s were exempted from duty.

*Source: R.C. Dutt, The Economic History of India, Vol.2 (New Delhi, 1976), pp.293-303.