

# INDIA AND THE ILO

THE STORY OF FIFTY YEARS



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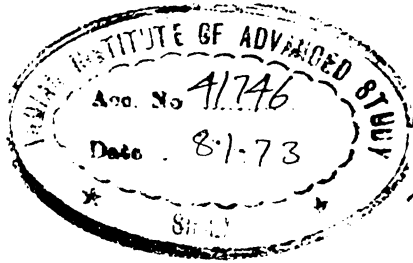


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# FOREWORD

I. L. O. has been striving since its very inception to encourage the adoption of healthy and uniform practices by the labour organisations of the world by means of its conventions and recommendations. These conventions and recommendations have exercised a tremendous influence on all aspects of labour movement in all parts of the world. Dr. N. K. Kakkar has done a great service to the cause of labour movement in India by writing a book on "INDIA AND THE I.L.O." Dr. Kakkar has, very ably and precisely, traced the influence of I. L. O. on the progress and development of the Indian working class movement in various spheres like the social security, wage plans and policies, working conditions, labour legislation and trade union movement.

The book is a very useful addition to the literature on labour movement in India.

*Dr. T. R. SHARMA,*  
Emeritus Professor of the  
University Grants Commission  
R.B.S. College, Agra.



# PREFACE

Wherever people are at work, their problems are in some way the concern of the International Labour Organisation. For half a century now, the I.L.O. has been bringing workers,' employers' and government representatives together to devise measures to improve the conditions of work and the general welfare of working people all over the world. The basic purpose of the I.L.O. is to serve the cause of peace by furthering social justice. It has worked towards the abolition of conditions of labour involving injustice, hardship and privation.

This book contains a lucid and vivid account of the various facets of association of the Labour Movement in India with the International Labour Organisation. The study examines how far the Labour Legislation in India has been influenced by the I. L. O. Conventions. It analyses the impact of various activities of the I. L. O. on Working Conditions and Hours of Work, Social Security Measures, Wage Plans and Policies, Trade Union Movement and Industrial Peace in India. The important Articles of the Conventions adopted by I. L. O. and ratified by India have also been quoted. It will not be an exaggeration to comment that the I. L. O. has changed the complexion of Indian Labour and our workers today are better paid, well nourished and are better informed about their rights and privileges. There has been repetition at certain places, which was unavoidable.

I am highly indebted to the India Branch of I. L. O. in New Delhi for its guidance given to me in collecting the necessary data. I must also acknowledge my thanks to all

the publishers and authors whose works have been referred in the book. I will be failing in my duty if I do not acknowledge here the debt of gratitude, I owe to Dr. Tulsi Ram Sharma, Emeritus Professor of the U. G. C., R. B. S. College, Agra and Dr. Tirth Raj Sharma, Department of Commerce, R. B. S. College, Agra but for whose able guidance, I would not have finished this work. I am also thankful to Mr. Y. P. Sabharwal, Ramjas College, Delhi, for his Valuable suggestions.

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# THE I.L.O. IS BORN

Fifty years ago, when first world war came to an end, it was expected that durable peace would be made. The Peace Treaty, signed at Versailles in 1919, marked the beginning of a new era and League of Nations was set up to avert conflicts among the nations in future. It had been recognised, that "universal and lasting peace can be established only if it is based upon social justice." It was universal peace gained through the contentment of masses that had become an ideal. The actual birthday of I.L.O. could be said to be April 11, 1919, the day on which the Peace Conference accepted in principle the plan for the creation of machinery within the framework of League of Nations, to regulate labour conditions and raise living standards everywhere. Some might choose 28th June when the Treaty of Varsailles was signed whereas others would prefer 29th October when the First Intenational Labour Conference was held in Washington.

### **Earlier Attempts**

The need for such an organisation was felt long before the establishment of International Labour Organisation. Robert Owen,<sup>1</sup> the great Welsh social reformer, conceived the idea of international labour regulations exactly a century before the I.L.O. was born. He presented

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1. Lasting Peace The I.L.O. Way, International Labour Office, Genava, 1953, p. 12.

a petition to the Congress of Aix-la-Chapelle, which called for international action to limit the working day. But this proposal was ignored. Twenty years later, the French reformer, Louis Auguste Blanqui took the torch kindled by Owen and argued "Treaties have been concluded between one country and another by which they have bound themselves to kill men. Why should they not be concluded today for the purpose of preserving men's lives and making them happier?"<sup>1</sup> Blanqui's plea could not evince considerable response and a few years later, in 1847, Le Grand tried that the protective labour legislation was enacted by French Government. But his efforts too could not succeed.

It was in 1888, that the Swiss Government suggested a conference for the adoption of international factory legislation and many countries responded favourably, but the conference was never held. Instead German Emperor succeeded in convening a meeting in 1891 in Berlin which was attended by the representatives of fourteen countries. This was followed by an unofficial meeting six years later in Brussels which was attended by a number of government officials as private individuals and the proposal for the establishment of an official international office for the compilation of labour statistics was discussed. The suggestion was not accepted but a continuing committee was formed to try to prepare the way for the creation of international labour association. Three years later at Paris the International Association for Labour Legislation was set up, composing of autonomous national section. It was to be financed by the voluntary contributions from governments and individuals.

A conference at Berne in 1913 adopted draft conventions barring night work for children under 16 and seeking to limit the working hours of women and young workers to 10 a day. War intervened and further progress was halted. The activities of the Socialistic International and of the Inter-

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1. Lasting Peace The I.L.O. Way, op. cit., p. 12.



national Federation of Trade Unions (IFTU) ensured that national efforts were coordinated on an international basis. The American Federation of Labour took the initiative in calling for an international labour conference to be held parallel with the Peace Congress, wherever it took place.

The above developments on the one hand and the violent upheavals in Russia and other countries and the wartime sufferings of workers and the pursuit of democratic ideals on the other, led to the appointment of a commission on International Labour Legislation on January 31, 1919. On the recommendations of this International Labour Legislation, International Labour Organisation was established.

The International Labour Organisation also owes its inception to the Versailles Treaty after the end of the First World War. To maintain good conditions of life of workers and to provide them the better conditions of work, this international body was set up. The International Labour Organisation is purely based on the democratic set up. It is mainly because of its tripartite structure-representatives of government, workers and employers, that the I. L. O. has been able to weather the political upheavals and economic depressions that have rocked the world since 1919. The tripartite structure enables the I. L. O. to promote understanding and collaboration among the three groups.

### **Constitution and Structure**

All the independent nations can apply for the membership of I.L.O. It is an inter-governmental agency of which 120 countries were members in the beginning of 1969. Thus this is an association financed by various governments and democratically controlled by the three parties. It was associated with the U. N. O. in 1946.

The salient objective of I.L.O. is to promote social justice among the various nations. Hence it congregates facts about labour and social conditions and disseminates them.

The Preamble of its constitution enunciates-".....the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the workers against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of the workers. recognition of the principle of equal remuneration for work of equal value, recognition of principle of freedom of association, the organisation of vocational and technical education and other measures ....."

The International Labour Organisation has three important organs through which it functions :—

### **1. The International Labour Conference**

The International Labour Conference is the supreme body of the organisation and constitutes a world forum for labour and social questions. This Conference is an annual feature and four delegates represent one nation: two representing the Government, one representing the management and one representing labour: each delegate speaks and votes independently so that all the points of view find full expression.

### **2. The Governing Body**

The Governing Body is composed of 48 members, 24 representing Governments, 12 representing the management and 12 representing labour. It is Executive Council of the Organisation which exercises general supervision over the work of the office, prepares its budget and stands fully responsible for formulating plans and policies of work. It also shoulders the responsibility of setting up Industrial and Expert Committees. From the very beginning. India's door has been knocked by this organisation, with an offer of one permanent seat in the Governing Body. India also got the distinction of holding the 110th session of the Governing Body at Mysore in January, 1950.

### **3. The International Labour Office:**

The International Labour Office acts as a secretariat, an operation headquarters, a world information centre and publishing house. Its staff consists of experts drawn from various countries, whose knowledge, experience and advice are available to all nations which are members of the organisation. It has branch offices and correspondents in various countries. The chief function of International Labour Office is to engage itself in research work connected with labour problems and to provide solid and substantial solutions for them.

The Office publishes some periodicals including the monthly the "International Labour Review", the "Legislative Series" published every two months, a quarterly "Occupational Safety and Health", another quarterly the "Bibliography of Industrial Hygiene", and the "Labour Education" published three times in a year. In addition, there are the year book of Labour Statistics and the Annual Report of the I. L. O. to the United Nations. The Office has branch offices in different countries. The Indian branch of I. L. O. at New Delhi was established in 1928 and has a staff of one director and five other officers.

#### **I. L. O. Committees**

The work of I. L. O. has been smoothened by various Industrial Committees, Committee of Experts, Correspondence Committees and Regional Conferences. Since 1945, ten Industrial Committees have been set up to help solve the social and economic problems of all industries. The members of all the three parties are represented on each Committee.

The Industrial Committees now set up by the International Labour Conference are organised for coal, mining, textiles, construction, iron and steel, the metal trades, inland transport, petroleum production and refining chemicals and so on. In addition, Commissions and Standing

Committees exist to further the work of the organisation in specific field. They include :-

1. Joint Maritime Commission.
2. Permanent Agriculture Committee.
3. International Development Works Committee.
4. Committee of Social Security Experts.
5. Asian Advisory Committee.
6. African Advisory Committee.

There are also many panels of Consultants on such questions as recreation, women's work, unemployment, occupational safety and health, labour statistics and cooperation and indigenous labour.

### **Functions of I.L.O.**

The International Labour Organisation has many tasks to perform, which can be summed up as follows :—

1. It provides mission of enquiry to investigate charges of sub-standard conditions and to give expert advice to improve them.
2. It maintains branch offices, field missions and correspondents throughout the world to assist governments, non-governmental agencies and individuals on matters within its sphere.
3. At its headquarters in Geneva year-round researches are conducted which are based on social studies, economic reports and many other labour problems.
4. It's Expert Commissions and Industrial Committees contribute to greater safety, better health, increased productivity and improved welfare and industrial relations standards in agriculture and industry.
5. Such bodies as the I. L. O. Ad hoc Committee on Forced Labour assist in finding the facts and to help in the eradication of social evils which imperil freedom of association and the individual liberties of workers.

## **Declaration of Philadelphia**

The Constitution of the International Labour Organisation declares that "universal and lasting peace can be established only if it is based upon social justice."<sup>1</sup>

In the midst of war in 1944, the International Labour Conference which was convened at Philadelphia reasserted the devotion of I. L. O. to work for peace. The workers', employers' and governments' representatives of various countries made a declaration which stated :—

"Labour is not a commodity,  
Poverty anywhere constitutes a danger to prosperity everywhere,  
Freedom of expression and association are essential to sustained progress."<sup>2</sup>

The Declaration of Philadelphia stated that it is the solemn obligation of I. L. O. to induce among the nations the programmes designed to achieve a series of social objectives which include :—

"full employment and a living wage,  
extension of social security,  
adequate food, housing and recreation,  
the right to bargain collectively,  
equality of opportunity, and  
adequate health and safety measures."<sup>3</sup>

All the delegates who were present at this Conference gave their full consent to these principles. It was also said that to make principles effective, it is essential to understand them fully.

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1. I L. O. 1919-1969, 50 Years in the Service of Social Progress, International Labour Office, Geneva, 1969, p. 6.
  2. Lasting Peace the I. L. O. Way, op. cit., p. 102.
  3. Ibid., pp. 103-104.

## **Procedure of work**

### **(i) Adoption of Conventions and Recommendations**

I. L. O. proceeds on with its work by adopting conventions and recommendations. There is a difference between a convention and a recommendation. A convention is a treaty, which if ratified by a Member State, creates binding international obligation on that Member State, whereas a recommendation creates no such obligation, but is essentially a guide to national action, even though it must be submitted to the competent national authorities.

The International Labour Conference adopts International Labour Standards which are formulated in special international treaties called 'Conventions' and 'Recommendations'. The Conference decides by a majority of two-third of the delegates' votes whether the proposal should take the form of :

- (a) a Convention for ratification by the members;  
or
- (b) a Recommendation to be submitted to the members for consideration with a view to giving effect to it by national legislation or otherwise.

As two-third of majority is needed for their adoption, they represent the general agreement of informed world opinion.

In both the cases, the Member State must bring, within the period of 18 months from the closing of the Session of the Conference, the matter before the competent authorities in the country. And when a Convention is accepted by the said authorities, it is said to have been ratified. Member countries, whether they ratify a Convention or not, are expected to examine it for possible ratification and to report to I. L. O. from time to time concerning the state of local law and practice. Thus, I. L. O. shows the way; it does not command.

## (ii) Operation of a Convention

A Convention usually requires two ratifications to become operative. Sometimes the figure may be higher, such as in case of maritime texts where it may be important to make the Convention more effective. Out of the 128 conventions adopted upto October 1968, nearly 90 have received a sufficient number of ratifications to bring them into force. On the average, each convention in force has received about 20 ratifications. Upto the present time, the member countries have deposited nearey 3,377 ratifications of conventions of I. L. O. There is also great variations in the number of ratifications received from the various countries as is shown in Table 1.1 given below :—

**TABLE 1.1**

**Ratification of I. L. O. Conventions by Different Countries<sup>1</sup>**

Country	No. of conventions ratified
France	79
Bulgaria	74
Belgium	66
United Kingdom	65
New Zealand	45
Chile	36
India	30
U.S.S.R.	27
Japan	26
Afghanistan	8
Indonesia	6

France ranks first in ratifying the I. L. O. conventions. Of the 128 conventions adopted, it has ratified 79 followed by Bulgaria which has ratified 74 conventions. There are atleast 45 countries which have ratified more than 30 conventions and these include countries like Algeria,

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1, International Labour Standards, International Labour Office, Geneva, 1968-p. 43.

Argentina, Brazil, Chile, Cuba, Ghana, Israel, Peru, Sweden United Arab Republic, Yugoslavia etc. But there are more than 70 countries which have ratified lesser number of conventions as compared with india. Important among such countries are- U.S.S.R., Japan, Australia, Burma, Canada, Ceylon, Indonesia, Malaysia, Pakistan, Philippines, Rumania, United States, and so on. Mangolia, Nepal and Yemen have not ratified even a single convention.

Another surprising feature is the high proportion of ratification by countries outside Europe, a development which gained momentum during the last decade. American, African and Asian countries now account for well over half of all the ratifications registered.<sup>1</sup> Another interesting point is a very large number of ratifications during the past two decades. During the first three decades of I. L. O. existence only 1,000 ratifications were registered whereas 2,000 mark was passed in June 1960 and January 1965 witnessed the crossing of 3, 000 mark.

Thus, the establishment of I. L. O. in 1919 has been a blessing for under-developed countries. Besides this, the relations between employers and employees have become cordial. This organisation has infused in the minds of the employees a spirit for greater efforts and has equally persuaded the employers to look to the welfare of their employees in a more realistic manner. It is further felt that the Government of a member country should serve as a mediator and coordinator between the two disputants- employers and employees. The efforts of the Governments through mediation are directed towards securing the ultimate aim of social justice.

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1. The International Labour Standards, op. cit., p. 16.



It may be summed up—

“.....all human beings irrespective of race, creed or sex have the right to pursue both their material well-being and the spiritual development in conditions of freedom and dignity of economic security and equal opportunity ..... ”

—Declaration of Philadelphia

# THE INDIAN LABOUR SCENE-THE SETTING

Ambrose Bierce defines labour as "one of the processes by which A acquires property for B", and he is correct to some extent. In the primitive days, the labour was considered merely a commodity which could easily be bartered by money. The labourer then had no worth of himself and he had to toil ceaselessly for twelve hours or even more daily to get the handful of meals. The supply of labour was greater and so its price was low. The problems were more acute in our country as the population was enhancing rapidly. The employers were in a dominating position and they were dictating wages and other conditions of work. This led to the development of industrial and social ills.

### **Indian Labour Before 1919**

India was the land of villages in the nineteenth century and most of her population lived in villages. Villages formed an integral part of Indian economy. The carpenters, the blacksmiths, the housebuilders, the priests, the utensil makers-all were the part and parcel of village economy. With the advent of machines, large scale industries flourished and the modern cities developed.

Plantation is the start of the Industrial Development in India. European people showed a greater interest in Tea, Coffee and Indigo industries. They were organised on a large scale and may be regarded as forerunners of

the factory system in India. The labourers in plantation were recruited through contractors. Till 1871, there was some depression in the industry, but after that it was placed on the firm footing and in the last decade of the nineteenth century it enjoyed quite some prosperity.

It was in 1854 that the first cotton mill was set up in India. In the beginning, the progress was slow but by 1879 there were 56 mills employing 43,000 workers. The number of Jute mills at that time was 20, which were employing nearly 20,000 workers. In 1879-80 there were 56 mines employing about 20,000 workers. Till 1880, the development was not brisk as Dr. Gadgil remarked-“While the process of driving out people from the old crafts was proceeding quickly, the growth of new industries to absorb the people thus displaced was in no sense proportionate.<sup>1</sup> The 15 year period 1880-95 witnessed great progress of Cotton Textiles. The number of Cotton mills in 1895 was 144 employing 139,578 workers. The number of Jute mills was 29, which employed 75,157 persons, and at about the same time the number of collieries was 123 which provided employment to 43,197 Workers. When India became the member of I. L. O., the state of employment in different industries was as is shown in Table 2.1.

The Industrial Revolution brought in its wake the disappearance of the traditional cottage and small scale industries in India. These were replaced by large industrial units whose establishment and operation required vast resources of men, money, machinery and skill. These large units attracted workmen from different parts who were considered a tool in the process of production. The workers used to leave the villages to escape from destitution and from various social disabilities or to escape from the penalties for offences against the village moral code. The excessive pressure on land, the dwindling of Cottage and Small Scale industries and lure for the city life attracted the workers to factory areas.

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1. The Industrial Evolution of India, Dr. D. R. Gadgil, Oxford University Press, Bombay, 1942, p. 62.

**TABLE 2.1****Growth of Employment in Organised Industries.<sup>1</sup>**

(in thousands)

Industry	1892	1899	1909	1919
1. Railways	259	309	510	713
2. Coal Mines	33	83	129	190
3. Cotton Textiles	121	163	237	260
4. Jute Textiles	66	102	204	276
5. Iron & Steel	12	17	24	21
6. Ordnance	—	13	15	24
7. Railway Workshop	—	52	93	134
8. General & Electrical Engineering	—	—	—	30
9. Chemicals	—	—	—	2.8

The working and living conditions of the workers were miserable. They had to sweat hard under uncongenial circumstances which badly affected their health. The workers had to labour ceaselessly in congested and illventilated surroundings. They were housed in very dirty and sullen atmosphere, insufficient accomodation, dark and dingy interior of the tenaments and their clumsy surroundings were the main features of a working class colony.

They had to toil relentlessly for pretty long hours of work for handful of wages. Small boys of 5/6 years of age had to clean the top of the chimneys of the mills for paltry amount. Women, too had to work for long hours for very low wages. Welfare measures were completey absent and no social security measures existed. The workers were disjointed lot and there was no organised body to take care of their interest. Some attempts were made by few individuals to organise the workers before the First World War,

1. Labour Policy and Industrial Relations in India, A. S. Mathur, Ram Prasad & Sons, Agra, 1968, p. 25.

for example establishment of a night school in 1872 by P.C. Majumdar, presentation of a memorandum to the Government in 1884 by N. M. Lokhadne, presentation of another, 'Memorial' demanding a weekly holiday in 1890, formation of "Bombay Mill-hands Association" in 1890. All these were isolated attempts made by some individuals and no modern trade union existed in India before 1919.

The creation of the I.L.O. in 1919 injected a feeling of optimism among the workers. The I.L.O. was formed to regulate the supply of labour, to prevent unemployment, to provide for an adequate living wage, to protect the workers against sickness, disease and injury arising out of the employment, to protect children, young persons and women, to provide for old age and injury, to protect the interests of the workers when employed in countries other than their own, to recognise the principle of equal remuneration for work of equal value, to recognise the freedom of association and to organise vocational and technical education. These objects of the I.L.O. infused a novel spirit among the workers of India.

### **Asian Activities Of I. L. O.**

A proverb runs :

"The trees that give the most shade today were probably planted long ago by others-others that are dead and gone. The trees which we plant today will bear fruit, give shade, provide timber and yield fuel long after we are forgotten. '

This proverb reflects the complete achievements of the activities of I.L.O. It has been compared with a tree which is giving fruit, shade, fuel and timber to the smaller and under-developed nations of the world.

An important and peculiar activity of I.L.O. is the holding of Regional Labour Conferences. The first Regional

Labour Conference was convened in New Delhi in 1947, after the Declaration of Philadelphia. The first Indian Prime Minister, late Pt. Jawahar Lal Nehru, addressing the Conference maintained that it should contemplate all the problems of a common man in Asia, so that not merely the standard of living in this country or that country should improve, but the standards should go up everywhere." The Conference gained much success and adopted 23 resolutions, regarding social security, labour policy, employment services, cooperative system and family budget enquiry.

Later conferences were held at Nuwara Eliya (Ceylon) in 1950, Tokyo in 1953, New Delhi in 1957, Melbourne in 1962 and Tokyo in 1968. The participants in these conferences discuss general economic and social developments on the basis of the reports prepared by the I.L.O. The conferences adopt resolutions reflecting the consensus of tripartite Asian opinion and providing valuable guidelines for future I.L.O. activities in the region. Many missions have also been sent by the I.L.O. to Asian countries to accumulate material and to advise on the various labour problems. Several fellowships and scholarships have also been granted for Asian countries

The workers in the Asian countries are also getting the facilities of Vocational Training. Asian Manpower Field Office was set up in Bangalore in 1947 to cope with the necessity of Vocational Training. This office provides all the Asian and Far-East countries with the technical and vocational training. Indians are benefited by these schemes in distinguished manner. Many Seminars are held in India in connection with the Vocational Guidance. The office was shifted to Bangkok (Thailand) in 1966 as a full Regional Office from Colombo (Ceylon) where it was shifted in 1963.

Between each regional conference, the Asian Advisory Committee of the I.L.O. is the focal point for

discussion of Asian affairs and the main channel communications between the Asian countries and the I.L.O. The committee created in 1949, consists of 24 members from 12 countries. The committee discussed in depth wide range of topics pertaining to unemployment, training, productivity, trade unions, workers' education, industrial relations, housing and rural workers.

### **Indian Activities of I.L.O.**

The origin of I.L.O. has changed the mode of labour movement in our country. It has created a sense of compactness, solidarity and coordination among the workers. In the nineteenth century, our labourers believed in these words of William Hazlitt—"The least pain in our little finger gives us more concern and uneasiness than the destruction of our fellow-beings." But with the establishment of I.L.O. our workers were enlightened and they started realising the futility of these words.

India sent a tripartite representation at the first Washington Labour Conference in 1919. When I.L.O. was established, India did not have any trade union which could unite the workers of the country. So, the Government herself sent a labour representation to the International Labour Conference. But the Government did not consult the workers in this connection, which created confusion and chaos among the workers and led to the formation of the All India Trade Union Congress.

Till the end of October 1968, I. L. O. had adopted 128 Conventions and 132 Recommendations. India ratified 30 Conventions and secures 46th position in ratifying Conventions out of 120 countries.

### **Constitutional Guarantees For Indian Labour**

The Constitution of India also advocates for the attainment of social justice. The Constitution puts both men and women at the same bar and accords that the

material resources of the community should be so disseminated that the economy of the country is not diverted towards the minority. The rights of the majority are to be preserved. The I. L. O. by providing the dogma of 'equal pay for equal work' has awakened our workers. So, the constitutional guarantees also have an echo with the sentiments propounded by the International Labour Organisation.

India is trying her level best to implement the provisions of the Conventions of the I. L. O. She has attained a dominating place among the Asian countries and is now frequently quoted in the Annual Reports of I. L. O. India has tried to follow the words of I. L. O. Conventions in every sphere of labour as employment policy, labour legislation, social security, labour welfare, hours of work, conditions of work, etc. In the absence of such a great body, the labour movement in our country would have been haphazard and lopsided. It is only due to the upper hand of the International Labour Organisation that Indian Labour Movement has advanced very rapidly in few decades. And today, we should recollect—

“Praise I. L. O., from whom all blessings flow;  
Praise it, labour community for its glow;  
Praise it above the heavenly bodies;  
Praise it, Governments, Employers and Employees.”



# WORKING CONDITIONS AND HOURS OF WORK IN INDIA

Working conditions and hours of work have a marked influence on the health, efficiency, wages and psychology of workers. Maximum possible efficiency can be attained by providing the workers with good working conditions and less hours of work. A man is not born readymade. These are environments that make a man efficient and if these environments are improved, the goal of higher production can be easily accomplished. If the workers have to work in sluggish and sullen environments and have to work very hard, it will not only be the efficiency which will drop down but the health of the workers will also deteriorate. No one can distract from the following statement of Shri V. V. Dravid, the Government delegate to the Thirty-Fifth Session of the I. L. O. Conference (1952)—“The time has come when the question of bettering the working conditions of the majority of workers scattered among the thousands of industries should also receive equal or even greater attention.”

### **Working Conditions Before 1919**

In the nineteenth century, the workers were treated as slaves and they had to work like animals. The plantation industry, which is supposed to be the first of the

Indian industries established on modern pattern, fostered only because the slave system was prevalent and the moneylenders had no difficulty in finding labour. The working conditions there were far from satisfactory. Many of the tea-gardens in Assam and Bengal were situated in highly malarial regions affecting the health of workers. The workers were recruited from the places where they enjoyed good working conditions, but were brought to uncongenial and depressing atmosphere. Hours of work were also very long and they were not regulated by any law till the First World War.

The conditions in textile industry were not good. The workers had to toil ceaselessly in ill-ventilated and ill-lighted surroundings. They had to work for very long hours. As late as 1908, the usual working day in textile industry was of 14 or 15 hours and sometimes even longer. The Factories Acts of 1881 and 1891 reduced the hours of work, but they were not much effective and till the First World War, very little could be achieved in this sphere. However, the hours of work were reduced to some extent in 1911 when the Factories Act was amended.

In the mining and quarrying, the workers were recruited from distant places and were brought to the mines. Sometimes, intoxicants were used to kidnap the persons. Organised unionism was an uncommon feature for this industry and workmen, owing to the complete grip of contractors, had to accept the prevailing working conditions without any protest or an attempt to abscond. The hours of work before the First World War were more than twelve. The workers had to go to the mines early in the morning at 5 O'clock and had to labour there upto 7 O'clock in the evening without any rest-interval. Sometimes the work was undertaken in the open without any shelter under the blazing sun. Nursing mothers had to break, chip and load stones keeping their infants in unprotected and unfenced surroundings. Few Acts were passed to protect the workers before 1919.

It will not be an exaggeration that the working conditions and hours of work in the industries were very much depressing and disheartening before the establishment of I. L. O. The workers usually idled away their time in loitering and loafing as they were not provided recreational facilities. The Indian Factory Commission of 1908 goes on to prove this fact. It attributes—

“While the Indian factory worker may work hard for a comparatively short period, his natural inclination is to spread the work he has to do over a long time, working in a leisurely manner throughout and taking intervals off whenever he feels declined for further exertion.”

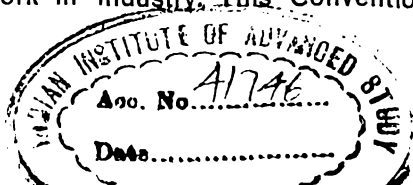
Dr. T. N. Nair in his 'Minute of Dissent', to the Report of Factory Commission, attributes loitering due to the long working hours as he says—“a manifestation of the adaptive capacity, which all human beings possess more or less, a device to reduce the intensity of labour as a safeguard to his physical well-being.”

The bad working conditions had put Indian workers into very peculiar circumstances. If they enjoy better and healthier conditions inside and outside the factory, their thrift and moral restraint will be revived and they will have a new desire for raising the production of the industry. Improved working conditions is the first step towards an improvement in the standard of living of workers and in raising the profits of the money-lenders. To those who assert that money-lenders cannot afford to spend more money on working conditions can only be replied with—“that they can no longer afford to delay such expenditure”. The establishment of I. L. O. in 1919 provided much relief to this end as is evident from what follows.

### **Conventions Ratified and Recommendations**

#### **Hours of work:-**

India ratified Convention No. 1 of 1919 regarding Hours of Work in industry. This Convention mainly deals



with limiting the hours of work in industrial undertakings to 8 in a day and 48 in a week. The term 'Industrial Undertaking' comprises mines, quarries, manufacturing industries, shipbuilding, generation of electric power, Railways, Tramways, Waterways, Roadways, Water Works and so on. But this Convention is not binding on persons holding the positions of supervision or management and persons employed in a confidential capacity. However, in an emergency the hours of work may be higher. To quote the Article 2 of this Convention—"The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in a day and forty-eight in a week."<sup>1</sup>

For India the Article 10 of the Convention goes on to say—

"In British India the principle of sixty hours a week shall be adopted for all workers in the industries at present covered by the Factories Act administered by the Government of India, in mines and in such branches of Railway work as shall be specified for this purpose by the competent authority."<sup>2</sup>

India ratified this Convention on July 14, 1921 on the basis of Article 10.

The First International Labour Conference in its Recommendation No. 7 concerning the hours of work in Fishing Industry, suggested a maximum number of hours of work for Fishing Industry to be 8 a day and 48 a week. India had to take into consideration the Article 10 of Convention No. 1 here also.

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1. Conventions and Recommendations, 1919-1949, International Labour Office, Geneva, p. 2.
  2. Ibid., p. 4.

Recommendation No. 8 recommended that:—

(1) the hours of work of the workers employed in Inland Navigation should be reduced to 8 a day and 48 a week;

(2) each member should report to the I. L. O. about progress made in this direction and

(3) each member should think in its own circumstances by consulting the employers and workers.

I. L. O. adopted its first Convention in 1919. This very Convention had great impact on the hours of work of the industries in India. The Factories Act was amended in 1922 in the light of Article 10 of the first Convention. The maximum hours of work for adult workers were fixed at 11 a day and 60 a week. Although the Convention was accepted in its genuine sense of 48 hours a week in 1945 it was not implemented in full before 1948. It was then that the Factories Act was amended and the system of 8 hours a day and 48 hours a week was introduced. The hours of work for adult workers were fixed at forty-eight per week and nine per day, with a maximum spread-over of ten and a half hours a day inclusive of rest intervals.

Though India did not ratify any convention concerning the Mining, still conventions passed by I. L. O. had extraordinarily influenced the Mining Legislation. The Mines Act of 1901 proved one-sided and defective and another Act was passed in 1923 and later amended in 1928 and 1935 mainly to give effect to Convention No. 46. It dealt with the hours of work in the mines. A person had to work for 10 hours a day with a spread-over of 12 hours. The limit for the workers working under ground was placed at 9 hours a day. Some provisions regarding the maintenance of drinking water, medical facilities, sanitary arrangements, recreational facilities and so on were also provided. To provide a smooth working of the Convention, the Act was again amended in 1952. No adult employed above ground in a mine shall be required or allowed to work for

more than 9 hours on any day and no adult below ground shall be allowed to work for more than forty-eight hours in any week or more than eight hours in any day.<sup>1</sup> In the case of Plantation, nothing was done before 1951 when the Plantation Labour Act was passed. It was based on the contexts of the conventions adopted by I. L. O. on various occasions.

Recommendation No. 8 which is discussed above helped to a great extent in the case of shipbuilding. To give effect to this Recommendation, the Indian Merchant Shipping Act was passed in 1923 and the hours of work of Inland Navigation were also limited.

### **Weekly Rest :—**

India ratified Convention No. 14 of 1921 which was concerned with the application of the Weekly Rest in Industrial undertakings. This Convention was adopted in the Third Session of the General Conference of I. L. O. on October 25, 1921. The term 'Industrial Undertaking' has the same implication as it has in Convention No. 1. Article 2 of this convention reveals—"The whole of staff employed in any Industrial Undertaking, public or private or in any branch thereof shall, except as otherwise provided for by the following Articles enjoy in every period of seven days of rest comprising atleast of 24 consecutive hours."<sup>2</sup>

This convention was ratified by India on May 11, 1923. It also indicates that the whole staff in any undertaking should be granted this rest at the same time. The rest day may be fixed through the traditions and customs of a country on any day of the week.

Convention No. 14 affected greatly the Indian Factories Act. Though this convention was ratified by India in

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1. Handbook of Labour Legislation in India, N.K. Varkey, Lalvani Publishing House, Bombay, 1968, pp. 166-167.
  2. Conventions and Recommendations, op. cit., p. 60.

1923, Weekly Rest was included in the Factories Act of 1922. Since then this weekly holiday has become a permanent feature of Indian Factories Act. Only in an emergency, this provision can be denounced.

### **Labour Inspection:—**

To enforce the provisions of the law, the schemes of Labour Inspection should be enforced in every factory. In this connection, India ratified the Convention No. 81 on April 7, 1947. Article 3 of the Convention says something about the working conditions—"The functions of the System of Labour Inspection shall be to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work."<sup>1</sup>

In this connection, Recommendation No. 20 was adopted by the International Labour Conference on October 29, 1923. It deals with the general principles for the organisation of systems of inspection to secure the enforcement of law. It is mentioned in this Recommendation that provisions should be made by each Government to secure the maximum possible efficiency in enforcing the principles of Labour Inspection. The Recommendation indicates about the Sphere of Inspection, Nature of functions, Powers of Inspectors, Organisation of Inspection, Qualification and Training of Inspectors, Inspectors' Reports, etc.

The Convention No. 81 and Recommendation No. 20 had great impact on the Labour Inspection Schemes of Indian industries. In the Factories Act of 1922 the provisions were made regarding the safety and health of the workers and the System of Inspection was strengthened in this Act. But Recommendation No. 20 could be enforced in the Factories Act of 1934. In 1934, the working conditions of the workers were to be inspected by Provincial Governments according to their own rules and

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1. Conventions and Recommendations, op. cit., p. 704.

regulations. But in the Factories Act of 1948, the Convention No. 81 was enforced and provisions were made for removal of dust, water and effluents, provisions of spittons, white-washing and painting of walls and safety measures. The Factories Act 1948 says—"An Inspector may within the local limits for which he is appointed enter with or without permission any factory, and make examination of the premises, machinery etc; require the production of any prescribed register and take on the spot or otherwise statements of any person for carrying out the purposes of the Act."

### **Night Work and Rest Interval for Roadways:—**

Although India did not ratify any convention concerning the night work and rest intervals for Roadways Staff, still some recommendations throw light on these aspects and India has tried as well to enforce them.

Recommendation No. 64 of 1939 concerns with the night work in Road Transport. It is recommended that—

- (i) the categories of transport to be decided in which the night work is necessary and
- (ii) night work should be elaborately defined by national legislation.

Recommendation No 65 of 1939 relates to the hours of work in Road Transport. It recommends that every member Government should adopt such measure as would facilitate the regulation of daily hours of work of Road Transport. For this purpose, it was recommended that some statutory measures should be taken.

Recommendation No. 66 of the same year deals with the rest-periods of professional drivers of private vehicles. It indicates that every state should chalk out a programme which should apply to the professional drivers

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1. Handbook of Labour Legislation, op. cit., p. 58.



of private vehicles. The vehicles must necessarily be used for private services.

Till the adoption of the above Recommendation of I.L.O., no legislation prevailed in India. But with the adoption of above Recommendations much help could be attained and the Motors Vehicles Act was passed in 1939. The hours of the drivers of transport vehicles were fixed at 9 a day and 54 a week. But this Act was lacking in the provisions of night work. On the other hand, it was also felt that night work is essential for motor Transport. But the Act did not fix the hours of work of the conductors, cleaners, inspectors, etc.

#### **Hours of work in Hotels, Theatres and Hospitals:—**

Recommendations Nos. 37, 38 and 39 relate to the regulation of hours of work in Hotels and Restaurants; Theatres and Picture Palaces and Hospitals. These Recommendations indicate:-

(i) Hotels, Restaurants, Boarding Houses, Clubs, Theatres, Music Halls, Cinemas and Hospitals, where no statutory Provisions exist, special investigation should be made into the conditions prevailing in those establishments. (This is also said in Convention No. 37 which is not ratified by India.)

(ii) In all the cases, the member Governments should communicate the possibility of its application to I. L. O. within four years.

In our country, the working conditions and hours of work of the above establishments are not governed by any Central Legislation, and as such nothing solid could be done in this sphere.

#### **Recruitment Of Indian Labour:—**

The Industrial Revolution took place in India after 1850. A plague epidemic in 1896 and the influenza epidemic

in 1918 created scarcity of labour and the employers were forced to recruit labour by all sorts of means which they could adopt. This led to the haphazard growth of the system of recruitment through contractors and Sardars and so the labour had to suffer for that. This recruitment by intermediaries has been a marked feature of several Indian industries for a long time.

When the International Labour Organisation was set up in 1919, the problem of recruitment existed almost in every country. The I.L.O. has also adopted many conventions and recommendations on Recruitment. I.L.O. also set up many Employment Service Institutes to help improve the methods of recruitment.

First of all, India ratified Convention No. 2 of 1919. This convention is related to the unemployment. Article 2 of this convention outlines—"Each member which ratifies this convention shall establish a system of free public employment agencies under the control of a central authority."<sup>1</sup> It is also pointed out in this convention that the workers of foreign countries should also be treated with the same privileges as the local-workers. This convention was ratified by India in the earlier years, but later on it was denounced.

India also ratified Convention No. 29 on Forced Labour. The Convention adopted in 1930 says about the workers who have not entered employment of their own free will. It required to suppress the use of forced or compulsory labour in all the countries in the shortest possible period. The competent authorities should prevent the use of forced labour for private profits, shall restrict forced labour for public works to tasks of essential necessities, shall provide for the welfare and protection of any worker so employed.

Convention No. 88 of 1948 is concerned with the organisation of the Employment Service. This deals with

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1. Conventions & Recommendations, op. cit., p. 9.

the maintenance of a free public employment service consisting of a national system of local and regional employment offices under the direction of a national authority. This convention was first ratified by India, but later on it was denounced. Article 4 of this convention relates to— "Suitable agreements shall be made through advisory committees for the cooperation and the operation of the employment service and in the development of employment service policy"<sup>1</sup>

Convention No. 107 of 1957 mainly deals with indigenous labour. Special provisions are made in this convention for India. Effective measures should be taken to control the recruitment of indigenous workers through regulation of private recruiting activities, encouragement of selective recruitment, which will provide regular and remunerative employment, establishment of proper criteria of selection, establishment of minimum standards, provisions for regular minimum wage payment and so on. This convention is ratified by India.

Many recommendations are also adopted by I.L.O. in this regard. Recommendation No. 1 of 1919 urged the members of the organisation to coordinate the execution of all work undertaken under public authority. This should be done keeping in view the reservation of such work for periods of unemployment and for the places most affected by it. Another recommendation No. 71, as well as No. 72 adopted in 1944 widen the scope of employment services to fulfil the tasks entangled in the transition of war into peace. Another recommendation No. 83 of 1948 has the provisions of Convention No. 88. Recommendation No. 42 of 1933 states that free public employment offices should be set up in every country. Some offices should be set up which should only recruit specialised persons.

Recommendations Nos. 50, 51 and 73 deal with the Public Works Policy. Recommendation No. 51 adopted

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1. Convention & Recommendations, op. cit., p. 771.

in 1937 states that the national planning of public works, the main principle of which is that appropriate measures should be taken to achieve a suitable timing of all works, undertaken or financed by Public authorities involving an increase in the volume of such works in periods of depression. Recommendation No 50 deals with the same context but on broader bases of International Cooperation. Last Recommendation of 1944 also advocates the same points.

Recommendation Nos. 35 and 36 of 1930 contain provisions to safeguard the workers who are not engaged according to their own free will. These recommendations speak in the same tone as is reflected in Convention No. 29 of 1930.

With the inception of I. L. O., the methods of recruitment were also modified in many ways. During 1955, the I. L. O. made available to the Government of India the services of one expert on employment information and another on occupational classification. These experts are attached to the Directorate General of Resettlement and Employment of the Ministry of Labour, and their work has a bearing on India's bid to solve the problems of employment. In response to a request formulated at the Asian Manpower Technical Conference, Bangkok, held in December, 1951, the I. L. O. organised an Asian Regional Institute on Employment Service Organisation in Tokyo in October-November, 1952.

Convention No. 2 of 1919 provided for the setting up of free employment Services. But this could not be done in India till 1946. Now the Employment Exchanges recruit persons according to their qualifications and tastes as is said in Convention No. 29 of 1930. Convention No. 88 again repeated the clauses of Convention No. 2. The recommendations have also affected the methods of recruitment. In India the old methods of recruitment which had several defects are now eliminated. This could only be done by the endeavours of I. L. O. It did not provide help only

through its conventions and recommendations, but it has also helped our country by providing some practical help in many ways.

## Migration

Indian Labour is of migratory character in the sense that the workers employed in most industries do not claim the place at which they work as their hometown. Migration in India has many bad effects as the health of a worker deteriorates, he starts gambling and intoxicating and it leads to unhealthy growth of trade union movement.

India ratified a Convention No 21 of 1926 regarding the simplification of the Inspection of Emigrants on Boarded Ship. This convention provides that a national representative may be sent with the emigrants on the board, but that representative should not encroach upon the duties of the official inspector. The inspector should watch whether emigrants are getting the rights they are entitled to. The inspectors too are required to fulfil their agreements.

This convention mainly deals with the emigrants on the boarded ship. But it has also affected the migratory character of persons in all the industries. However, it is also to be noted that the village contact has been advantageous to the migrated labourers and that is why the Royal Commission on Labour suggested to foster it.

The Labour Investigation Committee said that if the migratory character of the workers in India is to be stopped, then the workers should be provided with the better living conditions. Thus I.L.O. has been indirectly influencing the migratory character of labour in India. It has also created circumstances in which a stable labour force can be maintained and this is in the interest of the country.

The working conditions of Seamen were also horrible before the First World War. The importance of regulating the labour of children and young persons employed on boarded ship was first realised in 1920. Before this, the labourers had to work for long hours and were migrated for several days. The seamen were paid very low wages. They were also recruited by contractors because most of the people did not want to join these jobs. The seamen were also not provided any measures of social security and it could not be visualised as social security itself sprang up in India in 1923. The I.L.O. has devoted peculiar attention towards it.

India has ratified only three conventions in this respect. The first convention ratified by India is No. 15 dealing with the fixation of minimum age for the admission of young persons as Trimmers or Stockers. This convention, in a nutshell, fixes the minimum age at 18 years for the admission of young persons to employment as Trimmers and Stockers. But this convention will not apply to, according to Article 3 of the Convention—

“(a) Young persons doing work on school ships or training ships;

(b) to the employment of young persons on vessels mainly propelled by other means than steam and

(c) to young persons not less than 16 years of age if found physically fit after the examination, engaged in the coastal trade of India & Japan,”<sup>1</sup>

Next Convention No. 16 ratified by India, is the compulsory Medical Examination of Children and Young Persons employed at sea. This convention adopted in 1921 states in Article 2—“The employment of any child or young

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1. Conventions and Recommendations, op. cit., p. 65.

person under 18 years of age on any vessel shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority."<sup>1</sup>

It is to be noted that such medical examination will be held at short intervals which should not be more than one year and then also a medical certificate of fitness will have to be produced. In certain cases the above provisions may be relaxed.

Another convention ratified by India relates to Articles of Agreement of Seafearars. This convention No. 22 of 1926 proposes that a signed Articles of Agreement should be reached between the owner of the ship or his representative and the seamen. Seaman should fully scrutinise the Articles before signing it. The conditions in which a seaman signs these Articles should be prescribed in the national law. It is also made clear in this convention that national law should be precise. The Articles should not be stipulated by any clause of the national law. Article 6 of this convention remarks—"The Agreement may be made either for a definite period or, if permitted by national law for an indefinite period."<sup>2</sup>

The agreement reached between the parties should clearly mention the rights and obligation of both the parties and should in all conditions contain the name and surname of the seaman, place and date of agreement, the name of vessel, the voyage, the capacity in which the seaman is employed, his wages, the annual leave with pay and so on. This agreement may be terminated by the mutual consent of the parties, death of the seaman or any other cause provided in the national law.

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1. Conventions and Recommendations, op. cit., p. 68.
  2. International Labour Code, 1951, International Labour Office, Geneva, p. 773.

Recommendations Nos. 10, 75 and 76 deal with the Social Security measures of the Seamen. Recommendation No. 10 adopted in 1920 requires that every member of I.L.O. should make provisions for the Unemployment Insurance of Seamen. The cause of unemployment may be wreckage of ship or any other reason. Recommendation No. 75 of 1946 is related with Social Security of Seamen. Every member of I. L. O., according to this recommendation, should enter into an agreement for the compulsory social insurance or workmen's compensation for the seamen of other countries employed on board. Recommendation No. 76 recommends that every member should put proper endeavours to provide medical care to the dependents of the seafearers.

Recommendation No. 48 of 1936, outlines the measures which should be taken in each maritime country to safeguard the health and well-being of sea-fearers, while they are ashore and advocates the establishment and development of seamen's hotels, institutes and clubs in all the larger parts of the vessel. The main measures suggested in brief are General Organisation and Regulation of Scheme, Saving and Remittance of wages, Equality of Treatment and so on.

Recommendation No. 49 of 1936 relates to the hours of work for Seamen. If any country has not regulated hours of work and manning in different classes of vessels, she should investigate the conditions obtaining in them in the light of the rules laid down in Convention No. 57 of 1936.

As regards Labour Inspection Services of Seamen, Recommendation No. 28 of 1926 proposes that these services should be established in order to enforce legislation concerning seamen. For prospective sea-fearers some vocational training should be provided according to Recommendation No. 77. This recommendation has given certain principles and rules which will govern the vocational training scheme of any country. Certain provisions should be



made for ship-libraries and cinema films of educational as well as recreational value; organisation of correspondence courses and broadcasting of special radio programmes.

Repatriation of Masters and Apprentices of the Seamen is provided in Recommendation No. 27 of 1926. This recommendation mentions that every member of the I.L.O. should take certain steps to provide for repatriation of Masters and Apprentices. But it is to be noted that this recommendation will apply only when Convention No. 23 in this regard is not ratified.

The conventions ratified by India left a marked influence on the employment conditions of seamen. The Indian Merchant Shipping Act was passed in 1923 keeping in view the Convention of Minimum Age of Seamen of 1920. The Act provides details regarding the voyage and the conditions of work and wages. If a seaman is retrenched on foreign port, arrangements should be made to send him at the port from where he was recruited. This Act was amended in 1931 to provide for the issuing of certificate from the master on ship regarding the quality of his work and whether he has fulfilled his obligations under the agreement. This was again amended in 1949 and it provided for the setting up of Employment Offices at ports. The minimum age for employment is put at 14 years.

Thus, we see that due to these Acts, the living conditions, wages, social security measures of seamen, all have received good fillip in India. The seamen now enjoy all the amenities as their fellows in other factories enjoy. I.L.O. has made their engagement more easy and comfortable. This has also given them many protections which are provided in the Indian Shipping Act.

### **Present Position**

I.L.O. Recommendation No. 116 states where normal weekly hours of work are forty eight or less, measures for a progressive reduction of hours of work to forty

a week should be taken. However it further adds that the level of economic development attained and the extent to which the country is in a position to bring about reduction in hours of work without reducing total production or productivity, endangering its economic growth, the development of new industries or its competitive position in the international trade ...These considerations have much bearing in our country due to the requirements of our economy. The National Commission on Labour 1969 in its report to the Government of India envisages this reduction in two stages, "In the first stage the working hours should be brought down to 45 a week and in the second to 40 a week."<sup>1</sup> The Commission has, however, not mentioned the period over which these phases have to be completed.

The Factories Act, 1948 makes it obligatory on the employer to provide the following welfare amenities:—

(a) Cool and clean drinking water, latrines and urinals and washing and bathing facilities.

(b) One first aid box for every 150 employees.

(c) Canteen in establishments employing more than 250 workers.

(d) Rest shelters or rest rooms and a suitable lunch room in all establishments employing 150 or more workers.

(e) Creche in factory establishments employing more than 50 women.

The Committee on Labour Welfare appointed by the Government of India in August 1966 stated that "the statutory welfare amenities have not been properly and adequately provided, except in units managed by progressive employers or in the modern units where the technology or production requires maintenance of adequate

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1. Report of the National Commission on Labour. Government of India, 1969, p. 104.

welfare standards."<sup>1</sup> In medium and small sized units arrangements for drinking water and first aid boxes and upkeep and maintenance of conservancy services are not satisfactory. However, National Commission on Labour 1969 felt that the statutory provisions regarding sanitation, first aid boxes, washing and bathing, rest shelters, drinking waters are adequate and "no change seems to be called for."<sup>2</sup>

The Mines Act 1952 provides for drinking water, conservancy, first aid (including a first aid room in every mine, wherein more than 150 persons are employed) and creche (in every mine employing women). The Act also provides (i) the maintenance of an ambulance room under the charge of a qualified medical practitioner assisted by qualified staff at every mine employing 500 or more persons, (ii) construction of rest shelters at every mine employing 150 or more workers on any one day of the previous calendar year; and (iii) a canteen in every mine having 250 or more workers.

The National Commission on Labour, 1969 felt that Canteen and creche facilities were not adequate. It felt that the statutory limit of 250 for a canteen is high and recommended that this should be brought down to 200. It should be obligatory on the employers to provide canteens automatically as soon as the employment exceeds the prescribed limit. Regarding the creches it stated—"An employer should be made to provide creche even though the number of women employed by him falls below 50."<sup>3</sup>

Drinking water, conservancy, medical facilities, canteen, (where 150 or more workers are employed) creche, (where 50 or more women are employed) recreational faci-

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1. Report of the National Commission on Labour, op. cit., p. 115.
  2. Ibid, p. 119.
  3. Ibid p. 118.

lities. provisions of umbrellas, blankets and raincoats have been made statutory in Plantations. But the Plantations Labour Act, 1951 does not cover majority of the plantations. The welfare facilities, except in the case of fairly large-sized estates, are not good. There is scope for extending the Act to many more plantations.

### **Why Other Conventions are Ratified ?**

Till October 1968, I.L.O. had adopted more than a dozen conventions related, directly or indirectly to the conditions of work and hours of work. The Indian Government is usually condemned for not ratifying more conventions. The reasons for not ratifying more conventions are as follows :—

(i) India did not ratify Convention No. 30 which was subject to the principle of 8 hours a day and 48 hours a week for the employees of commercial offices. But we should not forget that India ratified Convention No. 1 on the basis of Article 10 which provided 60 hours a week. Such provisions are not made in this Convention.

(ii) Though India did not ratify Convention No. 31 of 1931, later revised as Convention No. 41 of 1934 concerning the hours of work in Mines, the Indian Mines Act was amended in 1926 and 1935 to implement some of its provisions. The Indian Mines Act, 1952 fixed the hours of workers working on surface as 9 a day and for those working under ground at 8 hours a day.

(iii) Convention No. 43 and 49 limit the hours of work in Sheet Class work to 42 a week with the spread-over of 8 hours a day. This Convention was also not ratified on the grounds of Convention No. 1. Moreover, Sheet Class work does not keep a separate entity.

(iv) Convention No. 47 enunciating 40 hours a week did not get any ratifications and thus became inoperative. This has been revised in 1962 as Convention No. 118. Similarly, Convention No. 51 and 61 are inoperative and

hence the question of India's ratification does not arise. We should keep in mind that India enforced 48 hours a week in 1948 and it is not natural that India would have ratified these conventions.

(v) Convention No. 67 of 1939 is very much similar to the Recommendation No. 65. It prescribes hours of work for drivers of Road Transport. This limits the hours of working according to the provisions of Convention No. 1. This convention is also not operative.

It is obvious that India ratified only a few conventions and made efforts to ameliorate the working conditions of employees. Although, she did not ratify many conventions, yet efforts were made by the Indian Government to bring the working conditions at levels which could be attained by the ratification of these conventions. Thus, I. L. O. has certainly brought about a change in the rational outlook of the Government and the Government has been made conscious of its solemn duty towards labour welfare. Similarly, the employers today realise that by providing good working conditions they can distil much out of the workers. Shri N. M. Joshi, India's representative at the 12th Session of the International Labour Conference, appreciated the work of I. L. O. in the following words:—

“Geneva stands for the establishment of just and humane conditions of work by evolutionary and peaceful methods of discussions and persuasions.”<sup>1</sup>

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1. India and I. L. O., N. N. Kaul, Delhi, 1956, p. 53.

## WORKING CONDITIONS OF CHILDREN AND WOMEN

"In many cities large number of young boys are employed for long hours and discipline is strict. Indeed there is reason to believe that corporal punishment and other disciplinary measures of a reprehensible kind are sometimes resorted to in the case of smaller children. Workers as young as five years of age may be found in some of these places working without adequate mean intervals or weekly rest days, and 10 or 12 hours daily for sums as low as 2 annas in the case of tenderest years." Labour Investigation Committee, 1946 also categorised the employment of children in industries as one black spot of labour conditions in India. The little and tender hands of our children were employed in industries with the advent of modern industrialisation. Lured by high profits the employers employed children at exceptionally low wages. Owing to the inadequacy of inspection staff, it was not possible to enforce the statutory provisions effectively. Participation of women, too had been common in the economic activity of all the countries, developed and developing. In India, the Industrial Revolution transferred many tasks hitherto done in the home to factories resulting into employment of women and children to supp-

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1. Report of the Royal Commission on Labour, pp. 96—97.

lement the earnings of the chief earner. "Women ,thus came to occupy the position of marginal workers in the new economy.<sup>1</sup> Many abuses crept in when women and children were employed in factories, and soon the legislative measures were adopted to force employers to improve their working conditions. The I.L.O. was alive to their problems right from its inception. The Constitution of the I.L.O. provides for:—

(i) regulating and progressively limiting child labour; with a view to its essential abolition everywhere,

(ii) to protect young persons,

(iii) to ensure that they are well prepared for their work and

(iv) to recognise the principle of equal remuneration for work of equal value.

### **Steps Taken By I.L.O. In This Connection**

Youth and women are necessarily concerned with the labour management relation of a country. These relations make the human frame of the work life of most of the youth and women. In this connection, I.L.O. has launched an active labour-management relation programme in almost every country. The purpose of this programme is to promote continuous improvements in the relations between these two participants in industry. It operates through research and information services, technical assistance and other field projects and educational programmes, I.L.O. is also expanding workers, education services and also management development programmes. Before the First World War, no special care was taken as regards the employment conditions of youth, children and women. Women were also not provided any maternity benefits before or after the confinement.

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1. "Women's Employment in India." N. K. Adyantha, Ministry of Labour, Government of India, Reprint from the International Review, July, 1954, p. 2.

## Conventions Ratified By India

One of the objects of I.L.O. is the protection of children, young persons and women. So, I.L.O. has devoted much towards the employment conditions of children, young persons and women. Out of the 128 conventions adopted by I.L.O., nearly 25 conventions exclusively deal with the employment conditions of children, young persons and women and nearly 18 recommendations deal with them. India has ratified 10 conventions which deal with the employment conditions of children, young persons and women. The ratified conventions are discussed below:

### **Employment of Children and Young Persons :**

India ratified Convention No. 5 which deals with the Minimum Age for admission of children to Industrial Employment. This convention was adopted by I. L. O. in October, 1919. It fixes a general minimum age of 14 years for admission to employment in industrial undertakings. This age-limit may be higher where the national laws so provide, keeping in view the special physical or moral hazards for youth. But special provisions are made for the minimum age for children in India which are clarified in Article 6 of the convention, which states—

“The provisions of Article 2 shall not apply to India, but in India children under 12 years of age shall not be employed in :—

(a) factories working with power and employing more than 10 persons;

(b) mines, quarries and other mining works and

(c) transport of passengers or goods, or mails by rail or in the handling of goods at docks, quays and wharves, but excluding transport by hand.<sup>1</sup>

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1. Conventions and Recommendations, op. cit., p. 23.



Article 2 of the convention provides—"Children under the age of 14 years shall not be employed or work in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.<sup>1</sup>

India, then ratified Convention No. 6 which concerns with the Night Work of Young Persons employed in industry. This was also adopted in October, 1919. The purpose of the restrictions regarding night work has been to provide adequate rest for young workers to limit their fatigue and to ensure adequate time for their normal recreational and cultural activities. According to the Convention, no young man or child under the age of 18 years shall be employed for work at night and during day time no one should work for more than 11 consecutive hours. But special provisions are made for India. Accordingly, the minimum age of children is 14 years. Article No. 6 of this convention says—

"In the application of this convention to India, the term 'Industrial Undertaking' shall include only 'factories' as defined in the Indian Factories Act, and Article 2 shall not apply to male young persons over 14 years of age.<sup>2</sup>

This convention was revised in 1948 as convention No. 90. The revised convention is in force in 10 countries including India and extends the period of uninterrupted rest for young persons under 18 years of age from 11 to 12 hours. The barred period for night work of employment of young persons under 16 years of age comprises the hours between 10.00 p. m. to 6.00 a. m. instead of 10.00 p. m. to 5.00 p. m. as provided in the previous convention. Article of this convention makes special provisions for India and according to it—"The term 'Industrial Undertaking' shall include—

- (a) factories as defined in the Indian Factories Act;
- (b) mines to which Indian Mines Act applies and

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1. Conventions & Recommendations, op. cit., p. 23.

2. Ibid. p. 27.

(c) railways and ports.<sup>1</sup>

Many other special provisions are made in this Article for India.

Also ratified by India is the Convention No. 15 which concerns with the fixation of Minimum Age for Admission of Young persons to Employment as Trimmers and Stockers. Article 2 of the convention provides—"Young persons under the age of 18 years shall not be employed or work on vessels as trimmers or stokers."<sup>2</sup>

### **Employment of Women**

Three conventions place restrictions on the employment of women in industry during night. The first of these No. 4 adopted in 1919 was suspended in 1934 by a second revised Convention No. 89.

Convention No. 4 in force in 34 countries including India prohibits employment of women during night in any public or private undertaking. The term night was defined to signify a period of 11 consecutive hours including the interval between 10.00 p.m. to 5.00 a.m. A special Article for India provides—"In India and Siam, the application of Article 3 of this convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law."<sup>3</sup>

Convention No. 41 which was adopted in 1934 excludes from its scope women holding positions of management, who are not engaged ordinarily in manual work and makes it possible for the competent authority to substitute the interval between 11.00 p. m. to 6.00 a. m. for the interval between 10.00 p. m. to 5.00 a. m.

The new Convention No. 89 adopted in 1948 in force in 18 countries including India provides for a rest period of

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1. Convention & Recommendations, op. cit., p. 791.

2. Ibid, p. 65.

3. Ibid, p. 17.

atleast 11 consecutive hours including an interval of atleast 7 hours falling between 10.00 p. m. to 7.00 a. m. It is said in Article 2—“The competent authority may prescribe different intervals for different areas, industries, undertakings, or branches of industries or undertakings but shall consult the employers' and workers' organisations.”<sup>1</sup>

But this convention does not apply to—

- (a) women holding responsible positions of a managerial or technical character and
- (b) women employed in health and welfare services.

India ratified Convention No. 100 concerning equal remuneration for equal work. The convention was adopted in the 34th Session of the International Labour Conference in 1951. It requires to promote the application of the principle of equal remuneration regardless of sex. Article 1 (b) of the Convention says—“the term of ‘equal remuneration for men and women workers for work of equal value’ refers to rates of remuneration established without discrimination based on sex.”<sup>2</sup>

The Discrimination in Employment and Occupation Convention No. 111, which was adopted by the I.L.O in 1958 has also been ratified by India. It lays down the principle of non-discrimination in employment and occupation on the ground of sex. Various approaches to wiping out discrimination are suggested—abolishing discrimination in law, seeking employer-worker cooperation and having the government set a good example.

Convention No. 45 which is in force in 38 countries including India, was adopted in 1935 and relates to employment of women in underground work in any Mine.<sup>3</sup>

But there are certain exceptions to it, which are provided in Article 3 of this convention, which goes on to

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1. Convention & Recommendations, op. cit., p. 784.
  2. International Labour Code, op. cit., p. 233.
  3. Ibid., p. 375.

say—"National laws or regulations may exempt from the above prohibition—

- (a) Females holding positions of management who do not perform manual work;
- (b) females employed in health and welfare services;
- (c) females, who in the course of their studies, spend some period underground as training; and
- (d) any other female who has to occasionally enter the underground parts of a mine for the purpose of non-manual occupation.<sup>1</sup>

### **Recommendations Adopted By I. L. O.**

#### **Youngmen And Children**

International Labour Conference has adopted nearly 10 recommendations on the employment of children and young persons which are described below.

Recommendation No. 14 adopted in 1921 relates to Night Work of Children and Young Persons in Agriculture. The children under 14 years of age are prohibited from working in agricultural undertakings during night. It should be provided in such a way so as to give him a rest of at least 10 consecutive hours and compatible with his physical necessities. Every member should also take steps to regulate the employment of young persons between 14 and 18 years of age in agricultural undertakings during night in such a way so as to ensure them a period of rest compatible with their physical necessities.

Recommendation No. 80 adopted in 1946 restricts night work for children and young persons in Non-Industrial occupations. This recommendation clarifies the lines of prohibition. It has given the scope of regulations, employment in public entertainment and methods of super-

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1. International Labour Code, op. cit., p. 375.

vision. It lays down the basis for legislative protection against the danger of night work in non industrial undertakings.

Recommendation No. 15 adopted in 1921 concerns the Vocational Education to young persons in Agriculture. It provides that every member should endeavour to develop vocational agriculture education and, in particular, to make such education available to agriculture wage-earners on the same conditions as to other persons engaged in Agriculture. Recommendation No. 57 adopted in 1939 also relates with vocational training. It is in the interest of workers and employers alike as well as those of the community as a whole. This vocational training should be given before and after the employment. In Convention No. 60 provisions are made for the training of apprentices to young persons.

One of I.L.O.'s responsibilities to youth is to protect them against unhealthy, dangerous or exhausting labour. This requires the promotion of measures to ensure his physical fitness for his job. Recommendation No. 79 adopted in 1946 relates to the Medical Examination for fitness for employment of children and young persons. This declares that young persons upto 18 years shall be admitted to employment only after their medical fitness has been demonstrated by the doctor's examination.

Some other recommendations provide for the minimum age of children and young persons. Recommendation No. 52 adopted in 1937 recommends that every member should make efforts to apply through legislation relating to the minimum age of admission to all industrial undertakings, including family undertaking. Similarly, Recommendation No. 96 adopted in 1953 establishes 16 years as the minimum age for employment in underground coal mines. It calls upon countries to put the minimum age into effect as rapidly as national conditions may allow. It also provides that young persons between 16 and 17 years should not be employed in underground coal mining except for purposes of training under certain conditions.

## Employment of Women

Convention No. 3 of 1919 provides for protection of women workers immediately before and after the confinement. It declares that an employed woman shall be required not to work for at least 12 weeks at the time of her confinement and that at least 6 weeks of this period shall follow the birth of the child. During this leave, she may be entitled to cash and medical benefits. Recommendation No. 12 of 1921 regarding Maternity Protection applies the above principle to women employed in Agriculture. Another Recommendation No. 95 of 1952 proposes that the period of maternity leave should be lengthened to 14 weeks when a woman's health makes such an extension desirable. It also suggests, that the maternity benefit should be as high as a woman's earnings and that nursing breaks should total an hour and a half daily.

Recommendation No. 13 of 1921 regarding Night Work of women in Agriculture proposes that members should take steps to regulate the employment of women workers in agriculture during night, so as to ensure for them compatible rest according to their physical necessities. Recommendation No. 14 provides that women should not be employed in a number of industrial processes involving proximity to lead and zinc.

Recommendation No. 90 of 1951 states that equal remuneration be paid for equal value of work. The Recommendation says that measures should be taken to promote equal access of men and women to jobs, such measures to be consistent with international regulations and national laws protecting the health and welfare of the women worker.<sup>1</sup>

In 1965, the I. L. O. adopted Recommendation No. 123 concerning the employment of women, with family responsi-

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1. The I. L. O. and Women, International Labour Office, Geneva, 1968, p. 23.

bilities. The Recommendation seeks to ensure that women with family responsibilities can exercise the right to work outside their homes without being subject to discrimination. It urges the development of services to enable women to fulfil their responsibilities at home and at work harmoniously. It also urges the systematic development of child care services and facilities to meet needs for the care of children of different age. Recommendation No. 111 of 1958 concerns discrimination in employment and occupation.

## **Present Position**

### **Employment of Children—**

The constitution of free India provides for the protection of child workers. Article 24 lays down— “No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. The minimum age for employment of children is fixed at 14 years under the Factories Act, 1948, 15 years under the Mines Act, 1952 and 12 years under Plantations Labour Act, 1951. The employment of children Act, 1938 prohibits employment of children below 15 years in occupations connected with transport of passengers by railway and in work connected with handling of goods within the limits of any port. The Shops and Establishments Acts of various states prescribe different minimum age limits varying between 12 and 14 years.

The Factories Act, 1948 prescribes for children and adolescents a working day of  $4\frac{1}{2}$  hours, with a spreadover of 5 hours. Young persons upto the age of 17 years are not allowed to work during night. The Mines Act, 1952 lays down that adolescents would not be employed for more than  $4\frac{1}{2}$  hours a day and prohibits their employment from 6.00 p. m. to 6.00 a. m. The Plantations Labour Act, 1951 prescribes a 40 hours week for children and adolescents.

According to the census of India, 1961, there were 8 per cent workers below 15 years of age. Most of them were employed in agriculture and allied activities. The

first and second Agricultural Labour Enquiries revealed that "children below the age of 15 years formed 4.8 per cent of the agricultural labour force in 1950-51 and 7.7 per cent in 1956-57."<sup>1</sup>

There has been a steep decline in the proportion of child labour during the past some years. It is partly due to the expansion of educational facilities and also to better enforcement of statutory provisions relating to child labour. The National Commission on Labour, 1969 sees employment of children more of an economic problem and denial of opportunity to children for their proper physical development and education. The Commission says—"while the economic difficulties are real, a way has to be found to give the child the necessary education in his more receptive years. We feel this can be ensured by fixing the employment hours of children so as to enable them to attend schooling. Where the number of children is adequate, the employers with the assistance of State Governments, should make arrangements to combine work with education."<sup>2</sup>

#### **Employment of Women—**

Women workers constituted 59.4 millions or 31.5 per cent of the total workers in the country in 1961, according to the Census data. During the last 60 years, their proportion to the total working force has fluctuated between 23.30 per cent and 33.70 per cent. The table 4.1 gives the employment of women workers in factories and mines at present<sup>3</sup>

From the figures of table 4.1 it is clear that percentage of women over total workers is on decline both in Factories and Mines. In case of mines it is significant since it was 13.5 in 1967 as compared to 20.1 in 1951, whereas in case of factories it was 9.34 in 1967 in comparison with 11.43 in 1951.

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1. National Commission on Labour, op. cit., p. 386.

2. Ibid., p. 387.

3. Ibid., Annexure II and III, pp. 389-390.



TABLE 4.1

## Employment of Women in Factories and Mines

(in '000)

Years	Factories			Mines		
	Total Workers	Women Workers	Percentage	Total Workers	Women Workers	Percentage
1951	2536.5	290.0	11.43	549.0	109.6	20.1
1956	2882.3	301.4	10.45	623.6	125.8	20.0
1961	3497.0	372.3	10.64	671.0	106.3	15.8
1966	4069.0	364.7	8.96	699.3	100.7	14.4
1967 (P)	4071.0	380.6	9.34	671.3	90.9	13.5

(P)=Provisional.

The Factories Act, 1948 lays down that no woman shall be employed in any factory except between the hours of 6 a. m. and 7 p. m. The Mines Act, 1952 states that no woman shall be employed in any part of a mine which is below ground, in any mine above ground except between the hours of 6 a. m. and 7 p. m.

The Employees' State Insurance Act, 1948 makes provisions regarding maternity benefits to women workers. These benefits are granted at the rate of twice the sickness benefit rate with a minimum 75 P. per day. The maximum duration of the benefit is twelve weeks. The Factories Act, 1948 and the Mines Act 1952 lay down that creches should be provided where women are employed.

Women workers did not take to trade union membership in the early years. With social awakening and the newly acquired freedom, women workers are becoming more alive to their interests and joining unions in larger number. In 1964-65, the percentage of women in unionised workers was 7.1 as compared to 1.2 in 1927-28.<sup>1</sup> Where the women are employed in large numbers, they have found it less convenient to join unions.

1. National Commission on Labour, op. cit., 391.

Women are playing an ever-growing role in various forms of economic activity in India. Their share in the productive process may be expected to increase steadily with the growth and development of Indian economy. A woman today is increasingly taking her place as an equal partner alongside man in all walks of life. The I. L. O. can play a part in stimulating progress but Government will have to play full part in recognising and helping to meet women's problems. Employers' and workers' organisations have also to play an important role. The future holds immense possibilities for employment of women and their part will not be those of mere marginal workers but equal partners alongwith men.

# SOCIAL SECURITY IN INDIA

Today, an individual has got a paramount importance in the society. He is free to act, free to speak and free to ask for his well-being. So, the main aim of modern governments is "the security of an individual from cradle to grave and womb to tomb". The Government shoulders all the responsibilities of providing the measures through which the life of an individual may be made secured. Aristotle also remarked — "The state comes into existence to make life possible, but it continues into existence to make life good.

## **Concept of Social Security**

International Labour Office published a report on Social Security which described—"The security that society furnishes through appropriate organisations against certain risks to which its members are exposed. These risks are essential contingencies against which the individual of small means cannot effectively provide by his own ability or foresight alone or even in private combination with his fellows."<sup>1</sup> One of the salient objectives of I. L. O. is "the protection of the worker against sickness, disease and

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1. The I.L.O. and Social Security, International Labour Office, Geneva, 1967, p. 12.

injury arising out of the employment, the protection of women .... provision for old age and injury, protection of the interest of the workers when employed other than their own.<sup>1</sup>

It is argued that every worker is exposed to a certain number of risks. It is also an accepted fact that majority of the workers have to live on their meagre earnings, and if they are attacked by any of these contingencies, they are likely to plunge into complete poverty. So, the first aim of the I. L. O. is "Compulsory Social Insurance..... is at once the most national and the most effective means of affording to the workers the security to which they are entitled."<sup>2</sup>

Social Security is a very comprehensive term including in it the Schemes of Social Assistance, Social Insurance and Commercial Insurance. In Social Assistance, the benefits are provided as a legal right, whereas in Social Insurance some amount is contributed in order to provide compensation against certain risks.

In India, the social security measures have an imperative need, because the income is designed to be aggregating in fewer hands. If the employer wants to get the utmost possible productivity of a worker, he must provide the social security measures first. These measures are as important as the provision of depreciation of a machinery. Just as the employer must provide for the wear and tear of the machinery to escape unexpected losses in the future, so also he should replenish for the wear and tear of human machinery, which can be provided in the form of Social Security measures.

### **Social Security Measures Before 1919**

In the primitive days, the assistance of poor people was understood as the pious duty. In the ancient past,

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1. Lasting Peace the I.L.O. Way, op. cit., p 20.
  2. The I.L.O. and Social Security, op. cit., p. 12.

many institutions like Joint Families, Panchayats, Orphanages and Widow-houses were formed so as to provide security to the needy persons. But with the advent of British rule in India, these institutions started disappearing. The British Government did not pay any attention towards the people and the Indians were no better than living in a hell.

In the beginning of the twentieth century, the workers were very badly treated. They did not enjoy any social security. In 1884 and 1885, the workers asked for Workmen's Compensation. This demand was also made in 1910. But all these demands were suppressed. It was impossible to recover any damages or compensation from the employers for the injuries sustained during the ordinary course of work. They could only claim the damages under the Indian Fatal Accidents Act, 1855 if the accident occurred due to the negligence of the employers. The labourer could only retrieve a very little amount out of the pockets of the employers. Little was done for maternity benefits to women-workers. They were not granted any leave before or after the confinement and they were forced to leave the jobs at the time of confinement. Nothing could be done for sickness insurance, unemployment insurance and old-age pension before 1919. It was after the establishment of I.L.O. that certain measures in this sphere were taken. Many of the I.L.O. Conventions have greatly affected the social security measures in India.

### **Conventions Ratified And Changes Affected**

#### **Workmen's Compensation—**

Convention No. 18 is concerned with workmen's compensation for occupational diseases. This convention has provided a schedule in Article 2, which gives two lists—(i) list of diseases and toxic substance and (b) list of corresponding industries and processes.

Article 1 of the convention says—"Each member of the International Labour Organisation which ratifies

this convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or in case of death from such diseases, to their dependents, in accordance with the general principles of the national legislation relating to compensation for industrial accidents."<sup>1</sup>

Convention No. 18 was replaced by Convention No. 42, which concerns with workmen's compensation for occupational diseases. The convention has all the provisions of Convention No. 18. Though India did not ratify Convention No. 17, even then she has provided much of it in its legislation. This relates to industrial accidents.

Recommendations Nos. 22 to 25 are related to workmen's compensation for industrial accidents and occupational diseases. According to these recommendations if a person is completely incapacitated, a periodical payment equivalent to two-third of worker's annual earnings should be paid. In case of partial disablement, he should be given payment taking into consideration the reduction of earning power caused by the injury. In case of temporary total incapacity, a daily or weekly payment equivalent to two-third of the worker's basic earning should be paid and a portion of it in case of temporary partial incapacity. Any dispute for the compensation must be dealt with by the Special Court of the Board of the Arbitration. Before the ratification of Convention No. 18 of I.L.O., the rate of accidents was much higher in India. In 1923, the Workmen's Compensation Act was passed, which was based on Convention No. 18. Actually speaking, this year was the beginning of social security measures in India.

With the advent of machinery in the industrial field, the rate of accidents multiplied. Uneducated and

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1. Conventions & Recommendations, op. cit., p. 92.

inexperienced workers in India could not handle these machineries efficiently and were frequent victims of these. The steps in this direction were taken after the said convention of I.L.O. The idea of providing compensation to workers got much support and then the Workmen's Compensation Act was passed. India amended this Act in 1926 and then in 1929 only due to the changing conventions of I.L.O. Since then this Act is amended from time to time to give effect to the various conventions and recommendations of the International Labour Organisation.

This Act applies to all workers in railways, factories, mines, etc. This does not, however, apply to persons employed in clerical or administrative capacity or drawing more than Rs. 500/- per month or to the persons employed in armed forces. This limit was increased to Rs. 500/- by the Amendment Act of 1962. Compensation is payable only if the injury has occurred in the ordinary course of business and if it lasts more than 7 days. The rate of compensation differs according to the wages of the workers. The dependents are also entitled to this compensation.

#### **Sickness Insurance, Old-age Pension, Survivors' Compensation etc.—**

India has not ratified any convention concerning sickness insurance, old-age pension and survivors' compensation. Recommendation No. 17 relates to social insurance in Agriculture. This provides that agricultural workers should be given the benefits of the Social Insurance against sickness, invalidity, old-age etc. Recommendation No. 29 of 1927 deals with the Sickness Insurance for workers in industry and commerce, domestic services and agriculture. It mainly deals with :—

- (i) Scope of application.
- (ii) Benefits provided—(a) in cash, (b) in kind and (c) sickness prevention.

- (iii) Organisation of Insurance.
- (iv) Financial Resources.
- (v) Settlement of Disputes.
- (vi) Seamen and Sea-fishermen

Recommendation No. 43 of 1933 lays down the minimum conditions that ought to be complied with by every scheme of compulsory invalidity, old age and survivors' insurance. This recommendation deals with the scope of old-age pensions and survivors' pensions

In spite of the above recommendations, the progress in this sphere has been very slow in India. In 1927, I. L. O. adopted Conventions Nos. 24 and 25 regarding sickness insurance of workers in industry, commerce and agriculture. These conventions attracted the Indian Government. But, for want of finances and due to the migration of Indian Labour, this scheme could not be applied. Professor B.P. Adarkar, who was appointed by the Government to see into the possibility of health insurance in India, presented his report in 1944, which recommended a compulsory and contributory Health Insurance Scheme in the perennial factories. Keeping this report in view, a Bill concerning the Employees' State Insurance Scheme was put before the Parliament in 1946. This Bill was passed into an Act in April, 1948. Again, in view of the ratification of the convention regarding seamen and a draft presented by Prof. B. P. Adarkar and Dr. (Miss) Laurs Rodmer of I. L. O. the Government set up employment offices in Bombay and Calcutta to introduce some kind of social insurance for seamen. Indian Government also passed certain schemes regarding the old-age pensions, provident fund, gratuity, etc. Employees' Provident Fund Act, was passed in 1952. Coal Mines Provident Fund and Mines Provident Fund Acts were also passed in India.

#### **Equality of Treatment—**

India ratified Convention No. 19 of 1925 concerning Equality of Treatment for National and Foreign workers as



regards workmen's Compensation for accidents. Article 1(2) reiterates—

“The equality of Treatment shall be guaranteed to foreign workers and their dependents without any condition as to residence.”<sup>1</sup> But by ratifying this convention, India has been bound by Article 3. This Article comments—“The members who ratify this convention and which do not already possess a system, whether by Insurance or otherwise of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.”<sup>2</sup> I. L. O. has not, however, passed any recommendation in this respect. India also ratified Convention No. 118 of 1962 concerning Equality of Treatment (Social Security) Convention. These conventions have also affected greatly the Workmen's Compensation Act of our country. The Convention No. 19 was passed by I. L. O. in 1925, and India ratified it on the 30th September, 1927. It was applied in the Workmen's Compensation Act of 1929 and since then, it has become a regular feature of the Act.

#### **Maternity benefit —**

India did not ratify any convention regarding Maternity Benefits to women. But certain recommendations have been of great help in this connection. Recommendation No. 95 of 1952 makes provision for the maternity benefits to the women-workers. According to this recommendation the women-workers should be granted some leave before and after the confinement. During this period, they should be paid their full daily wages. For a very long time there were no provisions for maternity benefits to women. First of all, the State Government of Bombay took the initiative in this sphere in 1929. Then after the recommendation of Royal Commission on Labour, many States passed Maternity Benefit Acts. The Central

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1. Conventions and Recommendations, op. cit., p. 96.

2. Ibid., p. 97.

Government passed Mines Maternity Benefit Act in 1941. To give effect to the Recommendation No. 95 of I.L.O., this Act was later amended. In India, Maternity Benefits are also provided under the Employees' State Insurance Scheme Generally, the period of benefit is weeks, but in any case it is not more than 12 weeks.

#### **Marking of Weight:—**

India ratified Convention No. 27 of 1929. This has been ratified by India on September 7, 1931. The Convention requires that every package of one ton or more gross weight consigned by sea or inland water-ways, should have its gross weight plainly or durably marked on the package. Also this convention, was put in as a social security measure in various Acts. But in 1951, the Marking of Heavy Packages Act was passed to give effect to Convention No. 27. This Act clearly requires that every person consigning a heavy package, the gross weight of which is 1,000 kilograms or more for transport by sea or inland waterways, should mark thereon the gross weight of the package clearly or durably and in this case, precautions will be taken in loading or unloading these packages. This will ensure safety and lessen the accidents.

#### **Protection of Dock workers—**

Convention No. 32 concerning the protection against accidents of workers employed in loading or unloading ships was adopted in 1932. It is ratified by 18 countries including India. In the Article 1 of the convention the terms processes and workers are clearly defined. Article 2 provides—“Any regular approach over a dock, wharf, quay or similar premises which workers have to use for going to or from the working place at which processes are carried on and every such working place on shore shall be maintained with due regards to the safety of

the workers working there."<sup>1</sup> Article 3 of the convention remarks—"when a ship is lying alongside a quay or some other vessel for the purpose of processes, there shall be safe means of access for the use of the workers."<sup>2</sup>

Further, regarding safety, Article 4 says—"when the workers have to proceed to or from a ship by water for the processes, appropriate measures shall be adopted to ensure their safe transport."<sup>3</sup>

Three Recommendations Nos. 33, 34 and 40 were also adopted for the protection of dock workers. The workers, as well as the employers organisation, should be consulted by the Government before drawing the legislation concerning the protection of dock workers.

India ratified Convention No. 32 on the 10th February, 1947. But before this date, some provisions of this convention were given due weight in India. The Indian Dock Labourers Act, 1934 sought specifically to give effect to the provisions of the Protection Against Accidents (Dockers' Convention, 1932. This Act also provided for ensuring safety of workers employed in loading or unloading ships. This Act also made provisions to ensure safety according to the above-mentioned three Recommendations.

## **Other Recommendations**

### **Industrial Safety—**

A Recommendation No. 31 adopted in 1929 is a comprehensive statement of industrial safety policy. It deals in detail with cooperation between state inspectors, employers and workers organisations and other bodies in the prevention of accidents. Another Recommendation No. 20 of 1923 declared that laws and regulations relating to

- 
1. Conventions & Recommendations, op. cit., p. 198.
  2. Ibid., p. 199.
  3. Ibid., p. 206.

protection of workers should be strictly imposed. Another one No. 32 of 1929 suggests that the power-driven machinery should not be installed unless it is furnished with the safety appliances required by law.

### **Industrial Hygiene—**

A Recommendation No. 6 of 1919 recommends that Countries should adhere to the Berne Convention of 1906 on the prohibition of use of white phosphorus in the manufacture of matches. Another Recommendation No. 4 of 1919 declares that the employment of women and young persons in processes involved in the use of lead compounds be permitted with adoption of certain hygienic precautions. These recommendations have also been given effect by amending the Factories Act, Workmen's Compensation Act or any other legislation.

But it is significant that all the Acts passed in India in respect of social security lay basic foundations for a comprehensive measure of social security. Besides adopting conventions and recommendations, I.L.O. has also provided India with the services of three experts from the Department of National Insurance in the United Nations Organisation. As a result of their assistance, India has been able to deal with a variety of administrative problems which cropped up in the implementation of Employees' State Insurance Act. India has also availed herself of I. L. O. fellowships for training abroad some employees of the Employees' State Insurance Corporation.

### **Conventions not Ratified**

I. L. O. has adopted more than 15 conventions regarding social security and labour welfare, but India has ratified only 4 out of them. The reasons for lesser number of ratifications are as under :—

(i) There are certain conventions which India did not ratify but has been greatly affected by them, as is the case

with the conventions regarding maternity benefits, sickness insurance, old-age pension, survivors' benefits and so on. After independence, we have passed certain legislation which include almost all the provisions of the above mentioned conventions.

(ii) Many other conventions do not adapt to our conditions and hence we have not ratified them, as is the case with Convention No. 8 regarding unemployment indemnity, Convention No. 48 regarding maintenance of migrants' pension rights and so on.

But all the conventions of I. L. O. have directly or indirectly influenced the social security measures in our country and India has also enforced them in her legislation.

### **Present Position**

Though the Workmen's Compensation Act was enacted in 1923, many shortcomings have come to light which hamper speedy relief reaching the workers. The Act makes no provision for medical care and treatment which is the greatest need of the worker when he meets with an accident. There is also no provision for rehabilitation to restore the loss in his earning capacity. As a remedy of these shortcomings the National Commission on Labour 1969 states that "a scheme of Central Fund for Workmen's Compensation should be evolved. All employers should pay to this fund a percentage of total wages as monthly contributions to cover the cost of the benefit and administration."<sup>1</sup> The fund to be controlled by Employees' State Insurance Corporation may provide periodical cash payments to injured workers and their dependents Small employers will not find it difficult to pay these contributions. Further adequate payment should be made to those who acquire the handicap during employment.

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1. National Commission on Labour, op. cit., p. 165.

The Employee's State Insurance Scheme was amended in 1966 to provide for :—

(i) to raise the wage limit for coverage of employees from Rs. 400/- to Rs. 500/- per month,

(ii) to grant funeral benefit, not exceeding Rs 100,- on the death of an insured person,

(iii) to enlarge the scope of the Scheme of Maternity Benefit and

(iv) to raise the exemption limit for employees' contribution from below Rs. 1.00 per day to below Rs. 1.50 per day.

The Coal Mines Provident Fund and Bonus Schemes Act, 1948, was designed to make adequate provisions for the future of workers in coal mines, to inculcate a habit of thrift to bring stability among the workers in coal mines. The scheme got off to such a fine start that the Central Government extended the similar benefits to workers employed in other industries by enacting Employees' Provident Fund Act, 1952. Later Assam Tea Plantations Provident Fund Act was passed by Assam Legislature in 1955 and Seamen's Provident Fund Act was passed by the Government of India in 1966. These funds have provided protection to workers and their dependents in case of old age, invalidity or death of the bread winner. The benefit of Provident Fund is still not available to many industries employing less than 20 work rs.

Workers in Plantations are entitled to medical, health, maternity and other benefits under the Plantations Labour Act, 1951. The Act permits 14 days sick leave to workers in Plantations. During the period of leave the workers are paid at the rate of two-third of their earnings, subject to a maximum of 75 paise per day.

The Dock Workers (Regulation of Employment) Act, 1948 provides the dock workers for atleast 8 holidays with pay

in a year, benefits of Provident Fund and Gratuity, separate housing schemes, medical facilities and certain concessions in the matter of the education of their children.

The Labour Commission on Labour 1969, feels that an Integrated Social Scheme should be evolved, which will, with some marginal addition to the current rate of contribution, take care of certain risks not covered at present. These will include "(a) Provident Fund and retirement family pension and (b) insurance against employment."<sup>1</sup> The Commission also took note of the following two recommendations of E. S. I. S. Review Committee—

(i) A comprehensive integrated social security scheme may be evolved and an expert machinery to evolve a blue print for a comprehensive scheme of social security be set up, and

(ii) steps should be taken to merge Employees State Insurance Corporation and the Employees Provident Fund Organisation. Merger of the Coalmines Provident Fund and Plantations Provident Fund may be postponed for the time being.

It is beyond doubt that social security is a most desirable objective and it is the most urgent national problem. This is the only medium to remove the industrial worker from depth of poverty. Today, our slogan is "the establishment of a welfare state through Socialistic Pattern of Society". This slogan can be attained if the social security measures are blended due emphasis and steps are taken to create a sense of security among all the workers. If the workers feel

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1. National Commission on Labour, op. cit., p. 175.

themselves secured, they will certainly help in building a welfare state. Social Security measures are only a means of achieving higher standard of living to which all men aspire. The I. L. O. Conventions and Recommendations have lended much help to the various Social Security measures adopted in our country, and thus has made the task of building welfare state relatively simpler.



# WAGE PLANS AND POLICIES IN INDIA

The greatest strength of an independent nation is a loyal, intelligent and contented labour class. So, the first care should be taken in creating a labour community which can tackle its baffling problems itself. A beginning should be made by the fixation of the minimum wage which is the most significant factor both in war and peace times. If the workers are fully paid, they are well nourished and they are strongly built, they can lay the foundation of a strong economic building. Wages may be called the basis for the establishment of a vigorous labour force in a country.

Of all the problems which a labourer has to face, the problem of wages is most suppressing and persistent. The earnings of a worker basically determine his standard of living. This assumes greater importance in our country, as the other facilities such as social security measures, welfare facilities, social services, etc., are not available in abundance.

The problem of wages, is important for employers, too, because the wage scale is one of the major elements in calculating the cost of production. This is the only item which is subject to changes frequently made by the employers. No other item of the cost of production

can be affected so easily as the wages. Today's demand for higher wages has created certain managerial problems concerned with prices, markets and production. Insufficiently paid workers cannot be expected to put optimum efficiency into the work. This results in lower production.

Besides, the wages are also a matter of concern for the government. The government has to shoulder the burden of securing some measure of justice for all sections of the community and also finding a solution for Wage Policy. The cooperation of labourers and employers would naturally be fruitful for the national development.

### **Wages Before First World War**

In the early years of industrialisation, wage rates were conditioned in India by the economic principle of demand and supply. As the Industrialisation stepped forward, the rural economy paralysed and the persons at farms and fields were left unemployed and the supply of unskilled labourers exceeded the demand. Then the labour was not organised and it could not advocate the cause of workers and secure for them good wages. This resulted into the establishment of levels of low wages. This position continued till 1890. The valient efforts of Late Mr. Lokhande, led to the Trade Union Movement in India in 1890 and the workers realised that they were living in a hell. Then they started crying for better wages and other amenities, but no serious attempt could be made in this direction before the establishment of the International Labour Organisation.

### **Conventions Ratified And Chonges Affected**

The International Labour Conference has adopted a number of Conventions and Recommendations concenered with the principles and methods of minimum wage regulation and payment of wages. Before discussiug the Conventions ratified by India, it will not be out of place to deal with the definition of wages as defined by the International Labour Conference.

Article 10 of Convention No. 95 of 1949 says—"The term 'wages' means remuneration or earnings, however designated or calculated. capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered."<sup>1</sup>

### **Minimum Wage—**

India ratified Convention No. 26 of 1928 concerning the creation of Minimum Wage Fixing Machinery. This convention is in force in 31 countries. It provides for the creation of a wage fixing machinery whereby minimum rates of wages can be fixed for persons employed in trades and commerce. To quote certain Articles of this convention:—

Article 1—"Each member shall create or maintain machinery whereby rates of wages can be fixed for workers employed in certain trades or parts of trade in which no arrangements exist for the effective regulation of wages by collective agreement or other wise and wages are exceptionally low."<sup>2</sup>

Article 3 (1)—Each member which ratifies this convention shall be free to decide the nature and form of the minimum wage-fixing machinery, and the methods to be followed in its operation.

Article 3 (2) : Provided that—

(i) before the machinery is applied in a trade or part of trade, representative of the employers and workers concerned, including representatives of their respective organisations, if any, shall be consulted as well as any

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1. International Labour Code, op. cit., p. 156.
  2. Ibid., p. 784.

other persons, being specially qualified for the purpose by their trade or functions, whom the competent authority deems it expedient to consult.

(ii) the employers and workers concerned shall be associated in the operation of the machinery, in such manner and to such extent, but in any case, in equal number and on equal terms as may be determined by national laws or regulations ;

(iii) minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement by them by individual agreement, nor, except with general or particular authorisation of the competent authority, by collective agreement."<sup>1</sup>

It has also been clarified in the convention that if any worker is paid wages below the minimum standard fixed, he can appeal to the court. Recommendation No. 30 concerning the application of Minimum Wage Fixing Machinery was adopted in 1928. This recommendation makes provisions that such machinery should operate by way of investigation into the relevant conditions in the trades. In fixing the minimum wage, the wage fixing body should take into account the rates of wages paid for similar work in trades in which the workers are adequately organised and have concluded effective and collective agreements.

Recommendation No. 89 of 1951 is also concerned with the fixation of minimum wages. This recommendation states ways and means through which a minimum wage can be fixed in agriculture. It should be fixed keeping in view a suitable standard of living of the people. The factors like cost of living, fair and reasonable value of services rendered, principle of collective bargaining and

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1. Conventions & Recommendations, op. cit., p. 139.

general level of wages should be taken into consideration. The machinery should operate by way of investigation into conditions in agriculture. The Minimum Wages Act in India was passed in 1948 keeping in view the provisions of the Convention No. 26. The Preparatory Asian Regional Conference held in 1947 in New Delhi decided that every effort should be made to improve the wage standards in industries and occupations in Asian countries.

The Minimum Wages Act empowers the Central or State Governments to fix within a specified period, a minimum rate of wages payable to employees. The Minimum Wages are not to be fixed in any industry employing less than 1,000 employees in the whole State. It provides for the fixation of a minimum time-rate, a minimum piece-rate, a guaranteed time rate and an overtime rate. The limit of minimum wages is not fixed as the conditions in India vary from state to state, industry to industry and from unit to unit.

Though India did not ratify Convention No. 99 regarding the fixation of minimum wage in Agriculture, still this convention was applied in India to some extent. Agriculture employments are mentioned in Part II of the Schedule attached to the Minimum Wages Act. But this Act was amended many times due to the fixation of minimum wages in Agriculture, The time for fixation of minimum wages has been extended a number of times.

#### **Equal Remuneration for Equal Work—**

India has ratified Convention No. 100 concerning Equal Remuneration for Work of Equal Value. This convention was adopted in the 34th session of the International Labour Conference in 1951. This convention calls for equal remuneration for men and women for work of equal value. It requires to promote the application of the principle of equal remuneration regardless of sex. It further requires that equal pay shall be ensured to the extent to which national methods of wage determination permit.

Article 1(b) of the convention describes—"the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex."<sup>1</sup>

Article 2 says—"Each member shall promote and ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value by means of—

- (a) national laws or regulations;
- (b) legally established or recognised machinery for wage determination;
- (c) collective agreements between employers and workers and
- (d) a combination of these various means."<sup>2</sup>

Recommendation No. 90 of 1951 states that equal remuneration should be paid for equal value of work. It proposes a number of procedures to be followed to ensure the progressive introduction of the principle. As a first step, it says that this principle should be adopted in Government employments. It should then be applied to workers whose earnings are publicly controlled. Provisions should also be made through legal enactments for the general application of the principle.

The principle of equal pay for work of equal value is also being adopted in certain industries, But many difficulties arise in fixing the wages keeping in view this principle. Many workers may be doing identical work in the sense that conditions of the job, the tools, materials used etc. are the same for all, but yet there may be considerable differences in their experience and efficiency. On account of these factors the wages in certain industries are low, while in

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1. International Labour Code, op. cit., p. 185.

2. Ibid., p. 185.

others they are high. The adoption of this principle is also not possible as the employer is always at a disadvantage in engaging women-workers, because they are supposed to be less efficient. There has been a fall in the employment of women-workers since the adoption of Convention No. 100. In many industries, women-workers have been replaced by men-workers. At the same time, differential rates have been fixed in many industries.

### **Holidays with Pay—**

International Labour Conference has adopted three recommendations regarding holidays with pay. A Recommendation No. 47 adopted in 1936 defines certain points as regards the continuity of service required in order to become entitled to a holiday, arrangements for holidays in case of employment, the progressive increase in the length of holidays with duration of service and the establishment of a more advantageous system for young persons and apprentices under 18 years of age. Another Recommendation No. 98 adopted in 1954 proclaims that employed persons with certain exceptions be granted a minimum annual holiday with pay of two normal working weeks following one year's employment with the same employer. Recommendation No. 93 of 1952 deals with holidays with pay in Agriculture and related occupations. It states that the minimum length of holidays with pay should be one working week for a period of one year's continuous service and a minimum of two working weeks for young workers under 16 years of age, including apprentices.

International Labour Conference adopted a Holidays with Pay Convention in 1936, but India did not ratify it as it was not possible to extend the convention in all the industries mentioned in it. However, the Indian Factories Act provided for a weekly holiday in all factories covered by the Act. In 1942, a Weekly Holidays Act was passed. Besides, certain States have also passed Acts of their own. The above recommendations had also great impact in India. The Facto-

ries Act of 1948, now says that every worker in a factory be entitled to leave with wages after 12 months continuous service at the following rate—

Adult : One day for every 20 days of work, subject to a minimum of 10 days.

Children : One day for every 15 days work, subject to a minimum of 14 days.

(The qualifying period is 240 days in a year).

The Indian Mines Act of 1952 also provides that every worker is entitled to leave with full wages after 12 months continuous service if—

(a) he is a monthly paid employee—for 14 days,

(b) he is a weekly paid employee —for 7 days.

Similarly, the holidays, are provided in the Plantation Industry also.

#### **Payment of wages—**

Recommendation No. 85 adopted in 1949 relates to the protection of wages. This contains detailed rules concerning deductions from wages, wage periods, maintenance of wage statements and pay roll records. The wages should also be paid at regular intervals which should not be at least as frequent as twice a month at intervals not exceeding sixteen days, for workers whose wages are calculated by hour, day or week method and not less than once a month in case of workers whose wages are calculated monthly or annually.

Prior to 1936 there was no act relating to Payment or Wages in India. In 1936 the Payment of Wages Act was passed. To give effect to the above recommendation, it was amended in 1957. The Act requires the fixation of wage period, which should not exceed one month. It is also stated that all payment of wages must be done on a working day in current legal tender.



## Principles Adopted

The Minimum Wages Act was passed in India keeping in view the provisions of Conventions Nos. 26 and 99 of I.L.O. This Act made provisions for the fixation of minimum wage taking into consideration the following three things:—

- (a) a living wage,
- (b) a fair wage and,
- (c) a wage that is within the capacity of an industry to pay.

A living wage should provide a worker such amount, by which he should not only satisfy the bare necessities of his family, but should also satisfy the necessities of education for his children, protection against ill-health and a measure of insurance against certain important misfortunes. Today the labourers demand fair wage. The wages will be called fair "about on level with the average payment for tasks in other trades, which are of equal difficulty and disagreeableness, which require equally rare natural activities and an equally expressive training." Our workers are in a pit today. They are to be brought to the floor. It can be possible either by the blanket increase in the wages or by blanket freeze. But India is still not in a position to adopt either of the two methods.

### Wage Map Of India

The wage map of India presents a complex picture, because of a chronological, industrial and regional variations. There are inter-personal, inter-firm and inter-occupational differences mainly because of diverse labour standards, uneven unionism, non-uniformity in the enactment of labour legislation and inadequate collective bargaining. The main components of workers' earnings are basic wages, dearness allowance and bonus. The breakdown of gross wages by the various components of wages for 1961-65 was as follows<sup>1</sup> :—

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1. National Commission on Labour, op. cit., p. 190.

TABLE 6.1

Component-wise Per Capita Annual Earnings of Employees in Manufacturing Industries Earning less than Rs. 400/- per month,

(in Rupees)

Year	Basic Wages	Cash Allowances	Annual Bonus	Money Value of Concessions	Arrears	Gross Wages
1961	971.36 (62.98)	501.36 (32.50)	54.54 (3.54)	6.53 (0.42)	8.59 (0.56)	1548.38 (100.00)
1962	1016.14 (63.26)	505.26 (31.45)	70.70 (4.40)	6.75 (0.42)	7.48 (0.47)	1606.33 (100.00)
1963	1075.32 (64.74)	493.00 (29.68)	77.73 (4.68)	6.31 (0.38)	8.64 (0.52)	1661.01 (100.0 )
1964	1112.96 (63.78)	561.02 (32.15)	57.06 (3.27)	5.76 (0.33)	8.20 (0.47)	1745.00 (100.00)
1965	1190.59 (60.90)	667.24 (34.13)	79.18 (4.05)	7.43 (0.38)	10.56 (0.54)	1955.00 (100.00)

(Figures in Brackets indicate percentage of total.)

Incentive wages are a part of wages today. They serve double purpose - (i) to increase the earnings of the workers and (ii) to improve the efficiency of the unit, thereby lowering costs. While incentives provide additional remuneration for workers as production proceeds from day to day, another mode of such payment has come to vogue which depends on total output of the unit viz, payment of bonus. The Payment of Bonus Act was passed in September 1965. According to the Act, the benefits of bonus extend to all employees receiving a salary or wage upto Rs. 1600 p. m. The Act fixed the minimum percentage of bonus at 4 per cent, whereas the highest percentage was fixed at 20 per cent. This Act was amended in March 1969. The National Commission on Labour says—"A minimum bonus

is now taken for granted by the workers in the organised industrial sector as a part of their emoluments"<sup>1</sup>

The real progress in designing the plans and policies of wages is achieved after the establishment of the International Labour Organisation. The workers are today acclimatised to wage or salary earning status and to the discipline of workline. A mature wage policy would reward skill and training instead of discouraging the workers. It would be a policy designed to achieve equitable balance of interests among and, for the benefit of, the many groups which together go to make the nation. The bonus schemes should be started so as to bridge the gap of fair wages and real wages. Mr. V. V. Giri, while giving the presidential address at an I. L. O. Seminar advocated—

“The license of permission should be granted to new industries only if these are prepared to give fair wages. Otherwise, the starvation wages only added to the existing problems. As far as the workers are not paid fair wages, it is necessary to provide bonus to them to meet the gap between the fair wages and the wages they actually get, which in many cases are just as the minimum or less than the minimum level.”

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1. National Commission on Labour, op. cit., p. 256.

# TRADE UNION MOVEMENT AND INDUSTRIAL PEACE IN INDIA

Describing the birth of Trade Unions, Frank Tonnsbaum remarked—"the labour movement is the result, and machine is the major cause." The Industrial Revolution brought the machines, which threatened the security of workers as well as their wages. The establishment of trade unions finally aims at the setting up of "a government of the people, by the people, and for the people." Thus, trade union movement can be helpful in burrying capitalistic society. According to Karl Marx—"The trade unions developed originally out of the workers to do away with this competition, or atleast to restrict for the purpose of obtaining atleast such contractual conditions as would raise them above the status of bare slaves."

Industrialisation brought within its wake the evils of employment of children and women, payment of very low wages, long hours of work and exploitation of labour. In the absence of any collective action, they had to be content with the wages which each one of them could negotiate with his employer. Protests from individuals had no effect in such circumstances because of a plentiful supply of labour. Workers had to join together atleast to maintain, if not to improve, their bargaining power against the employer.

## Attempts Made Before First World War

The large scale industries could flourish in India only after 1850. European capitalists were the first to unite in India and they also succeeded in getting the Workmen's Breach of Contract Act, 1860 passed. This Act provided for penalising the workers for leaving the job. As a matter of fact, the trade unions could not flourish in India till the First World War. Till then the workers were poor and weak, the employers were very strong; the Government was unsympathetic and the public had an indifferent attitude.

In spite of all this, some initiative was taken in this sphere. The first step towards the establishment of these unions was the establishment of night school in 1872, by Mr. P. C. Majumdar. It was the period when the economic conditions in the country were unsettled and the unrest was prevailing in all industrial workers, which resulted in the formation of trade unions.

In 1884, Late Mr. N. M. Lokhande succeeded in securing some improvements in the conditions of children and women in textile mills in Bombay. A memorandum, embodying the demand of workers was presented to a Commission, which was set up to enquire into the conditions of textile workers, but the Government did not take any positive step on the report of the Commission. The agitation continued and in 1890, another 'Memorial, demanding for weekly holiday was presented to the Bombay Mill Owners' Association. The demand of the workers was accepted without any hitch. And this success was the reason for the formation of "Bombay Mill-hands' Association" in the same year under the leadership of Late Mr. Lokhande.

But with the death of this leader, the trade union movement lacked the spirited guidance. But in 1897, the 'Amalgamated Society of Railway Servents of India and Burma' was formed, which was a trade union in the real sense.

This union was registered under the Indian Companies Act and is now known as 'National Union of Railwaymen of India' having been registered under the Trade Union Act of 1926.

In 1905, this movement again got good fillip. The demand for higher wages resulted in extra-ordinary strikes during 1905-09. During this time Printers' Union was constituted in Calcutta (1905), the Postal Union in Bombay (1907) and the Kamgar Hitwardhak Sabha in Bombay (1910). But a real progress in the Trade Union Movement was recorded after the establishment of the International Labour Organisation.

It is, thus, proved that the trade union movement was at a stage of infancy till the First World War. The workers knew little about their rights, as they were illiterate. With the establishment of the International Labour Organisation the labourers felt dignified. Then these unions were given the right to send a delegate to the annual conferences of I. L. O. Moreover, the First World War created mass awakening among industrial workers. In the words of R. K. Dass—"With the social mind surcharged with war spirits, the political agitation and the revolutionary ideal, the labour classes could no longer remain patient and tolerant under the old social wrongs and new economic disabilities."<sup>1</sup>

### **Contribution Of I.L.O.**

Dr. P. P. Pillai said—"the years 1918-21 may be regarded as the starting point of the modern Trade Union Movement in India."<sup>2</sup> It was in 1918 that the Indian Seamen's Union of Calcutta was reorganised and the Madras Labour Union, the Clerks' Union of Bombay, the Bombay Presidency Postmen's Union and the Calcutta Port Trust

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1. The Labour Movement in India, R. K. Dass, Berlin, 1927, p. 23.
  2. India & I. L. O., P. P. Pillai, Bombay, 1931, p. 118.

were founded. The three big railway unions were formed in the year when I.L.O. was formed. Jamshedpur Labour Association of Jharia, the B. N. Railway Indian Labour Union and the Burma Labour Association were formed after the establishment of I.L.O. But all these unions did not send the required delegates to the International Labour Conferences. Article 3, paragraph 5, of the Constitution of I.L.O. states—

“The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or work people as the case may be in their respective countries.”

The All India Trade Union Congress was also established after the inception of I.L.O. as the largest number of workers had to be represented in the International Labour Conference. In the words of B. Shiva Rao—“the requirement of the International Labour Conference at Geneva is that the workers delegation should be representative of the largest organisation in the country.”<sup>1</sup>

Through I.L.O. some delegations of other countries have also done much to rouse the active interest of the workers in India in their organisations. That is why during industrial unrest in India, the British Trade Union Congress, the International Federation of Trade Unions and the 'Third International' at Moscow sent monetary contributions for the relief of workers.

Another milestone was reached in this sphere in 1926 when the Indian Trade Union Act was passed. This Act was much impressed by the Conventions of I. L. O. Though India did not ratify any conventions in this regard, still, she gained much guidance from I.L.O. in this sphere. Every Central Federation attached great importance to

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1. Industrial Worker in India, B. Shiva Rao, London, 1933, p. 149.

its recognition by the Government, so as to become the most representative organisation in order to send representatives to the International Labour Conferences, which give opportunities, provide incentives and go a long way in accelerating organisational work in trade union field.

The formation of All India Trade Union Congress, an All India Federation, in 1920 was the real beginning of trade union movement in India. The passing of Trade Union Act, 1926 gave formal recognition to workers' right to organise and also encouraged the growth of other unions in the years to come as is clear from the following table.<sup>1</sup>

**TABLE 7.1**

**Number of Trade Unions and Membership (1928-1935)**

Year	No. of Registered Unions	Total Membership
1928	29	1,06,000
1931	119	2,19,000
1935	213	2,84,900

The Second World War and the advent of Freedom, brought more rapid changes in the trade union movement. These changes were brought because of the changed outlook of the employers towards these labour organisations, the new spirit of awakening in the country, and the economic distress that followed the world war. The desire of the political parties to help the labour class to win the sympathies of the workers was also one of the reasons. The table 7.2 on the next page gives the growth of trade unions in India during the past some years.

In the First Five Year Plan, special mention was made for the development of trade union movement. Moreover, the Second Five Year Plan also provided—"The Trade Union Act should be revised to provide for the restriction of outsiders, protection of office-bearers against victimisa-

1. National Commission on Labour, op. cit., p. 278.



**TABLE 7.2****Number of Trade Unions and Membership<sup>1</sup>**

Year	No. of registered unions	No. of unions submitting returns	Total Membership (in lakhs)
1947-48	2,766	1,629	16.03
1951-52	4,623	2,556	19.96
1955-56	8,095	4,006	22.95
1960-61	11,312	6,813	40.13
1964-65	13,023	7,543	44.66
1966 (P)	14,334	4,177	20.97

(Figures for 1966 are from Indian Labour Statistics 1969, Labour Bureau, Simla, p. 122.)

tion, recognition of trade unions and improvement of their finances."

The Third Five Year Plan has also stressed the need for the amendment of the Act and for taking concrete steps as advised by the International Labour Organisation. Royal Commission on Labour said—"to make trade unionism fully effective two things are needed ; a democratic set-up and education."

At present there are four All India recognised trade unions in the country. The respective growth and strength of these four unions on the basis of the latest data available is shown in the table below—

**TABLE 7.3**

Verified Membership of the Four Central Trade Union Organisations.<sup>2</sup>

Year	INTUC	AITUC	HMS	UTUC	Total
1952-53	919,258	210,914	373,459	129,242	1,632,873
1955-56	971,740	422,851	203,798	159,109	1,757,498
1959-60	1,053,386	508,962	286,202	110,034	1,958,584
1962-63	1,268,339	500,967	329,931	108,982	2,208,219
1966	1,417,553	433,564	436,977	93,454	2,381,548

1. National Commission on Labour, op. cit., p. 278.

2. Ibid., p. 280.

In a nutshell, it can be said that the International Labour Organisation gives trade unions and employers an opportunity to participate officially and actively in the framing and implementation of its conventions and recommendations. But beyond these professional interests, there is the far larger group of those who concern themselves with labour and international matters from a broader point of view. It is on these factors that the Organisation must rely for the effectiveness of its standard-setting work.

### **Industrial Peace**

Industrial peace is also of great importance in the industrial development of a country. The modern industrialisation has brought blessings for the employers and evils for the society. The workers employed in industries were the immediate victims of it. Their efforts to eradicate these evils almost inevitably led to the serious disputes and conflicts with their employers. The outbreak of such melo- dies was sometimes accompanied by a complete stoppage of economic machinery. If some important industry is thrown out of gear, the whole economic system of a country is paralysed and brought to a stand-still. The prevention of industrial strife thus assumes an important role in the national policy. The workers are aptly called as the nerve structure of the industry and unless they function well, the whole country will suffer. The State, the employers and the trade unions play an important role to study and examine the problems arising out of such disputes. Hobson emphasised the same point while saying-"Conflicts will continue to arise partly from ignorance and misunderstandings, partly from genuine divergences of interest in the distribution of emerging surpluses."<sup>1</sup>

### **Industrial Peace Before 1919**

Before 1919 industrial peace was maintained in the industries as the workers were unorganised and the Gover-

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1. Conditions of Industrial Peace, Hobson, London, 1927, p. 103.

nment was also rude towards them and they always submitted to their employers. But it did not imply that strikes did not occur before this period. In the early years of industrialisation (1859-60), a notable rift was created between the European railway contractors and their Indian workers. Consequently, Employers and Workmen (Disputes) Act was passed in 1860. In 1877, there was a record of strikes in Empress Mill of Nagpur over the low rates of wages. Between 1882-90, 25 strikes were recorded in the presidency of Bombay and Madras. The biggest one was at Ahmedabad, demanding for the replacement of weekly payment of wages. Similar strike was recorded in Bombay in 1897.

Due to the introduction of electricity and the lengthening of hours of work, a number of strikes were recorded in Bombay mills in 1905. Eastern Bengal State Railways also could not escape from its grip and many serious strikes were recorded. But the climax was reached in 1908 when Lok Manya Tilak was sentenced for six years imprisonment. However, it is remembered that the strikes were not frequent before the First World War because the workers were unconscious of their rights.

### **Conventions Ratified And Changes Affected**

I. L. O. from its very inception has concerned itself with the problem of freedom of association. Its Constitution expressly declares—"recognition of the principle of freedom of association should be one of the means of improving the conditions of the workers and securing industrial peace." The problems of freedom of association, collective agreements, conciliation and arbitration, workers' and employers' organisations have been the subject of studies for the International Labour Organisation. It has adopted conventions and recommendations as under—

#### **Right of Association—**

India ratified Convention No. 11 of 1921. This convention is concerned with right of association and combination

of agricultural workers. Article 1 of the convention says—"each member of I.L.O. which ratifies this convention requires to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers and to repeal any statutory or other provisions restricting such rights in case of those engaged in agriculture."<sup>1</sup>

The above mentioned convention had a little effect in India as the industrial workers and agricultural workers are treated similarly. But the same right of association has also been given to the agricultural workers. However, nothing like this was provided through Trade Disputes Act of 1929.

### **Collective Agreements—**

Recommendation No. 91 of 1951 relates to the Collective Agreements. It calls for the creation of a machinery by means of agreements or laws or regulations as may be appropriate under national conditions to negotiate, conclude, revise and renew Collective Agreements. "Collective Agreements" mean all agreements in writing regarding working conditions and terms of employment concluded between the representatives of the employers and workers. Disputes arising out of its interpretation must be submitted to an appropriate body for settlement.

In the Trade Disputes Act of 1929, it was provided that steps should be taken to bring the relations of workers and employers closer. The Collective Agreement is one of the media through which the relations of the two may be made cordial. Hence this principle of Collective Agreement is finding important place in industrial field.

### **Conciliation and Arbitration—**

Recommendation No. 92 of 1951 states about voluntary conciliation and arbitration. Voluntary conciliation

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1. Conventions and Recommendations, op. cit., p. 52.

machinery, appropriate to national conditions should be made available to assist in the prevention and settlement of industrial disputes. Where the Conciliation Board is constituted on joint basis, it should include equal representation of employers and workers. It is also provided in this recommendation that if any dispute is submitted to conciliation procedure with the consent of all the parties concerned—the two should be encouraged to abstain from strikes or lockouts as the case may be, while conciliation is in progress. If it is submitted to Arbitration, then the parties concerned should also abstain from strikes and lock-outs and they should be convinced to accept the award of Arbitration.

Another Recommendation No. 94 of 1952 concerns with the consultation and cooperation between the employers and the workers at the level of the undertaking. Consultations and cooperation be promoted between the employers and workers within the scope of collective bargaining machinery or by any other machinery with the determination of terms and conditions of employment.

Recommendations No. 92 and 94 are fully adopted in India through national legislation. The Industrial Disputes Act of 1929 provided for the constitution of a Board of Conciliation or a Court of Enquiry for the disputes. In 1947, the Act was amended and another Act named 'Industrial Disputes Act' was passed. This Act provided for the formation of works committees for settling the disputes. The Act provides for the settlement of Industrial disputes through conciliation and adjudication. It empowers the appropriate Government to appoint Conciliation Officers and or constitute Boards of Conciliation for the settlement of disputes. The Labour Policy in First Five Year Plan stressed encouragement of mutual settlement, collective bargaining and voluntary arbitration to the utmost extent. The Second Five Year Plan also emphasised mutual negotiations as the effective mode of settling disputes. The Code of Discipline was drawn in the 15th Indian Labour Conference in 1957. In a nutshell, the existing arrangements for the settlement of industrial disputes comprise of (a) statutory procedures and

(b) voluntary agreements. The following table gives the number of industrial disputes during the last some years<sup>1</sup> —

**TABLE 7.4**

Number of disputes, Workers involved and Mandays lost			
Year	No. of Disputes	No. of workers involved	Mandays lost
		('000)	('000)
1921	396	600	6,984
1930	148	196	2,262
1939	406	409	4,993
1945	820	748	4,054
1947	1,811	1,841	16,563
1951	1,071	691	3,819
1956	1,203	715	6,992
1961	1,357	512	4,919
1966	2,556	1,410	13,846
1967	2,815	1,490	17,148
1968 (P)	2,477	1,252	13,834

(P) = Provisional

The Year 1967 recorded the highest number of disputes and more than 17 lakhs of mandays were lost during that year. But the number of workers involved was highest in 1947. The main causes of these have been Wages and Allowances, Bonus, Personnel and Retrenchment, Leave and Hours of Work etc. Table 7.5 given below gives the causes of industrial disputes<sup>2</sup> :—

**TABLE 7.5**

Distribution of Number of Disputes by Causes  
(Percentage)

Year	Wage & Allowances	Bonus	Personnel & Retrenchment	Leave & Hours of Work	Others	Total
1947	32.0	10.9	19.5	5.2	32.4	100.0
1951	29.4	6.8	29.3	8.2	26.3	100.0
1956	28.3	8.8	39.7	5.7	17.5	100.0
1961	30.4	6.9	29.3	3.0	30.4	100.0
1966	35.8	13.2	25.3	2.4	23.3	100.0
1967	39.9	10.9	23.6	1.0	24.6	100.0

1. National Commission on Labour, op. cit., p. 338.
2. Ibid., p. 339.

It is evident from the previous table that the most important cause of industrial disputes is wages and allowances. During 1967, nearly 40 per cent. of the total disputes were due to this cause and another 23.6 per cent. because of retrenchment. These two taken together eat up more than 60 per cent. of the total disputes.

## **Conclusion**

Royal Commission on Labour while examining the effectiveness of the Trade Union Movement said that a true trade union is one which is formed on democratic set up and the members of which are fully educated. But these defects are clearly seen in our trade unions. We find several unions in one industry, but our principle should be 'one union in one industry'. To put these unions on progressive path, it is essential that political parties should keep away from the trade unions. They should only confine to the activities of political peace. No doubt, when political peace and industrial peace are achieved simultaneously, the democracy in the real sense will be accomplished in industrial field. Trade unions must adopt a policy for the betterment and the welfare of the workers. I. L. O. by adopting a number of conventions and recommendations has pointed out the measures it suggests to be taken in this regard. If the trade unions are strong, having participating membership, these would be in a position to take recourse to collective bargaining. The workers must be provided basic human needs of a fair wage, decent housing and adequate social security measures. If all these are guaranteed, the workers may not resort to strikes for achieving their aim.

# LABOUR LEGISLATION IN INDIA AND I.L.O.

The industrialisation in the real sense began in India after the year 1853. The machines were being used for the production purposes and these proved fruitful to the employers specially. The employers used to exploit the workers and they were tempted by the lure of high profits. The workers who were helpless and were the victims of unemployment, accepted the very odd terms offered by the employers. They had to toil for long hours at the factory and were paid only handful of wages and were also not permitted to relax fully. In the earlier stages of industrial development, the Government was also rude towards the workers. They had adopted the doctrine of 'Protection of Social System from Workers' instead of adopting the principle of 'Protection of Workers from Social System'. Hence the earlier legislations were of no use to the workers. In many legislations, there were provisions for the imposition of penalties on the workers. Thus, in the beginning of industrialisation in our country, the worker had no assurance of protection from the side of the Government.

## **Labour Legislation Before First World War**

### **Plantation Legislation—**

When European people first came in India, they showed considerable interest in the plantation industry because of—



- (a) This industry was most adapted to the Indian conditions.
- (b) European people had many Africans and uncivilised as 'slaves'. These slaves were employed at work.
- (c) There was no difficulty in recruiting labour.

They showed profound interest in Tea, Coffee, Indigo and Jute industries. Tea and Coffee industries had started in India as early as 1825. Tea industry greatly flourished in Assam. In 1860 some scarcity of labour was felt and some legislations were passed which were designed to safeguard the interests of the planters. The legislative measures taken were—

- (a) The Workmen Breach of Contract Act, 1859 (Act VIII of 1859).
- (b) The Employers and Workmen (Dispute) Act, 1860, (Act IX of 1860).
- (c) Section 492 of the Indian Penal Code, 1860.

These measures had the negative effect on the workers' community. These measures made the breach of service contract a penal offence and workers were penalised if they refused to work at their job any longer.

Another drawback of these legislative measures was that they did not make any provisions for the recruitment of workers. The workers were recruited from the villages on conditional terms by contractors. Many allurements were given to the villagers for working in the plantations, so far so that children were intoxicated and taken away by these contractors. So, on the recommendations of the Commission of Enquiry appointed by the Government of Bengal "The Assam Labour and Emigration Act, 1901" (Act VI of 1901) was passed. This Act was a landmark in the history of recruiting labour. It restricted the recruitment of labourers only through licensed persons. This Act was amended in

1908 (Act XI of 1908). This new Act eradicated the system of penal contract with new recruits. Another Act was passed in 1915 which dropped a curtain on the system of indentured labour in Assam Valley. This Act also prohibited the recruitment of workers by all sorts of contractors. This Act also made provisions for the setting up of 'Assam Labour Board'. The main function of this Board was to supervise the recruitment by tea gardens 'sirdars'. The Jalpaiguri Labour Act, 1912 suggested for maintaining registers and submission of returns by employers about the health, sickness and mortality of the workers.

### **Factories Legislation—**

In the nineteenth century, the workers had to work for excessively long time. They had to work in uncongenial and dirty circumstances. Safety provisions were almost absent from the very beginning. The wages were abnormally low and were not paid regularly. Working conditions for children and women were also depressing and horrible conditions prevailed in the factories.

The Indian Factories Act of 1881 was the first legislative measure for the regulation of working and living conditions of workers. Applying to manufacturing establishments using mechanical power and employing one hundred or more persons, it restricted the employment of children under seven years of age. This Act prescribed the minimum and maximum age for children for employment at 7 and 12 respectively. They had to work 9 hours a day with one hour rest. A weekly holiday was also provided for children.

A Commission was appointed by the Government of India to scrutinise the provisions of this Act. The Commission recommended the adoption of new Factories Act. Hence the Factories Act, 1891 (Act XI of 1891) was passed. All the factories employing 50 workers and using power were to be regulated by this Act. The minimum and maximum age

for children was fixed at 9 and 14 respectively and their working day was fixed at 7 hours a day with a rest pause of half an hour. For women, the Act provided an 11 hour working day with  $1\frac{1}{2}$  hours rest interval. Men were entitled to enjoy a rest interval of  $\frac{1}{2}$  hour and a weekly holiday.

But there was no proper machinery for the operation of this Act and thus the Act remained paralysed till 1911 when the new Factories Act was adopted. With the advent of electric power, the working day was lengthened. This again resulted into clashes between the employers and the employees. Certain shortcomings were also noted in the Factories Act of 1891 and a Commission to look into it was appointed. The Commission presented its report in 1908 and the Factories Act was amended in 1911.

In the new Act, for the first time the hours of work were fixed at 12 a day with a rest interval of half an hour. This Act also had under its purview the seasonal factories working less than four months a year. This Act also made provisions regarding healthy living conditions for the workers and inspection of factories to see that the conditions under which the workers did their job were good, so that their health remains good.

#### **Legislation for Mines—**

In mines the conditions of employment were far from satisfactory. The workers had to work for long time in places where there was no light and ventilation. The women-workers had to go underground. And moreover, the methods of recruitment were also defective.

The first legislative measure adopted in this connection was The Indian Mines Act, 1901. This Act made special provisions for the children and women doing underground work. The employment of children below 12 years of age and of women was prohibited in dangerous mines. The mines were also called dangerous from the point of view of the health of the workers. But the chief abuse of this Act was that no statutory limit was imposed on the working hours.

## **I.L.O. Conventions and Labour Legislation**

The conventions of I.L.O. are mainly aimed at giving a full account of the world labour happenings and also providing a criteria for the progressive social policy. And so the national legislative measures had been amended from time to time to give effect to the Conventions of the International Labour Organisation. The different legislations are discussed in the following pages.

### **Factories Legislation—**

The first convention adopted in 1919 concerning hours of work, provided a 60 hours week for India and to give this convention a real view, the Factories Act was amended in 1922. This amendment Act also considered Convention No. 4 of Night Work (Women) and Convention No. 6 concerning Night Work of Young Persons (Industry). The Act provided that no woman and no child should be employed for a period of 10½ hours during night.

Indian Factories Act was amended many times between 1934-48. This was only due to the enforcement of I. L. O. conventions in our Acts. The Factories Amendment Act, 1940 (Act XXII) was designed to protect the children from the risk of exploitation and employment in unhealthy conditions. The Act was also amended to give effect to Convention No. 59 of 1940 regarding minimum age in industry (Revised). The scope of this Amendment Act was widened to industries engaging 10 to 19 persons.

Convention No. 52 contained provisions of Holidays with Pay. The Factories Act of 1934 did not make any provision regarding holidays with pay; hence the Factories Act was amended in 1945 (Act III of 1945). It provided measures for the workers of perennial factories. It laid down that adult workers have the right of ten consecutive days as annual holidays after one year's service. Similarly the children had the right for 14 days after the service of one year.

After Independence, a Bill was brought in the Parliament to amend the Factories Act of 1934. On this occasion,

the then Labour Minister pointed out that India was at a level best to give effect to the conventions of I. L. O. provisions of International Labour Code on Industrial Hygiene were implemented in India as far as possible. I. L. O. conventions regarding plans of medical examinations of young persons were duly given effect and submission of plans of factory building were also included in the Factories Act of 1948.

Conventions Nos. 89 and 90 of 1949 which were ratified by India in 1950 prohibited the employment of women and young persons during night in the industries. These conventions again upset the calculations of our Government and the Factories Act of 1948 was stated to be out-moded and so the new Factories Act was passed in 1956. By these conventions, two main changes were affected—

- (a) The women now had complete rest during night.
- (b) The young persons under 17 years were not employed during night in industries.

#### **Trade Union Legislation—**

The I. L. O. Conventions No. 11 of 1921 concerning right of association was ratified by India. This Convention provided that workers' and employers' organisations shall have the right to draw up their Constitutions and rules and to elect their representatives in full freedom. The Trade Unions Act, 1926 gave a legal cover to the activities of the trade unions. The Act enabled unions to undertake and discharge their normal and legitimate functions, to safeguard union funds and to facilitate the functioning of the unions. The Act had been amended on several occasions the latest amendment had been in 1964. Under this law, registration of the unions is not compulsory and several unions have not sought registration. Trade union registration should be compulsory for all the unions to attain qualitative improvement in their functioning. To undertake greater responsibilities, it is important that they should be streamlined to be able to discharge these and compulsory registra-

tion will only bring the application of uniform standards of obligations to all the unions.

The Trade Disputes Act, 1929 was replaced by Industrial Disputes Act in 1947. It provides for the settlement of industrial disputes through conciliation, arbitration and adjudication, tribunals, industrial courts etc. The National Commission on Labour points out—"The system of industrial relations as it has developed since Independence has kept avoidance of conflicts/disputes as one of its two basic objectives, the other being expeditious settlement of disputes when they do arise."<sup>1</sup>

### **Transport Legislation—**

Indian Railways (Amendment) Act (XIV of 1910) was adopted only to give effect to the Provisions of I.L. O. Convention No. 1 of 1919 fixing the hours of work in India at 60 a week. Again Convention of 1921 provided that a rest of atleast 24 consecutive hours should be given to persons who have worked for six consecutive days. It is to be noted that these conventions were expressly related with Railways.

To give effect to the provisions of the Protection Against Accidents (Dockers) Convention 1932 (Revised), the Indian Dock Labourers' Act was amended in 1934. Some special provisions were made in this convention for the persons working on docks. This Act also laid down certain measures to ensure safety to workers who are engaged in loading or unloading the ships.

Indian Government took note of the Convention No. 27. This convention provided that every person consigning a heavy package, the gross weight of which is 1,000 kilograms or more for transport by sea, should mark thereon plainly and durably the gross weight

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1. National Commission on Labour, op. cit., p. 332.

of the package. This provision was adopted in the Marking of Heavy Packages Act, 1951, (No. XXXIX of 1951).

The Indian Ports Act of 1908 was amended in 1922 (Act XV of 1922) to implement Convention No. 5 regarding minimum age. This imposed restriction on the local governments and they could not employ children under the age of 12 years for handling of goods in docks. Convention No. 5 was revised in 1937. An Act, designed to give effect to the Convention, was passed in the Central Legislature in August, 1938. But this Act was made ineffective with the adoption of Convention No. 90 regarding night work of young persons and the Act was amended in 1951, (Act XLVIII of 1951).

### **Legislation related to Seamen :**

In a separate chapter, the working conditions of seamen and I. L. O. conventions have been discussed in detail. Since the adoption of Seamen conventions, Indian Government is trying to improve the conditions of maritime labour. The Minimum Age Sea Convention of 1920 was not ratified by India, but the Indian Government took certain steps in this direction by amending the Merchant Shipping Act of 1923 and 1931 and thus gave effect to the most of the provisions of the convention. India ratified Convention No. 16 of 1921 regarding the Medical Examination of Young Persons (Sea) and Convention No. 15 of 1921 regarding the Minimum Age (Trimmers and Stokers). These conventions were applied through the Amendment Act of 1931 in the form of instructions given to shipping masters and medical officers.

Central Legislature which considered the seamen convention of 1920, did not recommend the ratification of this convention. But it was recommended that certain improvements should be made for recruiting persons to work as seafarers. So, a Seamen Recruitment Committee was appointed in 1922 which recommended the establi-

shment of employment bureaus. But it was not given a legal shape till 1949 when an Amendment Act (LIII of 1949) was adopted. This Amendmend Act provided that the Seamen's employment offices should be set up at the ports for the purpose of engaging seamen.

Another Convention No. 8 was also considered by the Legislature in 1921. This convention was concerned with the Unemployment Indemnity (Ship Wreck). It suggested to institute an enquiry to amend the Merchant Shipping Act. The theme of the study was to see whether one month's wages can be paid to the persons who are the victims of the ship-wreck or loss of ship. This was enforced in the Amendment Act of 1939.

### **Wage Legislation :**

The Minimum Wages Act was passed in 1948. The idea underlying the enactment of Minimum Wages Act is to prevent exploitation of labour through the payment of unduly low wages. I.L.O. Convention No. 26 and Recommendation No. 30 of 1928 concerned the creation of Minimum Wage Fixing Machinery. The Whitley Commission examined the question of 'Minimum Wage' in the light of above convention and observed—"In our view the convention, in referring trades in which wages are exceptionally low must be regarded as having in new trades in which wages are low, not by comparison with Western or any other foreign standard, but by comparison with general trend of wages and wage levels in occupations in the country concerned."<sup>1</sup>

The Payment of Wages Act was passed in 1936 to prevent exploitation of labour by prohibiting arbitrary fines and authorised deductions from wages. The permissible deductions include fines, deductions for absence of duty,

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1. Report of the Royal Commission on Labour, op. .cti. p. 212.



deductions for house accommodation supplied by the employers, deductions for amenities and services supplied by the employers, deductions of Income tax etc.

The Payment of Bonus Act 1965 applies to all establishments employing more than 20 persons. Bonus, under the Act, has become a statutory obligation on the employers and a minimum bonus is now taken for granted by the workers. The minimum limit of 4 per cent. and the maximum limit of 20 per cent. have been the subjects of controversy. The workers normally feel that the lower limit be maintained while the upper limit be removed, whereas the employers want the upper limit to be maintained and there should be no lower limit.

### **Legislation for Mines :**

I. L. O. conventions had great impact on the legislations for mines. The very first Convention of I. L. O. of 1919 was put into force in the Indian Mines Act of 1923. It fixed the hours of work for persons employed on surface at 10 with a maximum spread-over of 12 hours including an interval of rest of one hour after 6 hours work, The daily hours for underground workers were fixed at 9. The weekly hours for all employees were 54. In its full implication the convention was adopted in 1952 by passing the Indian Mines Act of 1952. This Act reduced the working hours of all adult workers, both surface and underground. to 48 per week and provided that no worker would be allowed to work for more than 9 hours a day above ground and 8 hours a day below ground. For the purposes of Labour Inspection (Convention No. 81), the Act provides that the Chief Inspectors of Mines should be appointed.

Convention No. 89 had also great impact on the Mines Act of 1952. In this Act, measures were provided for woman-workers. The woman-workers were not employed to work on ground during night in addition to the prohibition covering work underground.

## **Social Security Legislation :**

In the field of Social Security, various Acts have been passed after the birth of the International Labour Organisation. The Workmen's Compensation Act was passed in India in 1923 and was amended in 1926 only to give effect to the provisions of Conventions Nos. 17 and 18 of 1925. Later, this Act was amended many times. In 1934, it was amended to give effect to Convention No. 42.

In case of Employees' State Insurance Act of 1948, it is noted that although India did not ratify any convention in this connection even then the text of certain conventions afforded valuable guidance in designing this legislation.

It will not be out of place in quoting the words of Shri N. M. Joshi, while speaking on Workmen's Compensation (Accidents) Act,—“at present it is only applied to a small class of workers in factories and mines. Here I thought, we are going to draw up a convention which would be of benefit to Indian workers. I thought that Workmen's Compensation Act in India might be modified so as to apply to a large number of people.” This forceful speech of Mr. Joshi had great influence on all the members and a convention was adopted according to our wishes. Only then we amended the Workmen's Compensation Act in 1926. However, many other conventions have also influenced Indian Social Security legislative measures.

### **Critical Phase of Labour Legislation:**

Shri V.K.R. Menon, ex—Director of I.L.O (India Branch) in New Delhi, once remarked—“We have yet to travel a long way on the road to social justice.” This indicates that although many changes have taken place after the inception of I. L. O. in the field of Labour Legislation, still we are lagging behind. Our measures are not adequate and

their scope is also limited. If more steps are taken they will surely benefit the employers and workers of the country. In the words of Shri Khandu Bhai Desai—“Legislation in a democracy is not so much a means of check and control as a blue print for the guidance of workers and management.”

India is a country of villages and most of its population depends on Agriculture. These words of Mr. N. M. Joshi are a clear indication of the position of agriculturists—“The agricultural labourers are exploited by the capitalist just as much as the other labourers are and it is, therefore, necessary that their conditions should be investigated and that steps should be taken to remedy the evils.” Agriculture is a seasonal industry in India and for keeping their earnings intact, the agriculturists surrender themselves to the small scale industries. But it is pitiable that I. L. O. has not adopted any convention relating to the cottage and small scale industries. India has also a very few Acts regarding small scale industries. Moreover, I. L. O. has not adopted any convention regarding Industrial Housing. The position of Industrial Housing can well be described in the words of Mr. J. L. Nehru—“In Bombay where Indian capital was more in evidence, an enquiry commission found in one room, 15 feet by 12, six families in all 30 adults and children living together.” And it is really very surprising that I. L. O. has not adopted any convention regarding Industrial Housing so far.

Thus, we find that I. L. O. has failed in certain spheres to leave its impact. The progress of legislation in India is lopsided. Some fields have been completely neglected for which conventions should be adopted. Some conventions concerning the agriculturists should also be adopted.

One of the drawbacks of labour legislation in India is that these measures are not uniform in administration. In

some states, they are strictly imposed, whereas in other their imposition is relaxed. The Constitution of I. L. O. has clearly said—"the failure of any nation to adopt humane conditions of labour is an obstacle in the way of the other nations which desire to improve the conditions in their own countries." When there is such a need of uniformity in the whole world, this uniformity must prevail in a country.

The International Labour Organisation by its very establishment delivered social justice from the vagaries of indecision and the upper hand of reaction, and stirred world conscience. Year after year, delegations returned from Geneva and the conventions then were brought to the Central Legislature. India is a country which is marching ahead on the path of development and hence the I. L. O. conventions have influenced the Indian legislation. There are cases where a direct causal relationship between the convention and its counterpart of Indian legislation is found, but in certain other cases, it is not so distinct. It is expected that during the next few years a statutory protection to new classes of wage-earners and a progressive widening of the scope of social measures and systematic raising of standards of living will be steadily extended and this will bring about the labour legislation conformity with the provisions of International Labour Code.

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## LOOKING AHEAD

Today, the factory workers in India enjoy an 8 hours day and 48 hours week, having statutory safeguards for their health, safety and welfare. Woman-workers are getting the maternity benefits and they are entitled to leave with pay before and after the confinement. The hours of mine workers are regulated and under-ground work for women has also been prohibited. Dock workers and workers employed in Railways also enjoy such facilities. The wages of the workers are also regulated by the Payment of Wages Act and the Minimum Wages Act. Today the workers are conscious of their rights because they have formed trade unions and in addition I.L.O. conventions have enlightened them. Shri N. S. Nimbkar, workers' delegate at the twenty-fifth session of the International Labour Conference (1939) remarked—

“Last year was a record year for strikes. This means that the Indian worker is becoming more and more conscious of his rights and wants the Government and the employers to satisfy him and to satisfy him quickly.”<sup>1</sup>

The conditions of seamen are also regulated. Though social security measures are not adequate, yet they are much more as compared to that of 1919. The laws con-

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1. India and I.L.O., N.N. Kaul, Delhi, 1956, p. 64.

cerning trade unions and trade disputes enable the workers to protect their rights. On the whole, it is revealed that with the origin of the International Labour Organisation, the labour in India has been put on the road to prosperity and welfare. Expressing his gratification to I. L. O. Shri Jagjivan Ram, the then Minister of Transport and Communications said—"Today it is the highest expert body dealing with every complicated problem that is related to labour in the very widest sense."<sup>1</sup>

But I. L. O. has failed in certain fields in influencing labour in India. Today we mark that the wages are still low and the productivity of capital and labour are not comparable to that obtaining in industrially advanced countries. In the field of training, though I. L. O. has put its highest endeavours, still much is to be done.

In the field of agriculture, India has not ratified any convention. The reason is that these conventions are framed keeping in view the agricultural conditions of advanced countries. It should not be forgotten that agriculture has its own peculiarities in India. Agricultural workers are employed hardly for 180 days during the year.

In the field of housing, little has been done by I.L.O. It is said that 95% of the working class families live in the rooms of 110 sq. ft. There are many who spend night by sleeping on the footpaths. Shri S. V. Parulekar speaking at the twentyfourth I. L. O. Conference in 1938 stressed—"Conditions have not changed for the better since then. The Government has done nothing to enable the workers to live in the healthy homes without having to pay rents which their purses cannot afford."<sup>2</sup>

The problem of unemployment is still acute in our country. It is said that employment has not kept pace with the growing labour force. The population is increa-

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1. India and I.L.O., op. cit., p. 69.

2. Ibid., p. 63.

sing at an alarming rate, which is making this problem more acute.

The I. L. O. is calling upon all its member nations to cooperate in World Employment Programme (WEP) in the year of its Fiftieth Birth Anniversary. 'The prevention of unemployment' is one of the objectives laid down in its original constitution and the first Conference in Washington in 1919 adopted an Unemployment Convention. 'Full Employment' is the first principle enunciated in the Declaration of Philadelphia and one of the objectives of the Charter of the United Nations. In 1948, Organisation of Employment Services Conventions was passed which has been ratified by 47 countries and in 1962 a Recommendation on Vocational Training was adopted. Employment Policy Convention, 1964, requires each member state to declare and pursue a policy designed to promote full productive and freely chosen employment. The Convention was accompanied by a Recommendation setting out the objectives of the employment policy, the fixing of manpower targets and the organisation of training and retraining.

In the World Employment Programme to further implement its efforts to carry out these mandates, the I. L. O. is undertaking the development of employment and training plans for national and regional implementation. The core of Programme consists of three regional plans—for Latin America, for Asia and for Africa. The teams are being set for each of these areas. In the first phase of the programme the initial task of the teams would be to collect facts and figures for each country and sub-region on matters as population, unemployment and underemployment, industrial and rural capacities to provide work, facilities for learning and education. The teams will then form long term plans. In the second phase of the Programme, the I. L. O. and other participating agencies will seek to help the countries achieve the targets by appropriate action. International cooperation and coordination will be essential but the

achievement of target will mainly depend on the efforts of the individual country. The then Director General of I. L. O. Mr. David A. Morse has written—

“The World Employment Programme is a most ambitious undertaking, requiring prolonged and determined effort. Yet, a less ambitious project for advancing social justice world units have been worthy of the organisation’s fiftieth anniversary.”<sup>1</sup>

### **Future of I. L. O. Activities In India—**

There is no country in the world which is totally underdeveloped and no country which is fully advanced. Many underdeveloped countries are still great centres of learning and many advanced countries are still backward. But in spite of it, we have to accept that some parts of the world are rich while certain others are poor. But I. L. O cannot accept a world in which rich and poor have different rights and privileges. Fortunately, men have learnt to regard the activities of I. L. O. and so we have to strengthen it to have more shade, more shelter, more fruit, more fuel and more light for all. Indian Labour has still to take full advantage of the activities of I. L. O. Though India has learnt a lot from I. L. O. yet she is far behind in the race of world economy. In every sphere of labour, she has to find valuable guidance from I. L. O. It is said that the economic and social problems of underdeveloped countries like India can be solved successfully through international cooperation only.

I. L. O. has devoted much of its time in the achievement of the goal of Social Justice. I. L. O. took a bold step at Philadelphia Conference and its participation in the United Nations Organisation’s Expanded Programme of Technical

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1. Britain and the I. L. O., M. Stewart, London, 1939, p. 107.



Assistance has brought it into the operative field. It is for the governments of the member states and leaders of employers' and employees' organisations to enable I. L. O. to be of greater service to the world. It depends for its continued existence on the public support; it is for the public to draw the best out of it by moulding it to serve the changing needs. It has to serve the role of a goody elder brother for Indian Labour in future. Its future is glimmering as the lightening glimmers in the mirk of night. I. L. O. may be described as the mother which is nourishing and cherishing the underdeveloped countries with its endeavours in the several fields. This stanza of The 'Psalm of David' of Issac Watts finds full echo with the future of the I. L. O.—

“O God, our help in ages past,  
Our hope for years to comə,  
Our shelter from the stormy blast,  
And our eternal home.”<sup>1</sup>

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1. The Pocket Book of Quotations, Cardinal Editions of Rockfeller Centre, NewYork, 1960, p. 118.

## APPENDICES

## Appendix I

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[1 October 1968]

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6	Night Work of Young Persons (Industry) Convention, 1919	50
7	Minimum Age (Sea) Convention, 1920	42
8	Unemployment Indemnity (Shipwreck) Convention, 1920	38
9	Placing of Seamen Convention, 1920	27
10	Minimum Age (Agriculture) Convention, 1921	... 39
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13	White Lead (Painting) Convention, 1921	47
14	Weekly Rest (Industry) Convention, 1921	76
15	Minimum Age (Trimmers and Stokers) Convention, 1921	56
16	Medical Examination of Young Persons (Sea) Convention, 1921	54

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18	Workmen's Compensation (Occupational Diseases) Convention, 1925	...	52
19	Equality of Treatment (Accident Compensation) Convention, 1925	...	82
20	Night Work (Bakeries) Convention, 1925	...	14
21	Inspection of Emigrants Convention, 1926	...	29
22	Seamen's Articles of Agreement Convention, 1926	...	41
23	Repatriation of Seamen Convention, 1926	...	24
24	Sickness Insurance (Industry) Convention, 1927	...	22
25	Sickness Insurance (Agriculture) Convention, 1927	...	17
26	Minimum Wage-Fixing Machinery Convention, 1928		76
27	Marking of Weight (Packages Transported by Vessels) Convention, 1929		44
28	Protection against Accidents (Dockers) Convention, 1929	...	4
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30	Hours of Work (Commerce and Offices) Convention, 1930	...	22
31	Hours of Work (Coal Mines) Convention, 1931	...	2
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34	Fee-Charging Employment Agencies Convention, 1933	...	10
35	Old-Age Insurance (Industry, etc.) Convention, 1933	...	11
36	Old-Age Insurance (Agriculture) Convention, 1933	...	10
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48	Maintenance of Migrants Pension Rights Convention, 1935	8
49	Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935	7
50	Recruiting of Indigenous Workers Convention, 1936	25
51	Reduction of Hours of Work (Public Work) Convention, 1936	0
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53	Officers' Competency Certificates Convention, 1936	20
54	Holidays with Pay (Sea) Convention, 1936	6
55	Shipowners' Liability (Sick and Injured Seamen) Convention, 1936	10
56	Sickness Insurance (Sea) Convention, 1936	9
57	Hours of Work and Manning (Sea) Convention, 1936	5
58	Minimum Age (Sea) Convention (Revised) 1936	40
59	Minimum Age (Industry) Convention (Revised) 1937	22

60	Minimum Age (Non-Industrial Employment) Convention (Revised), 1937	...	10
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62	Safety Provisions (Building) Convention, 1937	...	22
63	Statistics of Wages and Hours of Work Convention, 1938	...	29
64	Contracts of Employment Indigenous Workers Convention, 1939	...	21
65	Penal Sanctions (Indigenous Workers) Convention, 1939	...	24
66	Migration for Employment Convention, 1939	...	0
67	Hours of Work and Rest Periods (Road Transport) Convention, 1939		4
68	Food and Catering (Ships' Crews) Convention, 1946	...	14
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72	Paid Vacation (Seafarers) Convention, 1946	...	5
73	Medical Examination (Seafarers) Convention, 1946	...	18
74	Certification of Able Seamen Convention, 1946	...	15
75	Accommodation of Crews Convention, 1946	...	5
76	Wages, Hours of Work and Manning (Sea) Convention, 1946	...	1
77	Medical Examination of Young Persons (Industry) Convention, 1946	...	21
78	Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946	...	21
79	Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946	...	15
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82	Social Policy (Non-Metropolitan Territories) Convention, 1947	...	4
83	Labour Standards (Non-Metropolitan Territories) Convention, 1947	...	1
84	Right of Association (Non-Metropolitan Territories) Convention, 1947		4
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86	Contracts of Employment (Indigenous Workers) Convention, 1947		13
87	Freedom of Association and Protection of Right to Organise Convention, 1948		76
88	Employment Service Convention, 1948		47
89	Night Work (Women) Convention, (Revised), 1948		48
90	Night Work of Young Persons (Industry) Convention (Revised), 1948		32
91	Paid Vacations (Seafarers Convention (Revised), 1949	...	15
92	Accommodation of Crews Convention (Revised) 1949		17
93	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949		5
94	Labour Clauses (Public Contract) Convention, 1949		41
95	Protection of Wages Convention, 1949		61
96	Fee-Charging Employment Agencies Convention (Revised), 1949		28
97	Migration for Employment Convention (Revised), 1949		28
98	Right to Organise and Collective Bargaining Convention, 1949		84
99	Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951		28
100	Equal Remuneration Convention, 1951		63
101	Holidays with Pay (Agriculture) Convention, 1952		32

102	Social Security (Minimum Standards) Convention, 1952	...	19
103	Maternity Protection Convention (Revised), 1952	...	10
104	Abolition of Penal Sanction (Indigenous Workers) Convention, 1955	...	19
105	Abolition of Forced Labour Convention, 1957		82
106	Weekly Rest (Commerce and Offices) Convention, 1957	...	28
107	Indigenous and Tribal Populations Convention, 1957	...	20
108	Seafarers' Identity Documents Convention, 1958	...	18
109	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958	...	7
110	Plantations Convention, 1958	...	6
111	Discrimination (Employment and Occupation) Convention, 1958	...	66
112	Minimum Age (Fishermen) Convention, 1959		23
113	Medical Examination (Fishermen) Convention), 1959	...	13
114	Fishermen's Articles of Agreement Convention, 1959	...	15
115	Protection against Radiation Convention, 1960	...	22
116	Final Articles Revision Convention, 1961	...	54
117	Social Policy (Basic Aims and Standards) Convention, 1962	...	16
118	Equality of Treatment (Social Security) Convention, 1962	...	17
119	Guarding of Machinery Convention, 1963	...	18
120	Hygiene in Commerce and Offices Convention, 1964	...	20
121	Benefits in the Case of Employment Injury Convention, 1914		6
122	Employment Policy Convention, 1964	...	21

123	Minimum Age (Underground Work) Convention, 1965		14
124	Medical Examination of Young Persons (Underground Work) Convention, 1965		13
125	Fishermen's Competency Certificates Convention, 1966		2
126	Accommodation of Crews (Fishermen) Convention, 1966		2
127	Maximum Weight Convention, 1967	...	0
128	Invalidity, Old-Age and Survivors' Benefits Convention, 1967	...	1



INTERNATIONAL LABOUR  
RECOMMENDATIONS

- 1 Unemployment, 1919
- 2 Reciprocity of Treatment, 1919
- 3 Anthrax Prevention, 1919
- 4 Lead Poisoning (Women and Children), 1919
- 5 Labour Inspection (Health Services), 1919
- 6 White Phosphorous, 1919
- 7 Hours of Work (Fishing), 1920
- 8 Hours of Work (Inland Navigation), 1920
- 9 National Seamen's Codes, 1920
- 10 Unemployment Insurance (Seamen), 1920
- 11 Unemployment (Agriculture), 1921
- 12 Maternity Protection (Agriculture), 1921
- 13 Night Work of Women (Agriculture), 1921
- 14 Night Work of Children and Young Persons (Agriculture), 1921
- 15 Vocational Education (Agriculture), 1921
- 16 Living-in Conditions (Agriculture), 1921
- 17 Social Insurance (Agriculture), 1921
- 18 Weekly Rest (Commerce), 1921
- 19 Migration Statistics, 1922
- 20 Labour Inspection, 1923
- 21 Utilisation of Spare Time, 1924
- 22 Workmen's Compensation, (Minimum Scale), 1925
- 23 Workmen's Compensation (Jurisdiction), 1925
- 24 Workmen's Compensation (Occupational Diseases), 1925

- 25 Equality of Treatment (Accident Compensation), 1925
- 26 Migration (Protection of Females at Sea), 1926
- 27 Repatriation (Ship Masters and Apprentices), 1926
- 28 Labour Inspection (Seamen), 1926
- 29 Sickness Insurance, 1927
- 30 Minimum Wage-Fixing Machinery, 1928
- 31 Prevention of Industrial Accidents, 1929
- 32 Power-driven Machinery, 1929
- 33 Protection against Accidents (Dockers), Reciprocity, 1929
- 34 Protection against Accidents (Dockers), Consultation of Organisations, 1929
- 35 Forced Labour (Indirect Compulsion), 1930
- 36 Forced Labour (Regulation), 1930
- 37 Hours of Work (Hotels, etc.) 1930
- 38 Hours of Work (Theatres, etc.), 1930
- 39 Hours of Work (Hospitals, etc.), 1930
- 40 Protection against Accidents (Dockers), Reciprocity, 1932
- 41 Minimum Age (Non-Industrial Employment), 1932
- 42 Employment Agencies, 1933
- 43 Invalidity, Old-Age and Survivors' Insurance, 1934
- 44 Unemployment Provision, 1934
- 45 Unemployment (Young Persons), 1935
- 46 Elimination of Recruiting, 1936
- 47 Holidays with Pay, 1936
- 48 Seamen's Welfare in Ports, 1936
- 49 Hours of Work and Manning (Sea), 1936
- 50 Public Works (International Co-operation), 1937
- 51 Public Works (National Planning), 1937
- 52 Minimum Age (Family Undertakings), 1937
- 53 Safety Provisions (Building), 1937
- 54 Inspection (Building), 1937
- 55 Co-operation in Accident Prevention (Building), 1937
- 56 Vocational Education (Building), 1937
- 57 Vocational Training, 1939
- 58 Contracts of Employment (Indigenous Workers), 1939
- 59 Labour Inspectorates (Indigenous Workers), 1939

- 60 Apprenticeship, 1939
- 61 Migration for Employment, 1939
- 62 Migration for Employment (Co-operation between States), 1939
- 63 Control Books (Road Transport), 1939
- 64 Night Work (Road Transport) 1939
- 65 Methods of Regulating Hours (Road Transport), 1939
- 66 Rest Periods (Private Chauffeurs), 1939
- 67 Income Security, 1944
- 68 Social Security (Armed Forces), 1944
- 69 Medical Care, 1944
- 70 Social Policy in Dependent Territories, 1944
- 71 Employment (Transition from War to Peace), 1944
- 72 Employment Service, 1944
- 73 Public Works (National Planning), 1944
- 74 Social Policy in Dependent Territories (Supplementary Provisions), 1945
- 75 Seafarers' Social Security (Agreements), 1946
- 76 Seafarers' (Medical Care for Dependants), 1946
- 77 Vocational Training (Seafarers), 1946
- 78 Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews), 1946
- 79 Medical Examination of Young Persons, 1946
- 80 Night Work of Young Persons (Non-Industrial Occupations), 1946
- 81 Labour Inspection, 1947
- 82 Labour Inspection (Mining and Transport), 1947
- 83 Employment Service, 1948
- 84 Labour Clauses (Public Contracts), 1949
- 85 Protection of Wages, 1949
- 86 Migration for Employment (Revised), 1949
- 87 Vocational Guidance, 1949
- 88 Vocational Training (Adults), 1950
- 89 Minimum Wage-Fixing Machinery (Agriculture), 1951
- 90 Equal Remuneration, 1951
- 91 Collective Agreements, 1951
- 92 Voluntary Conciliation and Arbitration, 1951
- 93 Holidays with Pay (Agriculture), 1952
- 94 Co-operation at the Level of the Undertaking, 1952

- 95 Maternity Protection, 1952
- 96 Minimum Age (Coal Mines), 1953
- 97 Protection of Workers' Health, 1953
- 98 Holidays with Pay, 1954
- 99 Vocational Rehabilitation (Disabled), 1955
- 100 Protection of Migrant Workers (Underdeveloped Countries), 1955
- 101 Vocational Training (Agriculture), 1956
- 102 Welfare Facilities, 1956
- 103 Weekly Rest (Commerce and Offices), 1957
- 104 Indigenous and Tribal Populations 1957
- 105 Ships' Medicine Chests, 1958
- 106 Medical Advice at Sea, 1958
- 107 Seafarers' Engagement (Foreign Vessels), 1958
- 108 Social Conditions and Safety (Seafarers), 1958
- 109 Wages, Hours of Work and Manning (Sea), 1958
- 110 Plantations, 1958
- 111 Discrimination (Employment and Occupation), 1958
- 112 Occupational Health Services, 1959
- 113 Consultation (Industrial and National Levels), 1960
- 114 Radiation Protection, 1960
- 115 Workers' Housing, 1961
- 116 Reduction of Hours of Work, 1962
- 117 Vocational Training, 1962
- 118 Guarding of Machinery, 1963
- 119 Termination of Employment, 1963
- 120 Hygiene (Commerce and Offices), 1964
- 121 Employment Injury Benefits, 1964
- 122 Employment Policy, 1964
- 123 Employment (Women with Family Responsibilities), 1965
- 124 Minimum Age (Underground Work), 1965
- 125 Conditions of Employment of Young Persons (Underground Work), 1965
- 126 Vocational Training (Fishermen), 1966
- 127 Co-operatives (Developing Countries), 1966
- 128 Maximum Weight, 1967
- 129 Communications within the Undertaking, 1967
- 130 Examination of Grievances, 1967
- 131 Invalidity, Old-Age and Survivors' Benefits, 1967
- 132 Tenants and Share-croppers, 1968

**Appendix III**  
**CONVENTIONS RATIFIED**  
**BY INDIA**

<i>S.No.</i>	<i>Conventions ratified by India</i>	<i>No. of Convention</i>
**1	Hours of Work (Industry) Convention, 1919	1
*2	Unemployment Convention, 1919	2
**3	Night Work (Women) Convention, 1919	4
**4	Minimum Age (Industry) Convention, 1919	5
**5	Night Work of Young Persons (Industry) Convention, 1919	6
6	Right of Association Convention, 1921	11
7	Weekly Rest (Industry) Convention, 1921	14
8	Minimum Age (Trimmers & Stokers) Convention, 1921	15
9	Medical Examination of Young Persons (Sea) Convention, 1921	16
10	Workmen's Compensation (Occupational Diseases), 1925	18
11	Equality of Treatment (Accident Compensation) Convention, 1925	19
12	Inspection of Emigrants Convention, 1926	21
13	Seamen's Articles of Agreements Convention, 1926	22
14	Minimum Wage Fixing Machinery Convention, 1928	26
15	Marking of Weight (Packages transported by Vessels) Convention, 1929	27

16	Forced Labour Convention, 1930	29
17	Protection Against Accidents (Dockers) Convention (Revised) 1932	32
*18	Night Work (Women) Convention (Revised), 1934	41
19	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934	44
20	Underground Work (Women) Convention, 1935	45
21	Final Articles Revision Convention, 1946	80
22	Labour Inspection Convention, 1947	81
23	Employment Service Convention, 1948	88
24	Night Work (Women) Convention (Revised), 1948	89
25	Night Work of Young Persons (Industry) Convention (Revised), 1948	90
26	Equal Remuneration Convention, 1951	100
27	Indigenous and Tribal Population Convention, 1957	107
28	Discrimination in respect of Employment and Occupation Convention, 1958	111
29	Final Articles Revision Convention, 1961	116
30	Equality of Treatment (Social Security) Convention, 1962	118

**Indications :**

\* Ratification denounced.

\*\* Containing special provisions applicable to India.

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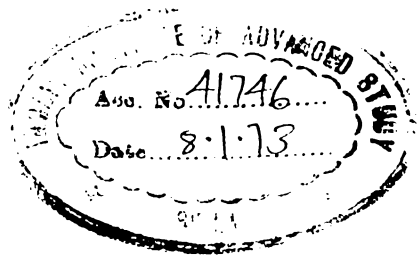
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ANOTHER BOOK BY THE AUTHOR

# WORKERS' EDUCATION IN INDIA

FOREWORD by Shri Bhagwat Jha Azad, Minister of State, Ministry of Labour, Employment and Rehabilitation, Government of India, New Delhi.

Workers' Education is very important in a country like ours, where large scale expansion is being envisaged, while the workers are largely illiterate and the trade unions do not have participating membership. It was thought that the normal process of education would take a long time to bring about a change in the educational proficiency of the working folk. A penetrating multi-dimensional study of the Workers' Education Scheme started in India in 1957, the book is an authentic slant on its management, its impact at grassroots level on trade unionism and industrial relations and an evaluation of headway made by Regional Centres. It also describes the Workers' Education Schemes in different countries and the work undertaken by certain international bodies like ILO, UNESCO and ICFTU. The conclusions are based on a searching questionnaire circulated amongst Worker-Teachers and Worker-Trainees. As yet, the study is the first of its kind in India accepted as a doctoral thesis.

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