

INDIAN FACTORY LEGISLATION

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INDIAN FACTORY LEGISLATION:

A HISTORICAL SURVEY

By

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M.A., F.S.S., I.C.S.



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CHAPTER I.

1875-1881.

The First Act.

THE FIRST PROPOSALS.

The question of factory legislation appears to have been first raised in the Report by Major Moore, Inspector-in-Chief of the Bombay Cotton Department, on the Administration of his Department for 1872-73. After giving the total number of hands in Bombay at 8,345 he went on to say—

“ the hours of these mills are at present not limited by any Government regulation; the working hour is undoubtedly long, the nature of the work is fatiguing, and women and children are largely employed and, I believe, as a rule,

there is no periodically recurring day of rest such as the Sunday of the Europeans”;

and the Report ended with a proposal to regulate the hours of labour of women and children and the age at which children could be employed and modestly suggested that a section added to an existing Act would be sufficient. About the same time Mr. J. A. Ballard, Mint Master, Bombay, called attention to the necessity for a Factory Act to restrict the hours for women and young children in Bombay. He estimated that the number of women employed was 2,800 and the number of children under twelve, 2,500. He added:

“they have to work from daylight to dark, and the machinery is usually kept running the whole seven days for two weeks in the month. The temperature of the rooms is always high, and the long confinement, even with light work, must be very irksome and injurious to young children. The number of spinning mills in Bombay is yearly increasing, and the sooner the question of affording protection to the operatives is considered, the more easy will be legislation.”

The former report attracted the notice of the Marquis of Salisbury, then Secretary of State for India, and in March 1875 he called the attention of the Bombay Government to it and added that strong representations had recently been made to him on the subject of factory labour in India. He said he was informed that children were taken to work at six years of age and had frequently to walk a distance of 2 or 3 miles to the factory, that they worked from sunrise to sunset with only half an hour's interval including most Sundays and “not uncommonly dropped down from exhaustion between the alleys and passages of the machines.”

ENGLISH INFLUENCE.

It was continually suggested throughout the ensuing discussions that the representations made to the Secretary of State had come from Manchester millowners, and it is certainly the case that English manufacturers were beginning to agitate for factory restrictions in India. But the Secretary of State indicated that he had been influenced by reports made by less interested persons. The question of Indian factories was raised in the House of Lords on

30th July 1875 by Lord Shaftesbury, who for 40 years had taken a leading part in securing sound British factory legislation. He referred frankly to the question of commercial competition but stated that legislation was desired by the operatives themselves.

“The National Indian Association,” he added, “. . . . point out all the evils from which the operatives are suffering—a repetition of the evils which used to harass and destroy our factory operatives at home—terrible exhaustion, dust, 16 or 17 hours a day of unremitting labour, and a temperature varying from 90 to 100 degrees. And they propose the same remedies”

Lord Salisbury, in his reply, stated that he had made more than one representation to the Bombay Government, and added—

“I was induced to take this course by the facts which came to my knowledge through the agency of a lady whose name cannot be mentioned without honour among all who are interested in moral progress and philanthropic effort in India—I mean Miss Carpenter.”

Miss Carpenter of Bristol, who had made enquiries into factory conditions while in India in the “seventies,” was the founder of the National Indian Association. She was apparently responsible also for calling Lord Shaftesbury’s attention to the question. The question of factory legislation in India was also raised by Mr. Alexander Redgrave, Inspector (afterwards Chief Inspector) of Factories in the United Kingdom, in his report for the preceding year.

THE BOMBAY COMMISSION OF 1875.

The Government of Bombay had made arrangements for the appointment of a Commission before receiving the Secretary of State’s despatch and they announced the appointment of the Commission in the same month (March 1875). The terms of reference were—

“to enquire into and report on the present condition and system of work in the factories in Bombay and its vicinity, with a view to determining whether any legislation is necessary for the regulation of the hours of labour, especially in the case of women, young persons and children, for

the protection of labourers against accidents, for the proper ventilation and sanitation of the factories, and generally for improving the condition of the work people employed."

The Commission consisted of Mr. F. F. Arbuthnot, Collector of Bombay, President, and eight members. Two of the members resigned without taking part in the work of the Commission; the remaining six included a doctor, a vakil of the High Court and four Directors of cotton spinning and weaving companies. The Commission held weekly meetings in the course of the hot weather of 1875, and recorded a substantial amount of evidence, in addition to visiting several mills and presses in Bombay. But they were unable to agree in their conclusions and their report, which was presented in July, was signed only by the President and one member, Dr. Thomas Blaney. The report stated that, while all machinery was protected, protection was not always sufficient. The hours of work were from sunrise to sunset with half an hour for rest in the middle of the day. The children, the youngest of whom were generally about 8 years of age, remained on the premises all the time, alternately working and resting. The average number of days worked in a year was between 300 and 320 and in the majority of factories the health of the operatives appeared to be good. The evidence tended to show that the health of the operatives had not suffered from the long hours, except in some of the pressing factories.

RECOMMENDATIONS.

These findings appear to have had the concurrence of all the members, but on the question of legislation the Commission was divided. Mr. Arbuthnot and Dr. Blaney were of opinion that a simple legislative enactment would be beneficial but that it should apply to the whole of India. They recommended—

- (1) Adequate protection of machinery.
- (2) Prohibition of employment of children under 8.
- (3) An 8 hours day for children between 8 and 14.
- (4) A 12 hours day for adults including 1 hour's rest.
- (5) A weekly holiday.
- (6) Provision of drinking water for operatives.

All the other members signed minutes stating that legislation in any shape was unnecessary. This conclusion was based partly on the fear of the financial effects of Government interference and partly on the indifference of the operatives. But it should also be remembered that the whole idea of restrictions on employment was strongly opposed by many thinking men at this period. The House of Commons was engaged in the consideration of a Bill designed to restrict hours of work for women in British factories to 56, and the liberal individualists of the day, not content with opposing the Bill, were endeavouring to remove the existing restrictions on the employment of women in England. Professor Henry Fawcett, who led the opposition in this matter in the House of Commons, vigorously maintained the doctrine of *laissez faire*, and his views were cited in one of the Minutes of dissent appended to the Report. And, apart altogether from the general question, the recommendations made in this case were in some respects far in advance of their time. All the six recommendations were accepted at later dates, but the question of the restriction of hours for adults was the subject of keen controversy thirty years after, and it was not till 1922 that the fourth recommendation was completely embodied in legislation.

ENQUIRIES IN BENGAL.

A copy of the Secretary of State's despatch was forwarded by the Government of India to the Government of Bengal. The Lieutenant-Governor (Sir Richard Temple) instituted inquiries regarding the hours worked in factories throughout Bengal and the ages of children employed. The result showed that while the majority of children were probably over 10 years of age, many children began at seven years of age, and children of five and six were said to be employed in rope factories. The hours generally seem to have been somewhat shorter than in Bombay. Nine to ten hours of actual work appears to have been normal, although in one or two jute mills children were reported to be kept at work for 12 hours with only half-an-hour's interval. The Local Government dismissed the graver allegations as "unworthy of credit" and remarked that—

“the hours of labour appear long . . . but this does not seem to be a subject of complaint amongst the labourers themselves.”

The Lieutenant-Governor, while regarding conditions as generally satisfactory, considered that it would be "very proper" to regulate by legislation the hours of women and children and the ages at which employment should be gained, and he offered to introduce a Bill in the Bengal Legislative Council.

THE POSITION IN BOMBAY.

The Government of Bombay, on receiving the report of the Factories Commission, had taken steps to supplement it by calling for reports from the Collectors of Broach and Surat regarding conditions in the factories of these districts. These reports suggested that legislation in some form was advisable. But the local Government at this time (1876) were not in favour of action. They emphasized the absence of any demand for protection—

"It must be borne in mind that no complaints have been made to Government of oppression on the part of the mill-owners either by or on behalf of the operatives."

And they thought it undesirable to impose restrictions which might result in a serious reduction of wages. But by 1878 their views had altered and the Governor, Sir Richard Temple, was disposed to support generally a private Bill prepared for introduction in the Legislative Council, if all-India legislation was not to be undertaken. This Bill had been devised in 1877 by the Hon'ble Mr. Sorabji Shapurji Bengali, for many years an advocate of stringent factory legislation. It proposed to confine the working of factories to the hours between 6 A.M. and 6 P.M. and to six days of the week. Working hours were to be limited in the case of men to 11, in the case of women to 10 and in the case of young persons (*i.e.*, persons between the ages of 8 and 14) to 9 daily. An hour's interval was to be provided, and the employment of children under 8 was to be prohibited. Ages were to be ascertained from medical certificates. Provisions for ventilation and sanitation were also included.

ALL-INDIA LEGISLATION: A DRAFT BILL.

Before this, however, the Government of India had decided to proceed with all-India legislation, and the first draft of a Bill "to protect children and young persons employed in factories" was ready in September 1877. As originally prepared, it restricted the

hours of work for women to 10 daily: but the final draft, which was circulated for opinions in July 1878, contained no provision applying specially to women. This Bill proposed to restrict the hours of young persons to 8 and of children to 6 daily. Both young persons and children were to be prevented from cleaning machinery in motion. Young persons were persons "between the ages of 12 and 16 years" and children were persons under 12. Children of under 7 were to be excluded during 1879 and children of under 8 thereafter. Provision was also made for fencing, for the reporting of injuries and for the appointment of Inspectors. The definition of factory was wide. It included all establishments carrying on a number of specified processes, whatever the number of persons employed, and local Governments were asked to assist in enlarging the list. It also included practically every manufacturing establishment employing 50 or more persons, whether machinery was used or not.

OPPOSITION TO THE BILL.

The Bill was generally condemned, especially in Bengal. It was alleged that it was quite unnecessary and had been introduced in consequence of agitation by ignorant English philanthropists and grasping English manufacturers. The Bengal Chamber of Commerce referred to the hardships that would result from a reduction of the family earnings caused by a restriction of child labour, while a meeting of Bengal manufacturers described the Bill as "unnecessary and inexpedient." Solicitude for the children whom Government proposed to exclude was a feature of the opinions received. One employers' association wrote,—

"The legislature, we beg to repeat, can do them no good by turning them out and virtually leaving them to steal or beg or starve. There are not wanting orphans even, who have hitherto found a welcome abode in factories and have no homes where to return on their removal from them."

Another association remarked,

"Nothing could be more pleasing than the sight of the smart little children, generally full of health and good spirits, working at the spindles."

The Bengal opinions were echoed in other parts of India, and the majority of the official opinions were also against the Bill. The Government of Bengal considered that no case had been made out for legislation in Bengal and they and the Governments of Madras and the North-West Provinces and Oudh suggested that, if the Government of India decided to proceed further, local Governments should be given discretion to apply the Act as they thought fit. The Chief Commissioner of Burma also opposed the Bill and suggested that it should not apply to that Province. On the other hand, the Bombay Government were definitely in favour of legislation, preferably on the lines suggested by Mr. Sorabji Shapurji Bengali; and support came also from the Chief Commissioners of the Punjab and the Central Provinces. Inquiries made in Nagpur set beyond doubt the injury done by factory work there to the health of the younger children.

INTRODUCTION OF THE BILL.

The Bill was introduced by the Hon'ble Mr. Colvin in the Governor-General's Council on 7th November* 1879, but with a vital modification. A clause was added making it applicable only to those parts of British India to which it had been extended by the local Government, with the previous sanction of the Government of India. The definition of factory was modified so as to make it include only manufacturing establishments employing at least fifty persons. Even so, the Bill evoked little or no approval. With a refreshing independence, two members of the Viceroy's Executive Council offered suggestions for its improvement: the Military Member proposed that the Bill should not apply to any military factories without the sanction of the Government of India and the Public Works Member thought that railway workshops should be exempted altogether. The Bill was then referred to a Select Committee.

BOMBAY OPINION.

Interest in the Bill was now naturally confined to Bombay, for it was understood that only the Bombay Government intended to apply the Act. The Bombay Millowners at once protested and, with only one dissentient, Mr. Hector, endorsed the Report of a Com-

* Leave to introduce was given on 17th October.

mittee protesting strongly against any legislation whatever. "The Association," they wrote,—

"deeply regrets that the Bill, even in its present restricted form, should have been introduced, for it considers that legislative interference of any kind is wholly unnecessary and will be most injurious not only to the manufacturing interests of the country, but to the country generally."

They opposed even more emphatically, and with good reason, the permissive character of the Bill under discussion. The Bombay Chamber of Commerce also objected to the permissive character of the Bill. But public opinion was not entirely on one side. In December 1879 a memorial was presented to the Legislative Council by Rughaba Succaram and 578 others. This gave a harrowing description of the conditions in Bombay and, after commending Mr. Sorabji Shapurji Bengali's Bill, concluded with this paragraph—

"Your memorialists wish the labours of your Hon'ble Council God-speed, and shall hail the day with joy, satisfaction and gratitude when thousands of the labourers in our Indian mills will enjoy freedom and comforts equal to those which their fellow-labourers in other departments of industry, both in public and private factories, are enjoying, namely, the shortening of the working hours—from fourteen hours, as at present, to nine hours a day—with an intermission of at least an hour for meals, rest, etc., and granting a day of rest once a week in addition to the usual holidays. This prayer does not exclude the other points which your Hon'ble Council has in contemplation, and which the Act is designed to embrace."

And the Poona Sarvajanik Sabha, in a reasoned criticism which in some respects was much ahead of its time, advocated the abolition of the young persons' class, the introduction of a compulsory weekly holiday and the limitation of adult hours.

THE SELECT COMMITTEE.

Several members of the Select Committee used the recess to visit and inspect factories, and the Committee's Report was published on

28th February 1880. They had made substantial alterations in the Bill. The permissive provision was removed by a majority of 5 to 3: the majority stated—

“it would be unjust and would, moreover, tend to interfere with the natural development of manufacturing enterprise in India if we were to allow the factories of one province to be subjected to restrictions from which those of another are exempt.”

The definition of a factory was greatly restricted by raising the minimum number of operatives necessary to constitute a factory to 100, by excluding factories which did not work for more than four months in the year, and by excluding establishments which did not use mechanical power: this last exclusion remained absolute until 1922. The young persons' class was abolished, and the upper age of children fixed at 14. Children over 8 were permitted to work for nine hours, a provision for securing intervals for them by rules being introduced: these changes followed the general lines approved by the Bombay Government. Four holidays a month were to be given to children. A number of administrative provisions relating to registers and prosecutions were added: one such provision provided for the optional certification of children's ages, and another placed on the person accused of employing any one contrary to the law the burden of proving that the employee was over 8 or 14 as the case might be.

FURTHER CRITICISM.

The centre of opposition was now transferred to Bengal. Vigorous protests were at once made by the Calcutta Trades Association, the British Indian Association, the Agents, Managers and Secretaries of mills and a number of private persons including not a few officials. The Bengal Chamber of Commerce were probably correct in stating that it was the “universal judgment of the public” that the Bill was unnecessary. They also stated that the operatives had not called for any legislation and that they too, if they could express their views, would be opposed to it. This opinion received substantial endorsement from the Bengal Government. In the meantime opposition in Bombay was, to a certain extent, diminished by the important alteration in the Bill, though the Bombay Chamber of

Commerce and the Bombay Millowners' Association still considered legislation unnecessary, and suggestions were actually made that all half-timers should be discharged in order to make the public realize the hardships that could result from factory legislation. As a matter of fact about a third of the mills in the Presidency discontinued the employment of children when the Act came into force, but this was partly due to the difficulty of working the rules framed by the local Government regarding intervals. A second memorial was presented to the Legislative Council by Balaji Ramchunder Facked and 634 others (apparently much the same group as the previous memorialists). This still pressed for restriction in the hours of adult labour and attacked the millowners in no measured terms.

THE FINAL DEBATE.

The final debate in Council took place in March 1881. A number of minor amendments were made; one provided for the exclusion of indigo, tea and coffee factories. An amendment to exclude Bengal was withdrawn and one to limit the operation of the Bill to cotton mills was defeated, but a most important change was made in the alteration of the age of children. Here Government yielded to numerous representations which dwelt on the earlier development of Indian children, and for 8 and 14 the limits 7 and 12 were substituted. The Lieutenant-Governor of Bengal in the concluding speech stated that he had made strong representations to the Viceroy for the relaxations which the Council had accepted and that in its amended form he would support the Bill though he had opposed it at first. The Viceroy (Lord Ripon) dealing with what one member described as "a very general feeling that the voice was the voice of Exeter Hall, but the hand was the hand of Manchester" stated that the Government of India were actuated solely by a desire to benefit the interests of India.

"I should be extremely grieved if any notion got abroad that the Government of India were in the least degree influenced by a mere desire to meet any wish, if such wish did exist, on the part of manufacturers in England to place restrictions on their competitors in this country."

The Bill was passed without further opposition and the first Factories Act (XV of 1881) came into force from 1st July 1881.

CHAPTER II.

1881-1891.

The Demand for revision.

EARLY MISGIVINGS.

The Act of 1881 was a triumph for conservative opinion. It is clear that the Government of India, the Government of Bombay and a considerable section of public opinion in Bombay favoured more stringent proposals, but they were overcome by the strong opposition of the rest of India headed by Sir Ashley Eden, Lieutenant-Governor of Bengal. As soon as the Act was passed, the Government of India began to consider proposals for its amendment, and in writing in May 1881* to local Governments on the question of its enforcement they cast doubts upon its adequacy. "In consideration of the important interests involved," they wrote, "and in deference to the opinions of many of the local Governments and public bodies and associations consulted, the restrictions which were at first thought necessary have been very materially relaxed. In one respect indeed, *viz.*, in the reduction to 7 years of the minimum age at which a child may be employed, the Governor-General in Council does not yet feel sure that relaxation may not have been carried too far." The view that the existing legislation was inadequate was strengthened by an incident reported by Dr. Blaney, Coroner of Bombay, in 1882 when a boy of 15, after working 14 hours in a mill including the whole night, was killed by being entangled in a cogwheel.

MR. MEADE-KING'S PROPOSALS.

The work of inspection like most other duties at that time was thrown at once on the District Officers in all Provinces. Indeed, Sir Ashley Eden had laid great stress on this point in the final debate on the Bill and had stated that he and, he thought, everybody on his side of India, "had the strongest possible objection to the appointment of a special officer as an Inspector." But the Bombay

* The Act did not take effect till July 1881.

Government obtained the services of an English Inspector, Mr. Meade-King, who came out in April 1882 for six months and prepared a report on the working of the Act. He strongly recommended various drastic amendments, the more important of which were—

- (1) the abolition of the clause limiting factories to works employing at least 100 persons,
- (2) the alteration of the ages of children from 7 to 8 and from 12 to 13,
- (3) the limitation of children's hours to 6,
- (4) the creation of a "young persons" class to include all up to 16, and the limitation of their hours of labour,
- (5) the restriction of the hours of work for females to day light.
- (6) the insertion of provisions for sanitation.

Mr. Meade-King's proposed amendments were circulated to local Governments for opinion. Bombay and Madras supported them all and Bengal opposed them all. Other Governments supported some and opposed others. But when it came to the question of legislation, the Government of India were naturally reluctant to introduce a fresh and comprehensive Act within two years of the previous Act.

BOMBAY COMMISSION OF 1884.

The Bombay Government, however, were prepared, if necessary, to introduce a special Bill applicable to that Presidency, and in 1884 they appointed a second Factories Commission to consider the question. Mr. W. B. Mulock, I.C.S., Collector of Bombay, was appointed President; two representatives were chosen by the Bombay Chamber of Commerce and two by the Bombay Millowners' Association. To these the local Government added three more members, including Mr. Sorabji Shapurji Bengali and Dr. Blaney. On this occasion the Commission was given a definite lead in favour of further legislation. The resolution containing the decision to appoint the Commission, after dealing with the efforts made to induce the Government of India to take up the question, stated—

“ The Governor in Council must adhere to the opinion already expressed by him and communicated on more than one occasion to the Government of India that the provisions

of the existing Indian Factories Act are insufficient for the due protection of the operatives, notably the children, employed in the factories, and that the restriction which exempts from the operation of the Act all factories in which less than one hundred persons are employed mars the utility of the measure by removing from its scope the class of factories which stands most in need of careful supervision

The Governor in Council is strongly of opinion that more should be done for the protection of women and children employed in factories on the principle of the British Factory Acts, and for that of all operatives from faulty sanitary arrangements in crowded factories, dangerous machinery, etc."

A Medical Committee was appointed in the same year to report to the Commission on the physical condition of mill operatives.

GINNING FACTORIES.

The evidence taken by the Commission confirmed the view that conditions were worst in the smaller factories, and particularly in the up-country ginning factories. Many of these factories employed less than 100 persons, and the clause excluding factories which did not work for more than 4 months had been expressly introduced with the object of exempting them all from the operation of the Act. The work was carried on mainly by women, and evidence given by all the witnesses familiar with the conditions—nearly all men engaged in the management of factories—was described by the Commission as "a sad tale of great want on the one side and cruel cupidity on the other." Women were employed for long periods for 23 hours a day, two or three hours being the longest time for which they could be absent. They were kept at work continuously till they were exhausted (and they were said to die frequently as a result of overwork) and were then replaced by fresh women, if they could be found. In the busiest season the hands worked for several days and nights without stopping. There was no other work available, and the wage paid was 3 to 4 annas for a day of 16 hours with, at times, half an anna as bonus for longer hours. The factories were nearly all ill-ventilated, and they were covered by corrugated iron roofs in many cases, while the machinery was generally unfenced.

The Commission, in recommending that women and children be employed daily for *only* 16 hours with two hours' rest in factories working for less than 6 months in the year, certainly carried out, from one point of view, their professed desire to be "moderate" in their recommendations.

SANITATION.

The Act of 1881 contained no provisions for sanitation and ventilation and the Commission agreed with Mr. Meade-King in considering that some provisions on the subject were urgently required. In the smaller city factories, conditions were particularly unsavoury, and ventilation was unknown. In wool-cleaning factories, where in some cases flour-milling was also carried on without even a partition between the processes, large numbers of women were crowded into small and filthy unventilated sheds with low roofs, filled with dense dust. In some such mills it was impossible to see a man 20 feet away on account of the dust, and the operatives, who were mostly women, always worked with cloths bound over their mouths, nostrils and ears. The regular hours were 12 daily, but they went up to 18 in the busy season. In the larger mills, while there was considerable room for improvement, conditions were decidedly better in every way, and the Commission noted that women were almost invariably treated in them "with leniency and consideration." And the Medical Committee reported that in the cotton-mills, while there were many "readily remediable sources of danger to health or life," the operatives' health had not materially suffered and the majority of the women appeared to be "happy and contented, by no means overworked, and in good health and condition."

THE OPERATIVES' DEMANDS.

There was a certain amount of agitation among the operatives on this occasion and two public meetings were held in September 1884 to voice their demands. These demands, which were afterwards embodied in a petition to the Commission, were:—

- (1) A complete day of rest every Sunday,
- (2) A recess of half an hour,
- (3) The limitation of the hours of work from 6-30 to sunset,
- (4) The payment of wages not later than the 15th of the month following that in which they were earned,
- (5) Compensation for injuries and disablement.

5,500 signatures were obtained to the petition, which was presented by N. M. Lokhanday, the editor of a local paper who was "Chairman of the Mill-hands Association." This organization appears to have been formed mainly to carry on the agitation. Weekly holidays were the main object, and the report of the Commission shows that a Sunday holiday was regularly given in the railway workshops in Bombay and in the mills in Bengal.

THE COMMISSION'S RECOMMENDATIONS.

The Medical Committee recommended the grant of four holidays monthly to all operatives, and the Commission remarked—

"there is no point on which opinions have been more nearly unanimous than in regard to the necessity for one day's rest a week or four days in the month."

But, somewhat illogically, they advocated the extension of the provision for holidays to women only. In respect of children's ages the Medical Committee recommended 10 as the lower limit and 14 as the upper limit. Here again the Commission adopted a more conservative line; for they recommended the fixing of the lower limit at 9 and they also suggested that the limits of 9 and 14 should be reduced by a year for children who attained certain educational standards. The employment of a child was to be made conditional on the production of a certificate of fitness. The Commission, impressed as they were by the grave abuses in the smaller factories, recommended the reduction of the minimum number of persons required to constitute a factory from 100 to 10, and they suggested that the hours for women should be restricted to eleven and to daylight, an interesting anticipation of the Berne Convention. Sanitary provisions, they considered were "urgently called for." The report on this occasion was unanimous, Mr. Sorabji Shapurji Bengali and Mr. Blaney adding a recommendation that a weekly holiday should be secured for all mill-operatives.

BOMBAY LEGISLATION.

On the question of local legislation, the Commission reached the same conclusion as the Commission of 1875. They were strongly opposed to special legislation for the Bombay Presidency, the effect

of which " would not only be anomalous but invidious." They considered that the adoption of the " moderate changes " they suggested would operate to handicap the trade of Bombay " and subject it to most unfair competition." But the Government of India were not yet prepared to take up the revision of Act XV of 1881. The Government of Bombay were allowed to proceed to legislation, but the difficulties in the way of carrying out reforms by a local Bill were serious, and the most that the local Government could effect was the inclusion in the City of Bombay Municipal Act (III of 1888) of two sections relating to factories. Section 390 prevented the establishment of new factories without the permission of the Commissioner. Section 392 gave wide powers to enforce sanitary and safety provisions in all such factories as were *not* covered by the Act.

MR. JAMES JONES' MEMORANDUM.

In the meantime, however, the hands of the Government of India were strengthened from England. In 1883 Mr. James Jones, an English Factory Inspector, was appointed by the Bombay Government as the first permanent special Inspector in India. He served for four years and then returned to England and, at the suggestion of the Chief Inspector of Factories there, prepared a memorandum on factories in Bombay Presidency which was printed by the Chief Inspector in his Report of 1886-87. The memorandum gives a singularly illuminating account of factories during the first years of the Factories Act. And while it does not gloss over the abuses which then existed, it is written in no partisan spirit. Mr. Jones stated that contrary to his expectations " half the concerns could compare favourably with mills spinning the same counts at home." He indicated that the action taken in Bombay was due to an agitation started by a few Indian gentlemen, and criticized the Commission of 1884-5, to which he had been Secretary, as more interested in the trade than in the operatives. Most factories worked from daybreak to sunset. Sundays were usually working days and, if they were holidays, they had to be used for cleaning the frames. The industry was extremely prosperous and several mills had paid back the whole of their capital in four years. But shareholders had their difficulties.

" The greatest curse to the trade is the abominable system so generally followed by the native mill agents of deducting

a percentage for management on the *output*, whether the goods have been made to a profit or loss. Added to this injustice he frequently charges a commission on all coal and mill stores which are supplied to the factory, leaving the poor shareholders nothing except the knowledge that the agent is waxing rich while he is growing poor."

But Mr. Jones could hardly have foreseen the important effect which the system of a commission on output was to have on working hours at a later stage. He also quoted some of the striking evidence relating to ginning mills which was given before the Commission in 1884 and referred to the "widely expressed wish of the public in Bombay that the provisions of the Act should be extended to smaller works." Mr. Jones' general conclusion was—

"the English Factory Acts could not with fairness be put in force in India, the conditions of the country, climate, and people being so widely different; but the question of Sunday labour, long hours of work for children, sanitation, and more regular meal hours, ought to receive the prompt attention of the Home Government, for in these particulars under the present system glaring hardships are inflicted on the hands The question of factory legislation has been shelved, and some time must elapse before another effort will be made, unless pressure be brought to bear from the Home Government."

PRESSURE FROM ENGLAND.

The pressure from England which Mr. Jones desired to see was not slow in appearing. In July 1888 two Members of Parliament, inspired apparently by an article in the "Indian Spectator," suggested in questions asked in the House of Commons that it might be expedient to extend the English Factory Acts to India. The Secretary of State, in reply, referred to Mr. Jones' memorandum and added that he had called the attention of the Government of India to it in the preceding May, and had asked if they proposed to make the law more stringent. Throughout the whole of the following discussions, as the papers subsequently laid before Parliament showed, the Secretary of State exercised a strong influence in favour of the expeditious adoption of more stringent legislation than the Government of India were inclined to favour, and suggestions were

made on the Government side in a debate in the House of Commons in 1891 that the British Government had brought undue pressure to bear on the Government of India.

GOVERNMENT PROPOSALS.

The Government of India, after consulting local Governments, forwarded to the Secretary of State in March 1889 definite proposals for the modification of the Act. The main amendments suggested were—

- (1) the reduction of the number of workers necessary to constitute a factory to 20,
- (2) the raising of the lower age of children to 9,
- (3) the restriction in the hours of work for women to 11.

They stated that it was, in their view, unnecessary to provide for a minimum number of holidays, even for women. The Secretary of State was not prepared to accept this last conclusion, and required the preparation of a Bill providing four holidays a month for women. The publication, in the same year, of this correspondence roused considerable excitement, and a petition was presented signed by 6,500 millhands in Bombay asking for Sunday holidays and for the stopping of all work on weekdays for half-an-hour at midday. A later petition of the same character was signed by over 17,000 operatives. Employers were for the most part against any amendment of the Act, but they were not strongly opposed to the grant of statutory holidays: in Bombay the millowners agreed to the principle and regular holidays were already given in other important centres.

THE BILL INTRODUCED.

The Bill to amend the Act of 1881 was introduced in the Governor-General's Council in January 1890 and was referred to a select committee. In addition to sanitary provisions, it contained clauses designed to carry out the proposals mentioned in the preceding paragraph and to enable Government to obtain statistical returns from occupiers of factories. Although all the main provisions had been anticipated, the introduction of the Bill was the signal for a chorus of protests, except in Bombay, where the leading associations were in sympathy with its objects. In Bengal the opposition was vehe-

ment, the proposal to raise the minimum age for children to 9 being generally regarded as the most obnoxious feature of an unnecessary and objectionable Bill. The Bengal Chamber of Commerce, summing up a strong attack on the measure, voiced the general feeling in describing the proposals as "uncalled for, difficult, if not impracticable to carry out, injurious, specially to the welfare of the workpeople, and directly or indirectly mischievous in their tendency." And the Lieutenant-Governor, following the precedent of 1880, suggested that it should be left to local Governments to apply the Bill or not as they saw fit.

DR. LETHBRIDGE'S COMMISSION.

In the meantime, Lancashire did not remain silent. The Blackburn Chamber of Commerce drew the attention of the Secretary of State to the "discrepancies" between the existing English legislation and that proposed for India. And they observed that as factory hands in India were unable to further their own interests, it was all the more necessary that Government should give them full protection. The Secretary of State, in forwarding this correspondence, suggested that it might be desirable to obtain the views of the operatives on the question of hours and holidays. About the same time the Bengal Chamber of Commerce and the Indian Jute Manufacturers Association proposed that, in the interests of the employees, a special Commission should be appointed to inquire into factory conditions in Bengal. The suggestion that the operatives should be consulted was accepted, and in September 1890 the Government of India announced the appointment of a Commission for the purpose of making such inquiries in Bengal, Bombay and the North-West Provinces and Oudh. The President was Surgeon-Major (afterwards Sir) Alfred Lethbridge, Inspector-General of Jails, Bengal, and the Members representing the three provinces concerned were Raja Piyari Mohan Mukerji, C.S.I. (Bengal), Mr. Sorabji Shapurji Bengali, C.I.E. (Bombay), and Mir Muhammad Hussain (North-West Provinces and Oudh). Various members were also associated for the different centres.

THE OPERATIVES' DESIRES.

On one important point, the Commission found that the provisions of the Bill were unsupported by the operatives. The female

operatives were strongly opposed to any limitation of their hours of work. The majority therefore proposed to give power to exempt any or all women from the clause limiting their hours to 11 daily. Mr. Bengali alone pressed for the strict enforcement of the clause. In other respects the Commission declared in favour of more stringent legislation than Government had brought forward. They found that the operatives wanted Sunday holidays for all, and a half-hour's recess in the middle of the day. And they further recommended that the maximum age for children be raised to 14 and that children be employed only as half-timers. They put forward, mainly for the consideration of employers, a number of suggestions relating to miscellaneous questions, such as the nuisance caused by steam whistles, the withholding of wages, compensation for accidents, elementary education and medical relief. Opponents of their proposals were quick to suggest that the recommendations were based more on the opinions of the Commissioners than on those of the operatives. This was possibly true in some cases, but the report made it clear that the workers were by no means so conservative as had frequently been alleged.

CHANGES IN SELECT COMMITTEE.

The acceptance by Government of the main proposals of the Commission involved a serious enhancement of the restrictions proposed in the Bill. But they were to be forced to go further still by pressure from a different direction. Early in 1890 the German Emperor had convened at Berlin a Conference to deal with questions affecting labour in factories and mines. The recommendations of this Conference included weekly rest-days, the limitation of women's hours to eleven and to daylight, the provision for women of intervals aggregating an hour and a half daily, and the limitation of hours of work for persons under 14 to 6 daily and to daylight. The Secretary of State pressed for the acceptance of these proposals and, with a minor modification in respect of children's hours, they were inserted in the Bill by the majority of the Select Committee. Thus, for the first time, international counsels were influential in affecting the course of factory legislation in India. In only one important respect was the Bill made less stringent by the Select Committee: they provided that factories employing less than 50 persons should not come under the Act unless they were expressly notified. In view of the important changes made in Select Committee, the proposal of

the minority that the Bill should be recirculated was not altogether surprising, but the Bill was actually passed into law on 19th March 1891, less than a fortnight after the Committee presented its report.

THE ACT AS PASSED.

Act XI of 1891 as finally passed represented a big advance on the Act of ten years before—

- (1) It reduced the number of persons necessary to constitute a factory to 50 and gave power to local Governments to include all factories employing 20 persons or more;
- (2) It provided for a compulsory stoppage of work for a full half hour in the middle of the day;
- (3) It provided for weekly holidays;
- (4) It limited the hours of women to 11, prescribed an interval for women of at least an hour and a half if they were employed for the full 11 hours and restricted the employment of women at night; but a wide exempting clause was added, as suggested by Dr. Lethbridge's Commission;
- (5) It fixed the ages of children at 9 to 14;
- (6) It limited the hours of children to 7 and to daylight;
- (7) It prohibited the employment of children in dangerous work;
- (8) It contained elaborate provisions for inspection and for penalties.

The Act came into force on 1st January 1892.

A FINAL WORD.

The Act was regarded generally as the final word on the question of factories, and His Excellency Lord Lansdowne speaking in the Legislative Council said—

“ We believe that the effect of our measure will be to place factory labour in India on a proper footing and our Bill will be accepted here and at home not . . . as a mere prelude to still further restrictions but as a settlement as final as any settlement of such a question can be.”

CHAPTER III.

1892-1905.

Changing conditions.

INSPECTION.

The Act of 1881 was very limited in its application and from the evidence taken by Dr. Lethbridge's Commission there is reason to believe that it was very imperfectly enforced. The introduction of the Act of 1891 involved a big change. Details of the number of factories and workers, of factory inspections made, of accidents, shifts, holidays, etc., had to be furnished, and it was recognised that the administration of the Act had become a matter of considerable importance. The greater part of the inspection was left to the District Magistrates and Civil Surgeons, and in Madras, Punjab, Central Provinces, and in Lower Burma and Assam no full time Inspectors were appointed. In most provinces factories were few and scattered and the work did not justify the employment of a special officer. Further, as the Government of India observed, in recording their views on the subject in 1889, the officer on the spot was in a position to make surprise inspections, while the visits of a special officer were bound to be known beforehand. This is a difficulty which has not yet disappeared entirely to-day, when qualified whole-time Inspectors are numerous and the areas they have to cover have been much reduced: in some outlying areas it is, or was till recently, a practice to close the factories on the day when the Inspector was due to arrive. To meet the difficulty caused by the Magistrates' entire lack of technical knowledge, the Government of India directed in 1889 that, where necessary, some competent mechanical engineer should be associated with him in the work of inspection. In Bengal and the North-West Provinces and Oudh, however, the work of the *ex-officio* inspectors was assisted and supplemented by that of a Special Inspector. Mr. C. A. Walsh, A.M.I.C.E., who held the charge for many years, appears to have maintained effective supervision in spite of the immense tract of the country he had to cover, and many reforms were due to his in-

sight and his enthusiasm. His reports and those of the Inspectors in Bombay give a clear picture of conditions in the provinces concerned from year to year and are in marked contrast with the reports of those provinces which had to depend on officials with other and more important duties.

FACTORY CONDITIONS.

In the years immediately following the passing of the Act of 1891, factory conditions generally appear to have been fairly satisfactory. Labour at this time was so migratory as to be almost casual. In Bombay, where at least 75 per cent. of the mill hands belonged to Ratnagiri, they were in the habit of returning there for months at a time and probably very few did a continuous year's work. In Bengal conditions were similar, and all the other industrial centres were on too small a scale for the problems incidental to an urban industrial population to have developed. Factories were not yet sufficiently numerous to create appreciable congestion nor were they large enough in most cases to make a more or less patriarchal supervision impracticable. The stress of industrial competition had not yet begun to tell and the hours of labour depended to a considerable extent on the whim of the labourer. And though labour was plentiful everywhere and wages measured by any modern standard were extremely low, the industrial workers were healthier and more vigorous than the rest of the population. An interesting sidelight on conditions at this time is supplied by an independent witness. Dundee, like Lancashire, was apt to regard Indian factory conditions with a critical eye, and in 1894 the Dundee Chamber of Commerce had passed several resolutions calling the attention of the Secretary of State to alleged abuses. And Sir John Leng, M.P. for Dundee, who had taken part in the discussion on these resolutions and had raised the question in the House of Commons, visited India in the cold weather of 1895-6 for the purpose of ascertaining the facts.* He subsequently published a series of articles in the "Dundee Advertiser" on the Calcutta Jute Mills. In these he thoroughly approved of the conditions of labour and commended especially the shifts, the conditions of women and children, and the hours of work.

* Thirty years later Mr. Johnston, M. P. for Dundee, visited the same area and presented an adverse report.

VENTILATION AND SANITATION.

The Act of 1891 contained provisions empowering local Governments to make rules for the ventilation of factories and for the protection of the health of operators, and provided for the punishment of occupiers who neglected these important duties. Few sections of the Act gave such difficulty in administration. In Bengal the natural moisture of the climate makes ventilation a comparatively simple matter and several mills had introduced fans before the Act was passed. But elsewhere climatic conditions made it difficult to enforce, and even to devise, satisfactory standards. In the cotton mills especially, the control of artificial humidification presented obstacles which at that time were quite insuperable. But sanitation in the factories was satisfactorily enforced. Outside the factory precincts, the Act ceased to operate and the conditions in which the workers lived left much to be desired. Most of the workers at the beginning of this period lived in *bastis* near the factories. They did not regard those as their permanent homes and lived in the most insanitary conditions. The question was taken up by those responsible for factory administration, more especially in Bengal. Municipal control was extended and improved and did much to improve sanitary conditions in the *bastis*. And the introduction of septic tanks, a reform for which Mr. Walsh was largely responsible, revolutionised the sanitation of the factory surroundings. Even at this time one or two jute mills had good ranges of houses, and the gradual extension of mill lines counteracted to some extent the effects of increasing congestion in the *bastis*.

ELECTRIC LIGHT.

Two new factors were destined to create a complete change in the conditions of labour in India. One was the introduction of electric light and the other was the advent of the plague. Electric light had been introduced in Bombay in the early eighties, but had been abandoned after a short trial, and though a few mills used gas at one time, work had generally to be confined to the hours of daylight. But electric light was introduced into Bengal in 1895, and by 1897 almost all the jute mills were lit by it. In Bombay 5 mills were using it in 1896 and 30 in 1899 and its use thereafter steadily increased. The immediate result was a great increase in the working hours. The textile industry was expanding rapidly

and labour was not so plentiful as it had been. Factories in Bombay frequently worked for 14 hours a day. In Bengal, owing to the opposition of nearly all the jute mills to night working, the effect of electric light was somewhat less serious but a few mills worked for over 15 hours and at least one mill was opposed to restrictions on night working. Mr. Walsh considered that the Act should be amended so as to stop completely the working of women by night and the majority of the millowners were not unwilling that Government should prohibit night work altogether. Proposals were also made in Bengal for the statutory enforcement of a Saturday half-holiday. But diminished activity in the jute mills led to the abandonment of long hours, and by 1898 hours had been reduced, and the mills did not even open on Saturdays. Much the same thing happened in Bombay, where the question of hours of labour at once attracted the attention of Government. In 1898 the Collector of Bombay was asked to make a special enquiry into the matter. Unfortunately the year 1899 saw a slump in the cotton market, with the result that the hours of labour were reduced to more reasonable proportions. The problem appeared to have solved itself and Government decided that no immediate action need be taken. The result was that a very necessary reform was postponed for a decade.

THE PLAGUE.

The great epidemic of plague broke out in Bombay in 1896, and resulted in a high mortality and a great exodus to the villages. By March 1897, although nearly all the mills remained open, the labour force had sunk to a third of its normal strength. Another exodus took place in the following spring. In Bengal the plague had much less effect. It produced some diminution of work in Calcutta in 1898 but its influence outside the city was slight. In 1902 plague broke out in Cawnpore, and towards the end of that year the supply of labour there had diminished by half. In the following year it produced a great exodus from the cities of the United Provinces and had an effect on labour conditions comparable to that in Bombay.

THE DEMAND FOR LABOUR.

The immediate effect of the plague was to produce a serious scarcity of industrial labour. In Bombay labour was able to move

about from mill to mill and there were actually auctions for labourers at the street corners. The result was a greater feeling of independence and, consequently, of unrest. Workers were less ready to submit to the old conditions, the value of the strike as a weapon received general recognition in India for the first time, and there was a general rise in wages. After the epidemic had subsided, the workers who survived were able to maintain the stronger position they had gained. The heavy mortality in the towns had thinned their ranks: the slightly smaller mortality in the country had been sufficient to produce an amelioration in agricultural wages, and to render the attractions of industry comparatively weaker. Since the beginning of the twentieth century, a general scarcity of labour has been a feature of Indian industry. Bad agricultural seasons, such as that of 1899 in the Deccan and 1907 in Upper India, made labour plentiful for a few months; and during the war, owing to the suspension of much construction work especially on railways, labour was less scarce than before. This was only a temporary phase, and the return of more normal conditions was accelerated by the outbreak of influenza in 1918.

THE ADVANCE OF INDUSTRIALISM.

Another factor at work which tended to increase the demand for labour was the rapid increase in industrial activity in India. In 1892 there were only 656 factories under the Act, and they employed 317,000 people. By 1902 there were 1,533 factories and the factory population was 542,000. A similar expansion had taken place outside the factories, *e.g.*, in mines and on the railways, and the rate of expansion has been unchecked since. An inquiry instituted by Government in 1904 into the causes of the scarcity of labour, more especially in Calcutta and Cawnpore, showed that employers had hardly realised the extent to which their requirements had increased. The statistics given in Table II will give some idea of the steady advance and the continually growing demand for industrial labour.

HOUSING.

The result of the scarcity of labour was to increase the interest of the employers in making conditions more attractive. The raising of wages was one step, the provision of houses was another.

In Bengal the number of houses built by the owners of the jute mills increased rapidly. In Bombay it was the outbreak of plague that gave the chief stimulus to housing by the millowners at a time when many of the employers were attempting to recruit labour from distant provinces in the hope that it would prove more amenable than the local supply. Sir Dinshaw Petit and the Hon'ble Mr. Nowroji Wadia maintained that a better solution would be for each mill to house its own hands. The close proximity of the mills in Bombay adds a difficulty that is not present in Bengal, and it is still no unusual thing for a large proportion of the houses built by a millowner to be occupied by men working in other mills. Cawnpore followed the lead of Bengal, and in 1904 the housing schemes of Messrs. Cooper Allen and of the Woollen Mills were equal to the best in India. Some difficulty, however, was experienced here in inducing working people to occupy the houses. This was probably due partly to suspicion and partly to fear that they would lose their independence by living in the employers' houses. The difficulty has since disappeared.

LONG HOURS.

Inside the factory, less was done to make industrial labour attractive. The long hours made possible by electric light became a feature of Indian factories, and more particularly of the textile mills. It was an axiom with a number of employers that labour did not object to long hours in the factory, and that the actual hours of labour were not considered excessive by those who worked. But this does not appear to have been the case. A number of strikes in Bengal were attributed by the Special Inspector with good reasons to the excessive hours; and Mr. Walsh, who had possibly a greater knowledge of factory conditions than any man in India during this period, continued to assert his belief that factory labour would be more popular if hours were shorter. Criticising the belief that the Indian labourer "prefers to do a little work over a long period than to work hard for a short period," he remarks that "the latter system never appears to have been tried, so that this opinion may be taken as pure supposition;" and he points out more than once that in workshops, where hours had always been shorter than in textile factories, there was not the same difficulty in obtaining the labour required. His advice had little effect, although the Gauripore Jute Mills in Bengal paid

higher dividends than any other mill in a year in which its hours were shorter than anywhere else, and the Manager of an Agra mill about the same time admitted that he had increased his outturn by a substantial reduction of hours. At a much later date these instances received general confirmation. It was probably true in the early "nineties" that labour, being migratory, had little if any aversion to the hours worked, and indeed they appeared to have objected in Bombay at least to the compulsory recess ordered by the Act; but in the following decade, when there had been a permanent increase in the hours of labour and when many employees had made industry their life work, there is no doubt that they wanted some reduction in their toil.

CHILDREN'S HOURS.

Even children were, in many instances, compelled to work long hours, despite the provisions of the Act. It had been anticipated that the Act would result in a diminution of the demand for child labour. But, except in Bombay city and island, this did not prove to be the case. The increasing scarcity of labour and the higher wages demanded by adults led to a keener demand for child labour and, in consequence, constant evasions of the Act. These evasions took two forms, the working of children beyond the statutory hours and the employment of under-aged children. The Commission of 1885 had noted that many children were worked for full-time, and it was obvious that every reduction in the statutory hours of work for children increased the temptation to work children full time by employing them in two mills. The Commission of 1890 considered that the danger was exaggerated, but the evil tended to increase with successive reductions in children's hours, and it was not till 1926 that powers were taken to deal with those primarily responsible—the parents and guardians of the children.

UNDER-AGED CHILDREN.

A more general abuse was the employment of under-aged children. Under the Acts of 1881 and 1891 certification was provided for but was not compulsory. An occupier could be prosecuted for employing under-aged children and both Acts provided that, in the case of a child who was apparently under the prescribed age, the burden of proof fell on the accused; but in the case of young Indian

children there was so much room for honest differences of opinion as to their age that a conviction was difficult to obtain. Dr. Lethbridge and the members of the Commission of 1890 noted one child as being "about ten" who had been certified by the Certifying Surgeon as over 14. And an amendment had actually been tabled in 1881 which would have made the admission of children to employment dependent on the teeth they had cut rather than on their age. Under neither Act could a certifying surgeon withhold a certificate from a child whom he found to be of the required age merely because that child was physically unfit for factory work. It is scarcely necessary to add that the children themselves gave little assistance in the matter. One Inspector remarked, "I lately asked a boy his age, and his reply given in perfect seriousness was that he was one year: another youth who, to judge from appearance, was about the same age, laboured according to his own estimate under the age of 50 years."

CERTIFICATION.

Various attempts were made by local Governments to deal with the question, but the difficulty lay in the Act itself and most of the devices adopted involved an undue stretching of its provisions. As early as 1894, the Bombay Government used its powers under section 18 (g) ["otherwise carrying out the purposes of this Act"] to make it difficult for an employer to engage uncertified children, but when the Bengal Government in 1905 issued instructions to Civil Surgeons which were designed to coerce millowners to have children certified, they evoked a sharp protest from the Bengal Chamber of Commerce. Some Deputy Commissioners in the Punjab appear to have insisted successfully on certification for a good many years, but it is to be feared that the employment of under-aged children was fairly general.

ACCIDENT PREVENTION.

The increasing complexity of industrial processes and the long hours put fresh difficulties in the way of prevention of accidents. But here factory administration was remarkably successful, as the accident rates were kept from rising over a long period of years (see Table III). It is not possible here to give details of the painstaking work that has been devoted to the question of safety

and of the elaborate rules that have been framed. In some cases devices founded on insufficient experience had to be abandoned, but generally the regulations introduced proved most effective. And in such matters as the fencing of ring frames, the reduction of accidents due to belt shifting, precautions against the bursting of machinery and the elimination of danger in jute softeners, the rules made have been responsible for saving many lives. The last named reform was greatly assisted by an invention of a Bengal mill engineer. A considerable part of the credit for the introduction or improvement of the Boiler Acts in most provinces about this period is due to Factory Inspectors. Even these Acts did not always meet with approval, for when Mr. Walsh proposed in 1896 the introduction of legislation for the North-West Provinces, he wrote "The feeling now apparently exists that no boiler inspection is needed for Cawnpore, and I am criticised by" (a well-known company) "as wishing to interfere in a most objectionable manner with the internal working of the mills."

CARELESSNESS OF OPERATIVES.

Those who were working for the prevention of accidents were faced by two serious obstacles. One was the gross carelessness of the operatives themselves, which was aggravated by their predilection for loose clothing. In Barakar in 1906, according to the Report of the Special Inspector, "a worker's shawl twice lapped a revolving shaft: on both occasions he pulled it away but never attempted to remove it or tie it up, with the result that the third time it lapped he was killed." Instances like these could be multiplied indefinitely, and it is difficult to eliminate accidents due to carelessness of this nature or to curiosity like that of a woman in the Central Provinces, who lost her life by placing her hands between the rollers of a gin "to see what it would feel like." A large number of accidents have been caused by attempts to steal oil from the bearings, and in Bengal fourteen such accidents were reported in one year; while accidents due to weights being dropped by careless operators are probably more numerous than any other type.

FIRES.

The other obstacle was the inadequacy of the Act. It became inoreasingly apparent that, though the majority of the accidents

could not be prevented by any legislative measure, much could be done by the adoption of a more stringent law. In one respect the inadequacy of the Act was made tragically evident, for between 1901 and 1906 a series of disastrous fires occurred in cotton presses. Over 50 lives were lost in six fires. Most of those who died were women, and the accidents with one exception were caused by fires in cotton openers. The fires could easily have been prevented, and the frequent recurrence of such tragedies was to be prevented later by legislation. These incidents, indeed, were mainly responsible for the Government of India taking up again the revision of the law. Proposals were made in 1903 for the insertion of amendments prohibiting the employment of naked lights or smoking near inflammable material and regulating the construction of factories so as to provide satisfactory means of exit in case of fire.

GINNING FACTORIES.

These proposals were circulated for opinions in 1903 and local Governments were asked at the same time to bring to notice any other "minor defects" in the existing law. As a matter of fact, the Bombay Government as early as 1896 had called attention to the fact that the Act gave insufficient control over ginning factories. In spite of the revelations made by the Commission of 1885, the Act of 1891 still excluded factories which did not work for more than four months of the year, and, aided by an increase in the number of factories and the interpretation of "four months" as meaning 120 working days, most ginning factories managed to remain outside the Act. In no factories were abuses more serious. Women were kept working for long hours in a terrible atmosphere. The Inspector of Factories of the United Provinces on one occasion wrote "during the inspection tour I had to consult the Civil Surgeon at Aligarh on account of my throat and he informed me that swellings and soreness were caused by the dust in ginning factories. How then must it affect persons who are compelled to work 14 or 15 hours inside the factories daily?"

THE BILL OF 1905.

The proposals made by the Government of India were generally approved and several further defects in the Act were brought to light. The safety provisions were shown to be inadequate in

several directions. The fact that it was unnecessary to give any notice of intervals or to fix any specified time for them led a number of managers to the conclusion that it was unnecessary to give the intervals, and a conviction for this offence was difficult to obtain. And in 1905 a serious flaw was revealed by a decision of the Bombay High Court that a manager was not an occupier and could not be punished for contravention of the Act. This ruling jeopardized the whole administration of the Act and would alone have rendered an amending Act imperative. Accordingly in September 1905 a Bill was introduced in the Governor General's Legislative Council for the amendment of the Act. The most important reform it sought to introduce was the inclusion of all the seasonal factories which worked less than four months in the year. The other minor defects brought to light were the object of amendments, and there were several safety provisions of some value. The Bill, which was circulated for opinions, made no attempt to deal with the more serious abuses then common—long hours and the exploitation of children—but these questions were not destined to be overlooked.

CHAPTER IV.

1905-1908.

A Period of Investigation.**EXCESSIVE HOURS.**

In 1905 industry generally, and the textile industries in particular, were enjoying remarkable prosperity, and the evil of long hours had reappeared in earnest. In the Bombay cotton mills the majority of the operatives were being worked for 14½ hours a day. In the Calcutta jute mills few mills worked their hands for only twelve hours and some operatives had to attend for fifteen hours. In the smaller centres conditions varied: a few centres had days of reasonable length but in several conditions were little better than in Bombay. It was recognized by many employers that such hours were a wrong to the operatives, and by more that they were probably unprofitable to the shareholders; but the system whereby the agents received a commission on output made it difficult for those who favoured reform to secure concerted action. The lead in the endeavour to reduce hours was taken by millowners themselves and at a meeting of the Bombay Millowners Association in August 1905, a resolution was carried in favour of a twelve hours' day after some remarkably strong speaking on the part of employers. Mr. H. E. Procter, demanding a twelve hours' day, said—

“To swell your profits you are ready to sink all feelings of humanity and to sweat your mill hands to any extent.”

Mr. J. A. Wadia said—

“I am entirely in sympathy with Mr. Procter but such a restriction must come from the Supreme Government.”

Mr. Bomanji Petit said—

“Strong efforts will be made to bring the matter to the notice of Government and to make it interfere in this matter and to bring to an end this degrading and disgraceful

spectacle of cold-blooded in humanity. Let my friends here take this warning, that if they of their own accord do not choose to leave off this system, Manchester agitation will come as a bolt from the blue."

"BOMBAY'S SLAVES."

The bolt from the blue did not come from Manchester: it came from an entirely different quarter. On 13th September 1905, there appeared in the *Times of India* a long article headed "Bombay's Slaves," "A Plea for Government Intervention." The article, and a "leader" on the same subject were from the pen of the editor, Mr. Lovat Fraser, and the facts given were based on personal investigations made by him. Beginning with quotations from the millowners' speeches in August, he framed a terrible indictment of the conditions in the Bombay mills, dealing in turn with the long hours in a fetid atmosphere, the effects of the terrible physical strain on the operatives, their intense desire for shorter hours even if their earnings were reduced, and the imperative necessity for legislation. He then went on to deal with child labour, and described the deliberate violations of the Act, the working of children by night, the employment of "immature adults," the necessity for a certificate of physical fitness, and the failure of the inspecting system. Finally, after apportioning the blame for other abuses, he added—

"But in regard to the excessive hours of adult labour, the millowners, and more particularly the mill agents, are, first and last, wholly and solely to blame. The mill agents are the worst offenders; they are the people who benefit most, rather than the shareholders; the rotten system of commission on outturn is the predominant contributory cause. If the shareholders did but realise it, there is little additional benefit to them from working the mills an excessive number of hours. But the system goes on, and no check is placed on the rapacity and greed that is working the life out of tens of thousands of helpless, impotent people. The dividends roll in, the millowners pass pious resolutions, but the iniquity continues, the bitter cry of the oppressed workers is unheard. Let those who think the story is exaggerated watch, as we did, the saddening and unforgettable sight of these jaded

and forlorn victims of the Moloch of gain hurrying to their work once more, after snatching a few hours' sleep, while—

Beyond the darkness
 God made Himself an awful rose of dawn
 Unheeded."

THE POWER OF THE PRESS.

Seldom has an article in an Indian newspaper produced more effect. The leading article accompanying it enforced the moral.

"It is only fair to the responsible authorities, both in the Bombay Government and the Government of India, to state that they are already alive to the realities of the case, and are understood to be considering it; but if nothing is done, the sin and the shame of this iniquitous system of semi-slavery must ultimately lie at the doors of the Government of India."

But, as the Bill published a fortnight later was to show, Government did not contemplate legislation for either of the two main abuses with which Mr. Lovat Fraser had dealt; and one harassed official thought that "the abuses he has written about might suitably have been brought to the notice of Government in a quieter way." The presentation of the case in the *Times of India* was certainly not lacking in journalistic vividness, but no serious attempt was made, or could be made, to contest the general accuracy of the picture. And the articles had their effect on the millowners, on the operatives and on Government. The Millowners' August resolution had produced little effect, but a large meeting of mill-hands on 24th September demanded a twelve hours' day and, aided by manifest symptoms of unrest, the reformers were able to secure fairly general agreement to a twelve hours' day up to 1st December and a thirteen hours' day thereafter. One mill, which attempted to enforce a longer day by locking the men in, was faced by their refusal to work. Nor was the movement for shorter hours confined to Bombay. In Calcutta *Capital* called attention to the disturbed state of factory labour and suggested a sixty hours' week for the jute mills. And the members of the Jute Mills Association agreed to abandon artifi-

cial light for six months from the beginning of 1906. They were followed by employers in Cawnpore. Owing to failure to secure complete unanimity the experiment was abandoned at the end of six months. Finally, the Government of India consulted local Governments on the advisability of restricting the hours for adults and the alleged failure of the law to protect children. The Bill introduced in the preceding winter was left on one side while these questions were being examined; but a circular letter was issued asking factory owners not to allow women near cotton openers, and the great majority agreed.

APPOINTMENT OF FREER-SMITH COMMITTEE.

The replies of local Governments showed that serious abuses in regard to the employment of child labour were general and there was substantial agreement on the desirability of further protection for children, particularly by insisting on certificates of fitness before employment. In respect of excessive hours, there was more divergence of opinion; the hours varied widely in different centres and industries, and it was in many places doubtful if the operatives were anxious for a reduction or if their health had materially suffered on account of their labour. In the circumstances, the Government of India "acting," as the announcement began "on a suggestion by His Majesty's Secretary of State for India," appointed, at the end of 1906, a Committee consisting of Commander Sir H. P. Freer-Smith and two Medical Officers. The Committee was to make a preliminary inquiry with a view to the appointment of a representative Commission later, if the existence of abuses was established. The inquiries to be made by the Committee were to be limited to textile factories and were to be particularly directed to the following questions:—

- (1) Whether the working hours of adult males should be limited, and whether the physique of operatives is affected by long hours.
- (2) Whether before children are allowed to work in factories certificates of age and fitness should be required.
- (3) Whether the minimum age of children should be raised beyond nine.
- (4) Whether, as the result of employment as adults of persons between the ages of twelve and fourteen, there has been

physical deterioration requiring the creation by law of a special class of workers known as young persons.

- (5) Whether a separate staff of Medical Factory Inspectors should be entertained.

THEIR CONCLUSIONS.

The Committee in the first three months of 1907 made a brief but useful survey of conditions in textile factories and submitted an interesting report with a number of definite suggestions for improvement. Dealing with adult hours, they observed that "the thinking and moderate class" of employers regarded excessive hours as a serious evil, and they were convinced that the workers would welcome shorter hours, even if wages had to be reduced. But all efforts at concerted action for the reduction of hours had failed and the Committee were "satisfied that without legislative interference an understanding will never be arrived at, that excessive hours will be worked and that in exceptionally busy times serious abuses greater than exist at present will creep in."

They therefore proposed an absolute restriction to 12 hours' work daily. In connection with the employment of children, they considered that the law relating to certificates of age called for "drastic and immediate reform."

"Serious abuses exist and have for long existed in regard to employment on full time of so-called adults professing to be 14 years of age, but in reality one or two or even three years below that age."

And, while they did not recommend the creation of a class of young persons or the raising of the minimum age, they suggested that certificates of age and physical fitness be required prior to half-time employment and prior to employment as an adult. In addition, they made a large number of recommendations relating to such subjects as the improvement of inspection, the prevention of fire and accidents, sanitation and housing. Further, following the Berne Convention of 1906, they recommended that night work of women be prohibited. They recognized that the factories mainly affected would be ginning mills, of which there were over 1,000 in India, but they considered that in a very large proportion of these mills the health of the women was being injured by night work,

THE FACTORY LABOUR COMMISSION.

The findings of the Committee made a Commission inevitable and the Factory Labour Commission was appointed in October 1907. The President was the Hon'ble Mr. (afterwards Sir) W. T. Morison, I.C.S., and the Members were Mr. W. A. B. Beaumont, Superintending Inspector of Factories, England, and six others chosen from the six leading provinces of India; three were representatives of employers and two were medical men. The duties of the Commission were "to investigate, in respect of all factories in India, the questions referred to Sir Hamilton Freer-Smith's Committee, and the various suggestions and recommendations which that Committee has made." The Commission made a complete survey of factory conditions in India, and their report, which was published in 1908, gives a comprehensive account of conditions at the time and of the defects of the existing legislation.

DEFECTS OF INSPECTION.

Their enquiries showed that the evasions of the Factory Act were on a scale that had scarcely been suspected before. In mill after mill they found that the provisions relating to children were laxly enforced, if not completely ignored. In their note on a Lucknow mill they wrote—

"There is no system of half-time shifts, all the half-timers doing the full day's work of $13\frac{3}{4}$ hours. The proprietor admits that this is the practice, and pleads scarcity of labour. Examined 39 half-timers; 9 of them appeared to be under 9 years, and 3 of them were probably not over 7 years, being very small and unfit for any work. The children as a whole were a poor, weakly lot."

And their general conclusion in this respect was as follows:—

"When we find that in Calcutta, the head-quarters of a special factory inspector, from 30 to 40 per cent. of the children employed half time in jute factories are under the legal age of 9 years, and 25 per cent. of the young full-timers are under the legal age of 14 years; that in 17 out of the 29 cotton factories visited by us outside the Bombay Presidency all the children under 14 years of age are

regularly worked the same hours as adults; that factory inspectors admit that they knew of the existence of these abuses, and took no steps to stop them; and that in many factories the provisions of the law for a midday interval and an entire stoppage of work on Sunday are more or less ignored—it is evident that, except at a few centres, the present system of factory inspection has proved a failure Our deliberate opinion is that the inspection of large factories by the District Magistrate or the Civil Surgeon is, so far as the enforcement of the Act is concerned, a useless formality which ought to be abandoned. The only part of India in which a fairly adequate staff of special inspectors has been appointed is the Bombay Presidency, and there the Act is, on the whole, well enforced.”

Their unsparing condemnation of the work of the *ex-officio* Inspectors evoked from one local Government a rather bitter comment. “The Factory Commission,” they said, “has condemned the inspections of District Magistrates and Civil Surgeons as useless, so the fewer done the better and the less detriment to the useful work of those officers.” But the Factory Commission themselves were the first to recognise that the fault did not lie with officers who, as they said, had “neither the time nor the special knowledge necessary for the work.”

HOURS OF WORK.

Coming to the question of hours of work, the finding of the Commission was that hours were not generally excessive except in textile factories. But in these they were bad indeed. The majority of the mills in Ahmedabad and a number of cotton mills elsewhere were still working daylight hours, and in these the average daily hours were never much in excess of 12, though they might reach $13\frac{1}{2}$ in the hot weather. A few mills in Cawnpore and Madras, being convinced that long hours were uneconomical, had adopted a 12 hours' or even an 11 hours' day. But, generally speaking, the textile mills that could work for long hours did so. To quote from the report,

“In the mills fitted with electric light in Bombay island, the hours worked vary from 13 to $13\frac{1}{2}$ a day; in Ahmedabad similar hours are worked, the tendency being to prolong

the time if possible, and in one mill which we visited the operatives are sometimes worked for over 14 hours a day. A case where the hours were extended to $14\frac{3}{4}$ is on record. In Broach work occasionally goes on up to $14\frac{1}{2}$ hours a day. The Agra hours are from $13\frac{3}{4}$ as a minimum to $15\frac{1}{4}$ as a maximum; in Hathras they are only one hour less. In Lucknow the actual working day is $13\frac{3}{4}$ hours. In the Calcutta jute mills the weavers are on duty for 15 hours, and this is, in some cases, extended to $15\frac{1}{2}$ or 16 hours. In Sholapur the hours range from $12\frac{1}{2}$ to $13\frac{1}{2}$; in Delhi they are from $13\frac{1}{2}$ to $14\frac{1}{2}$ a day. In Amritsar and Lahore the hours average $13\frac{3}{4}$ in the hot season, and in some cases amount to 13 hours throughout the cold weather. These are the conditions which prevail at present. But formerly the Bombay mills fitted with electric light regularly worked from 5 A.M. to 8 P.M., or $14\frac{1}{2}$ actual working hours, this being, in some cases extended to 15 actual working hours. Similarly in Sholapur the mills were on occasion run for $15\frac{1}{2}$ actual working hours."

The only classes of non-textile factories in which the hours of work were normally excessive were rice mills and ginning factories.

LIMITATION OF HOURS.

The Commission were unanimously of opinion that some limitation in the hours of adult males was essential. "It is clear," they said "that no reliance can be placed upon any voluntary combination among millowners which has as its object the regulation of working hours, if the system proposed does not suit the convenience—pecuniary and otherwise—of the individual proprietors." But the majority were strongly opposed to any direct limitation. Their arguments were—

- (1) that no case had been made out in favour of applying a principle which had not been accepted elsewhere;
- (2) that direct limitation involved a restriction of the working hours in all factories whereas such restriction was only necessary in textile factories;
- (3) that it would not be possible to enforce such a restriction owing to the necessarily small cadre of the inspecting staff;

- (4) that most capitalists were opposed to it;
- (5) that if the working hours of adult males were limited to 12 or 13 hours, attempts would be made in the future to restrict these hours still further.

And they proposed instead a limitation of the hours of young persons between 14 and 17 to twelve and to daylight, a reduction in the working hours of children from 7 to 6 and a compulsory interval for all after six hours continuous work. They advocated these restrictions in the belief that, if they were effectively observed, it would be practically impossible for any manager to work his adult employees more than 12 hours a day. But they proposed to exempt from the provisions relating to young persons all factories that agreed to limit their hours of work to 12.

THE ARGUMENTS AGAINST DIRECT LIMITATION.

Looking at the question from a period when direct limitation of adult hours has become an accepted feature of labour laws, not merely in India but elsewhere, the arguments of the majority of the Commission appear strangely unconvincing. Their first argument is scarcely an argument at all. Their second argument, as subsequent experience showed, is fallacious. And as they themselves admitted that hours in non-textile factories exceeded 12 only "on very rare occasions," a limitation to 12 hours for all factories would be felt as a restriction only in textile factories. The third argument is open to the obvious objection that the methods they proposed were quite as difficult to enforce as those they had rejected. The fourth argument, it has been cynically said, could be used equally well against almost any reform of factory legislation that has been or ever will be suggested. And the last argument is the feeblest of all. For if we ourselves are competent to decide what reforms are necessary, there is no reason to believe that wisdom will die with us and that our successors cannot arrive at equally sound conclusions. Dr. Nair alone pleaded for the direct limitation of adult hours and in a long argument exposed the weakness of the plan suggested by the Commission. He concluded—

"I beg to submit, with all the earnestness I can command, my recommendation to extend to the mill operatives in India the legislative protection which they so earnestly pray

for, and which, God knows, they so sadly stand in need of."

CHILDREN.

The Commission fully confirmed the prevailing view that the most serious abuses were those which had arisen in connection with the employment of children. In many centres children were "habitually worked during the whole running hours of the factories, not on the excuse that they were over 14 years of age, but in pure disregard of the law" and they added, "the importance of this will be more readily appreciated when it is mentioned that the factories which have been illegally employing children in this manner work from 10 to 14 hours a day." Added to this, many children actually under 14 were treated as adults and still more children under 9 were worked on the excuse that they were over that age. In the Bengal jute mills this abuse was particularly bad. "There children who are obviously under nine years of age, many of them not more than 6 or 7 years old, are employed for seven or eight hours a day, and the proportion of under-age children employed as half-timers probably amounts to 30 or 40 per cent. of the total half-timer staff." In addition to recommending the reduction of children's hours to six, the Commission supported the views of the Freer-Smith Committee, *viz.*, that no child should be permitted to work without a certificate and that the certificate should be one not merely of age but of physical fitness. No suggestion was made to raise the statutory ages: indeed the Commission proposed to reduce the upper limit to 13 for children who were certified as fit to work 12 hours a day and who had obtained educational certificates.

OTHER PROPOSALS.

In respect of women's hours the Commission, with Dr. Nair again dissenting, proposed an increase in the statutory daily maximum from 11 to 12. The majority of the members were anxious to encourage the employment of women and, although they stated that the existing restrictions had been generally ignored in practice, they considered that they prevented women from being employed. The Commission were agreed, however, that the period within which women and children were employed should be further reduced. Under the existing law, the "close time" for women and children

was from 8 P.M. to 5 A.M., and children had in many cases to get up long before dark to go to the mills. The Commission quoted a case in a jute mill where "a child of not more than 7 years, selected by the Commission at random, had to leave his home every morning at 4 A.M. and walk 2 miles to the mill." They therefore proposed the alteration of the limits to 5-30 A.M. and 7 P.M. The proposal made in the Bill of 1905 to delete the clause exempting factories which did not work for more than four months in the year received the full support of the Commission, who remarked that it excluded from all control "a class of factories where abuses are peculiarly liable to occur," *i.e.*, the cotton ginning factories. A number of minor but useful recommendations were also made, including proposals to remove the risk of danger from fires in cotton-openers and a suggestion that children between the ages of 6 and 9 found in rooms where manufacturing processes were being carried on should be deemed to be employed, unless the contrary was proved.

GINNING FACTORIES.

Unfortunately, the proposal to include cotton ginning factories within the operation of the Act was coupled with recommendations which involved the virtual abrogation of the law relating to hours of work in such factories. Cotton ginning was, and is, largely carried on by female labour and the Commission proposed not merely to allow women to work in these factories by night, but to exempt them from the daily limit of hours, provided that there were enough women employed to make the average hours of work per woman less than 12. Dr. Nair in a long and racy argument opposed the concession. He stated that the Commission recommended—

"no ascertained shifts but are satisfied with a sort of spurious shift which is utilized in the Khandesh district. The "Khandesh system," I believe, owes its important public recognition to the mathematical genius of one of its *ex*-Collectors who reduced it to a mathematical formula. He ordered that the proper number of women to be employed in any ginning factory would be represented by the formula—

$$\frac{G \times H}{11} = W$$

where G represents the number of gins in the factory, H the total number of hours the factory works, 11 the number of hours a woman is allowed to work under the Factory Act, and W the total number of women to be employed."

And Dr. Nair devised as his formula for the number of women available for work—

$$X = W - (S + R)$$

where W represents the women who ought to be available for work, S represents the number of sweepers who are put on the register but never work in the gins, R represents the female relations of the *mukhadamie* who are also put on the register but who have not the remotest intention of working in the gins, and X the number of women who are sweated to keep the factory going for 16 or 17 hours."

CHAPTER V.

1909-1918.

The Act of 1911.

ACTION ON THE COMMISSION'S REPORT.

Before proceeding to frame a Bill, Government invited opinions on the Commission's proposals. Employers' associations for the most part opposed further restrictions on hours of labour; but a minority in the jute industry were in favour of legislation and in Bombay there was a certain amount of support for a proposal to exempt from further restrictions mills which did not use artificial light. This proposal had been put forward in the Commission's Report by Sir Vithaldas Thackersay, but it had not received the support of the other members. But the protests against legislation were by no means so vigorous as on previous occasions, partly because the facts disclosed by the Freer-Smith Committee and the Commission made it difficult to contest the need for reform, and partly because it was assumed that the Government of India, who had given no indication of their own views, would follow the recommendations of the Commission in placing no direct restriction on adult hours. At the same time, local Governments were asked to take steps to remove the administrative defects pointed out by the Commission. Arrangements were made for strengthening the inspection staff and for dealing with abuses in connection with children. The appointment of a whole-time certifying Surgeon in Bengal (in 1909) and the knowledge that certification would shortly become compulsory resulted in considerable progress and showed more clearly the defects of the existing system. In 1910, out of 14,000 children examined in Bengal, about 14 per cent. were rejected although the Certifying Surgeon could then reject only on the ground that they were under age. A large proportion of the rejected children had previously been employed.

A FRESH BILL.

The Bill "to consolidate and amend the law regulating labour in factories" was introduced in the Governor General's Legislative Council in July 1909. It was an entirely new Bill designed to replace all existing legislation on the subject and on the more controversial questions it followed the proposals made by Dr. Nair rather than those made by the majority of the Commission. Hours for adults were to be directly limited to twelve daily, but this and certain other limitations were confined to textile factories. Women's hours were maintained at eleven daily, although their intervals were reduced. And no class of young persons was created. As a matter of fact, the plea of the majority of the Commission for a young persons class was based so largely on their belief that its creation would result in a limitation of adult hours, that when the argument was rejected the suggestion was rejected also and was scarcely considered on its own merits. In respect of children, the main recommendations made by the Commission were embodied in the Bill, but the limitation of children's hours to six daily was confined to textile factories. Limitations were also imposed on the use of machinery. Following the Commission's proposals, the Bill provided for a complete cessation of work for half an hour in the middle of the day; further, in textile factories the use of mechanical power was to be limited to twelve hours daily. But both these provisions were to be abrogated for factories working on an approved system of shifts, and indeed power was given in general terms to local Governments to grant exemptions from most of the restrictions imposed by the Bill. The Bill also contained a number of new provisions relating to health and safety, and several clauses designed to make inspection more effective. The Hon'ble Mr. Harvey devoted the main part of a long speech introducing the Bill to a strong plea in favour of the direct limitation of adult hours, and to traversing the arguments of the Commission against that step. The Bill, after introduction, was circulated for opinions. At the same time, the Bill introduced in 1905 was withdrawn.

OPINION ON THE BILL.

It is significant as showing the advance in public opinion that although the Bill went far beyond all previous legislation in India, it met with much less strenuous opposition than either of its pre-

decessors had encountered. Discussion naturally centred on the direct limitation of adult hours. This was regarded by many employers as inevitable and by some as desirable, and though most employers' associations felt compelled to enter a protest against it, their members were not in all cases unanimous and the opposition offered to the Bill generally was by no means so vigorous as might have been expected. One employers' association, however, presented a strongly worded petition to the Viceroy in which they actually alleged that the enquiries of the Freer-Smith Committee and of the Factory Commission both proved that there was "absolutely no necessity for fresh legislation" in any respect, and another body of employers, in presenting an appeal to the Select Committee, alluded to "the protest which in point of unanimity and emphasis has seldom, if ever, been equalled in the case of Indian legislative projects." And they added: "even at the eleventh hour it is earnestly hoped that the revolutionary, dangerous, and, as my Committee think, unnecessary legislation contemplated should not be persisted in."

THE SELECT COMMITTEE.

When the question came before the Select Committee, which was not until January 1911, the provision for the restriction of adult hours was retained only by a majority of 8 to 7: the minority consisted of employers and Mr. G. K. Gokhale. But 5 out of the 7 were willing to retain the restriction in the case of factories using artificial light. The main improvement made in the Bill by the Committee was the substitution, in place of the numerous vague exempting clauses and provisos, of definite criteria and schedules according to which exemption from restrictions could be granted by local Governments. In the original Bill Government had reserved the right to extend to all factories the restrictions imposed on textile factories: this clause was deleted by the Committee. More than one memorial was presented by the owners of ginning factories complaining that, although they were specially permitted by the Bill to work women at night, they had not received the benefit of the "Khandesh formula" as the Commission intended. The Select Committee inserted a clause embodying this formula. A large number of other changes were made, but these were for the most part of minor importance.

A FRESH DEVELOPMENT.

The report of the Select Committee was presented at the end of January and at the beginning of March the Member in charge of the Bill announced that notice of some new and important amendments had just been given by Mr. (afterwards Sir) Archy Birkmyre. These represented another effort to avoid introducing a direct restriction on adult hours, and aimed at securing the same effect by confining the hours within which textile factories could work to the hours between 6 A.M. and 7 P.M. In the Bill as it stood, the limits were the same as those prescribed for women and children, *viz.*, 5-30 A.M. to 7 P.M. It was explained that owing to the provision relating to intervals, it would not be possible to work the operatives for more than 12 out of the 13 hours so allowed. But it was proposed that the hours of work for children should be extended from 6 to 6½, to enable mills working on shifts to obtain the benefit of the 13 hours' day without employing more than two shifts of children. And an announcement was made that Government would at once obtain the opinions of local Governments on these amendments.

AMENDMENTS WITHDRAWN.

The Bill was to come up for final consideration three weeks later and this unexpected development aroused severe criticism in some quarters and not a little suspicion. It seemed possible that, in spite of the strong line taken up on the main controversial issue when the Bill was introduced and subsequently, Government were now about to give way to meet the difficulties of the jute industry, which was admittedly the industry most seriously affected by the 12 hours' restriction. But, fortified by the strong opposition of the majority of local Governments, both to the abandonment of the principle of direct limitation and to an increase in children's hours, Government opposed the amendments in the final debate, and they were consequently withdrawn. The Member in charge observed that if, as was alleged by the mover, the amendments would produce exactly the same effect on adult hours as the clause in the Bill, it was not easy to see why there should be so much objection to that clause. Further, the Commission had been strongly of opinion that six hours should be the limit for a child's day, and the half-hour's increase was an essential part of the scheme now

put forward. Other amendments proposed with the object of avoiding direct limitation were either defeated or withdrawn.

MR. GOKHALE'S AMENDMENT.

The only other amendment of interest was that moved by the Hon'ble Mr. Gokhale who proposed to compel all factories employing not less than 20 children to provide for their free education for not less than three hours a day. This raised a question which had long been the subject of controversy. Before the passing of the Act of 1891, several mills had of their own accord introduced schools for half-timers. In 1893, the Bengal Government wrote: "some millowners have opened schools where the children attend twice a day for two hours at a time. This enables them to remain at the mill throughout the day. The plan is one which deserves to be generally adopted." But at the same time the Chief Inspector of Bombay expressed a contrary opinion. "The children," he wrote, "perhaps learn their letters, but I should doubt if they ever do more. The Manager looks upon the school as a convenient means of keeping the children together in their half hours." Each of these two views found numerous supporters in the succeeding years. The Textile Factories Labour Committee wrote: "it has been noticed with great satisfaction in many mills throughout India that schools on the mill premises have been provided by the employers," and favoured the general adoption of this practice. But the Indian Factory Labour Commission in the following year wrote: "we are most strongly opposed to the maintenance of schools within the factory enclosure. In many cases the mill school is used only in order to keep the children on the premises throughout the day and they are forced to work—often for the full running hours of the factory—if the labour supply is short." These arguments reappeared against Mr. Gokhale's amendment. As more than one member pointed out, it would lead to serious over-working of children and on the appearance of an Inspector and then only, the factory would be empty and the school would be full. Employers also protested with some reason that it was unfair to place upon them a burden that employers in other countries had not been called upon to sustain. Mr. Gokhale withdrew his amendment and stated that he had merely introduced it in order to emphasise the importance of the question of the education of factory children.

BRITISH LABOUR AND THE BILL.

The English capitalists were apparently silent on this occasion, but British labour took their place and the Scottish Trades Union Congress Parliamentary Committee submitted a memorial to the Secretary of State in May 1910. This contained suggestions for the improvement of the Bill, and nearly every important provision in their opinion did not go far enough. Thus they proposed the limitation of children's work to 5 in all factories, the raising of the lower age for children to 11, the reduction of the hours of continuous work for adults to 5, the reduction of the total hours for men and for the machinery to 10 and the reduction of women's hours to 9. The only amendment they suggested which was adopted by the Select Committee was the insertion of a clause providing that persons who were interested directly or indirectly in factories should not be appointed as Inspectors.

THE BILL PASSED.

The Bill was passed, almost in the form in which it was left by the Select Committee, on 21st March 1911 and as Act XII of 1911 came into force on 1st July 1912. The only substantial amendment accepted by Government was one inserting a new clause which permitted persons in Burma who had had a Saturday half-holiday to be employed for a few hours in cleaning the factory on Sunday. Although the provisions relating to hours of work embodied in it have nearly all been superseded, and it has been enlarged in many directions, the Act supplied what is still the framework of factory law in India, and many useful minor provisions in the existing law date from 1911. The question of fires in cotton presses was solved by the adoption of a clause prohibiting the employment of women and children near cotton-openers. The rule-making powers of local Governments were greatly extended by the new Act, which was supplemented later by fairly full sets of rules in the different provinces. And the Act placed the certification of children on a sound basis for the first time.

THE OPERATION OF THE ACT.

The introduction of the reforms effected by the Act was attended with remarkably little difficulty. In particular, the provisions re-

lating to the 12 hours' day proved easy to enforce. This was partly due to the fact that a temporary depression in industry had diminished the incentive to overwork, but many millowners had realized for some time that a longer day than twelve hours was not an economical proposition. And a substantial increase in the strength of the factory inspection staff did as much as the alterations in the law to prevent abuses in factories. But the abuse of employing children in two mills on one day tended to assume more serious proportions after the passing of the Act. The reduction in children's hours in textile factories, coupled with the exclusion of many children owing to more strict certification, led to a serious restriction in the supply of child labour, and in some centres many a child worked a full day under two names and with two certificates.

CHILDREN'S SHIFTS.

In 1913 a solution of this difficulty was put forward by a Committee appointed by the Government of Bombay. The Committee was appointed in the first instance to consider the question of the education of factory children, which had been raised by the Commission of 1908, and after the passing of the Act had again been brought to the notice of some local Governments by the Government of India. The Committee was evenly divided—4 members including all the officials recommended compulsory education for factory children as an alternative to what they regarded as the only satisfactory solution, *viz.*, free and compulsory education for all children: the remaining 4, who were all employers, were opposed to any proposal for compulsory education of factory children. But both sections of the Committee agreed that, if the hours of work for half timers were divided into two periods of three hours each with an appreciable interval between, considerable advantage would accrue. They believed in the first place that the education of half timers would be encouraged, and secondly, that the possibility of a child being employed in two mills on one day would be greatly diminished. This method of checking the abuse of double employment received the approval of the Bombay Government, and the Government of India consulted other local Governments on the advisability of amending the Factories Act in this respect. The proposal met with considerable opposition in some other provinces,

and the lack of unanimity on the subject both among the public and among experts led to its abandonment.

VENTILATION.

Another question taken up immediately after the passing of the Act was that of ventilation in textile factories. It had hitherto proved incapable of solution, because no standard could be devised which secured at the same time the comfort of the workers and the atmospheric conditions necessary for carrying on cotton spinning and weaving. The climatic conditions in Bombay Presidency made the problem most acute there. Shortly after the passing of the 1891 Act, the Bombay Government prescribed a standard of 10 square feet of lateral opening per head. The millowners, while they recognized that the existing conditions in the mills were difficult to defend, maintained that if the official standard was enforced the mills would have to close down, and the standard was abandoned. Experiments were made in the succeeding years both by Government and the Millowners' Association, without any practical result. In 1906, the Chemical Analyst to Government showed that the content of carbon-dioxide in the mills was far above (in some cases double) the proportion allowed in British textile factories. Finally, a Committee was appointed by the Government of India (in 1911) for the purpose of determining a standard of purity for the atmosphere in textile factories. After taking observations in Bombay, Ahmedabad and Sholapur, they presented an *interim* report in 1912, in which they pointed out that the comfort of the operatives in factories depended much more on the temperature and the humidity than on the carbon-dioxide content of the atmosphere, and they therefore requested an extension of the terms of reference. This led to the inception of an enquiry into the possibility of regulating artificial humidification, which had to be suspended on account of the outbreak of war.

THE WAR.

The great war had important effects on factory administration and ultimately on factory law. An immediate effect was an immense increase in industrial activity in India, and the number of factories and the number of persons employed rose by about 25 per cent. in 1914-1919. At the same time the urgent necessity for

increased production in many directions led to widespread exemptions of factories from many provisions of the Act. The inspecting staff, which had been considerably increased as the result of the Factory Commission's Report, could not have coped with the new conditions even if it had remained at full strength, and the war inevitably resulted in a temporary reduction in the number of qualified inspectors on duty and the assignment of additional duties to others. And in spite of great exertions by such inspectors as were available, the average number of inspections of each factory fell to about half of the standard prevailing before the war. But the most important effects of the war, so far as factories were concerned, were those produced on the workers. The increased demand for labour added to the strength of their position, while the rise in prices and profits and the general unrest which followed the war led to a greater consciousness of their power and a strong disinclination, not generally apparent before, to work for long hours or to accept disagreeable conditions. For the first time in India, the desire of the operatives became a potent force in securing improved conditions and more stringent legislation.

FURTHER PROPOSALS.

In one respect the advisability of amending the new Act was apparent at a fairly early date. Accepting the views of the majority of the Commission of 1908, the Select Committee inserted a clause exempting from all the restrictions on female labour cotton ginning and pressing factories in which the number of women employed was "in the opinion of the inspector sufficient to make the hours of employment of each woman not more than eleven in one day." This was, in fact, the "Khandesh formula" to which Dr. Nair objected, and, as several inspectors pointed out shortly after the Act came into force, the section made it impossible to control hours in any factories to which it applied. Dr. Nair's formula, in fact, gave the true position in these factories. The Indian Cotton Committee, commenting in 1918 on one effect of the section, said "The evidence submitted to us showed that night working facilitates every kind of abuse." They pointed out as a more serious defect in the Act the exclusion of factories employing less than 50 persons. They noted that the smaller ginning factories were "subject to no control or inspection" and added that "the

abuses prevalent in the bigger factories are reproduced in them on a larger scale." A much bigger question was raised in the same year by the Indian Industrial Commission who noted a growing opinion in favour of a ten hours' day and recommended that the possibility of reducing the existing maximum factory hours should receive further examination. All these proposals were shortly to receive the support of a new organization which was to exercise an important influence on Indian factory law.

CHAPTER VI.

1919-1922.

International Labour and the Act of 1922.

SHORTER HOURS.

In June 1919 the Government of India consulted local Governments regarding the suggestions made by the Industrial Commission with regard to shorter factory hours. After referring to the possibility that shorter hours might mean greater production, and to the effect of certain experiments made in this direction, they added:

“The Government of India believe that there is a considerable body of opinion among the more enlightened factory-owners that the hours of labour might well be reduced without injurious effects on the output of the Indian mills.”

The replies showed a general consensus of opinion in favour of a ten hours' day or sixty hours' week. Employers in some centres were working even shorter hours, and in all the important centres there was an influential group of employers who were disposed to consider favourably the question of a statutory ten hours' day. The fact that the subject of hours of work was about to receive consideration at an international conference gave additional importance to these inquiries, and the replies had an important effect on the attitude taken on the question by the Government representatives at that conference.

THE WASHINGTON CONFERENCE.

The First International Labour Conference* met, in accordance with a provision of the Treaty of Versailles, at Washington on 29th October 1919 and sat for a month. India, as an original member of

* For an account of the Conference and the text of the Draft Conventions and Recommendations adopted by it, see *Bulletin of Indian Industries and Labour* No. 4.

the League of Nations, was among the 39 countries represented; the Indian delegates were Sir Louis Kershaw, Sir Atul Chatterjee, Sir Alexander Murray and Mr. N. M. Joshi. All four took a prominent part in that and subsequent conferences and the last three had a large share in later developments in labour legislation in India. The Conference was asked to consider proposals relating to a number of subjects, including the eight hours' day, unemployment, the night work of women and young persons, the employment of children, maternity benefits and industrial diseases. The Conference met in an atmosphere of optimism which later experience has shown to be unjustified and this, and the inadequate time allowed for the examination of the immense agenda, made it difficult to examine critically the various proposals in detail. It is not surprising therefore that, while the deliberations of the Conference had a wide influence, and none of their decisions failed to produce its effect in legislation, difficulties which became apparent later have so far prevented many countries from translating into law the conclusions embodied in the more important Conventions adopted.

PROPOSALS FOR INDIA.

But the Indian delegation kept practical considerations continually in view, and it was largely owing to their strength and sagacity that India was able to gain much assistance from the results of the Conference. They believed that the Indian public was in favour of some advance in labour legislation, and that the conclusions at the conference, if they were not unreasonable, would have an important influence in stimulating public opinion in that direction. Mainly as a result of their efforts, several Conventions contained special provisions which brought them within the sphere of practical politics so far as India was concerned. The provisions of all the Draft Conventions adopted at Washington, in so far as they affected Indian factory legislation, involved:—

- (i) The introduction of a sixty hours' week,
- (ii) The prohibition of night work for women and for persons under 14,
- (iii) The exclusion of children under 12 in factories using power and employing more than 10 persons.

The Government delegates supported all these proposals except the last one. The sixty hours' week appeared to be a practicable proposition and the principle of the prohibition of night work for women and children was already in the Factories Act, although it permitted exceptions which would have to be abrogated to satisfy the Conventions. But the question of raising the minimum age for children was one which had scarcely been considered and the attitude which public opinion would take to the proposal to raise it by three years was difficult to forecast. The Government and employers' delegates supported a proposal that the question, so far as India and some other countries were concerned, should be deferred until the next Conference. But Mr. Joshi spoke strongly in favour of an increase in the minimum age to 12, and the Conference accepted his view.

LABOUR UNREST.

Those who were working for shorter hours received an unexpected amount of support from the workmen themselves. The cold weather of 1919-1920 saw an outbreak of industrial unrest on a scale quite without precedent in India. The principal cause was the fact that wages had not risen in proportion to the rise in the cost of living. But the general unrest which came as a reaction from the war produced in the minds of the industrial workers dissatisfaction not merely with their wages but with working conditions generally. In several of the more important strikes one of the principal demands of the strikers was for a reduction of hours. This was the case in a fairly general strike in the larger Cawnpore factories, where a ten hours' day was generally adopted in the textile mills. In January 1920 practically all the labour force in the Bombay cotton mills struck demanding an increase of wages and a ten-hours' day, and they were successful. Further, in March of that year the Bombay Millowners presented a memorial to the Viceroy asking for the statutory reduction of hours from 12 to 10 in the mills throughout India. In May there was a big strike of the mill hands at Ahmedabad; here again a ten hours' day was demanded by the strikers and conceded by the employers. Much the same thing happened in less important centres. There could have been no stronger arguments for the adoption of the Hours of Work Convention, which probably had some influence in stimulating the opposition to long hours.

CONSIDERATION OF THE CONVENTIONS.

As a result of the course of events the Government of India, when they consulted local Governments* regarding the action to be taken on the Washington Conventions, were able to say

“The position now is that in the great majority of the organized and large industries in the country workers are not employed for more than 60 hours a week.”

The Government of India further stated that they proposed to ratify the Conventions relating to the night-work of women and the night-work of young persons. The questions raised by the Convention relating to the minimum age of children were discussed in some detail. Without supporting the Convention, Government observed, “it will not be possible for any considerable time to maintain at nine years the minimum age for the employment of children.” And they added, “The Government of India understand that, in some recent instances, factory hands have themselves expressed opinions favourable to a raising of the minimum age.” This Convention raised also the question of widening the definition of “factory” in the Act, and local Governments were asked to consider whether all factories using power and employing 10 persons or more should not now be brought within the law. Opportunity was taken at the same time to discuss other possible amendments of the Act, *e.g.*, the imposition of a general daily limit of hours lower than the limit then applicable to textile factories and the abolition of the distinction between these factories and other factories in respect of children’s hours.

OPINION ON THE PROPOSALS.

The replies received to these enquiries showed that public opinion was ready for a considerable advance in factory legislation. As the Government of India informed the Secretary of State “the proposal to legislate for a sixty-hours’ week in factories met with no opposition of importance.”† The bringing within the Act of the smaller factories was generally approved, but doubts were expressed regard-

* The whole of the correspondence has been published in *Bulletin of Indian Industries and Labour*, No. 10.

† *Bulletin* No. 10, page 125, where, however, the word “no” was accidentally omitted.

ing the advisability, from the administrative point of view, of selecting so low a minimum as 10 workers to constitute a factory. A reduction in the maximum hours for children, especially in non-textile factories, was generally advocated. As the delegates at Washington had anticipated, the most controversial proposal was that contained in the Convention relating to the minimum age. While the Governments of most of the leading provinces were in favour of raising the age to 11, there was fairly general opposition to the adoption of a higher minimum, and a number of employers were opposed to any raising of the age. Thus the Bengal Chamber of Commerce wrote

“So long as there is no system of compulsory education in force in India, the Committee consider that nine years is not too young an age for children here to commence work. In their opinion, more harm to the moral and physical welfare of children of that age in India is likely to result from allowing them to run loose in crowded mill areas, than can possibly arise from their employment for six hours daily on light work in well-ordered factories.”

Proposals were made, as on previous occasions when the minimum age for children had been discussed, to put a premium on education. Thus the Bihar and Orissa Government desired to fix the age at 12 years, and to admit children of 11 who were physically fit and had finished the elementary school course. And the Government of Bombay advocated, as a preliminary reform, the exclusion of all children under 10, and of children under 11 who had not passed an educational standard.

THE ATTITUDE OF THE REFORMED LEGISLATURE.

One of the first questions to be laid before the reformed Legislature was the action to be taken on the Washington Conventions and Recommendations. On 19th February 1921 Sir Thomas Holland brought forward in the Legislative Assembly a number of Government resolutions on the subject. The ratification of the Hours of Work Convention was accepted by the Assembly almost unanimously, but the question of the minimum age of children was the subject of keen discussion. The Government of India declared in favour of raising the minimum age to 12, subject to transitional provisions protecting children already lawfully employed. The

employers' representatives generally were prepared to agree to a minimum of 11 and an amendment was moved to this effect, but was defeated by 40 votes to 32. The resolution put forward on this Convention determined also the question of the inclusion of the smaller factories: the Government proposal to include all factories employing 20 persons and using power, and to give power to local Governments to include factories employing as few as ten persons was accepted. When similar resolutions came up in the Council of State, a strong attempt was made by the employers' representatives to secure a reversal of the Assembly's decision on the age of children, but an eloquent plea by Mr. (afterwards Sir) Atul Chatterjee secured a majority of 24 to 11: as in the Legislative Assembly, a few officials cast their votes against Government. The results were interesting as showing that the reformed constitution had brought into the central legislature for the first time a substantial number of non-official representatives in favour of more stringent legislation. Every previous step had been dependent on official votes.

THE BILL INTRODUCED.

These debates determined the most important features of the new Factories Bill, but the Bill introduced on 1st March 1921 contained also a large number of fresh proposals of importance. In addition to providing for a sixty-hours' week, it proposed to limit the daily hours for men in all factories to twelve. Not only did it propose to exclude children under 11 at once and children under 12 from the following year, but it sought to limit hours for all children to six and to raise the upper age for children to 15. It reduced the numbers necessary to constitute a factory to 20 and gave local Governments power to include factories employing as few as 10: but it also made it possible for local Governments to bring within the scope of the Act factories in which no machinery was used. The whole of the distinctions introduced in 1911 between textile and non-textile factories were marked for repeal; with these disappeared all the existing restrictions on the use of machinery. Among other sections whose repeal was proposed were the section embodying the "Khandesh formula"* and allowing women to work in ginning factories at night and that permitting Sunday work in Burma. It was proposed to raise the interval from half-an-hour to an hour,

* See page 44. |

the provision relating to holidays was tightened, and a large number of minor amendments relating to certification and health and safety were included. At the same time the existing exceptions were almost abolished and exempting clauses based on defined principles were introduced in their place. The Bill, although in form a Bill amending the Act of 1911, was essentially a proposal for a new Factories Act: for no section of real importance in the old Act was left untouched.

THE JOINT COMMITTEE.

The Bill was referred to a Joint Committee of both Chambers which, in order to give time for criticism of the Bill, did not meet till September. Considering the radical changes introduced with the Bill, it met with surprisingly little opposition. The ground had to some extent been prepared by the advocacy of factory reform on the part of many employers, by labour unrest, which still showed no signs of abating, and by the discussions in the Legislature. But it is significant as indicating the change in public opinion that though each successive Factories Bill up to this date went far beyond its predecessor, opposition grew steadily less vigorous at each stage. The Committee made few changes in the more important clauses. They went a step beyond the official proposals in reducing the daily limit of hours for men from twelve to eleven: and they introduced a principle new to the Factories Act when they provided that, "*at the request of the employees concerned,*" two half-hour intervals might be substituted for an interval of an hour. They proposed to bring the whole Act, including the immediate prevention of the employment of new children under 12, into force from the following July.

THE PASSING OF THE BILL.

The final debates on the Bill took place in January 1922. A number of amendments were put forward in the Legislative Assembly by Sir Vithaldas Thackersey, representative of the Bombay Millowners' Association. The most important of these, which proposed the deletion of the clause raising the upper age for children from 14 to 15, received little support. The longest discussion was that on a clause designed to increase the power of inspectors to prevent the employment of under-aged children. Under the

existing Act, the employer had to prove that any children over six years of age, found in rooms where children were employed and processes were being carried on, were not actually employed. In many cases, this section was of little use, for under-aged children were driven into the compound on the approach of an Inspector. Government accordingly proposed to place on the employer the burden of proving that any child over 6 found in a factory or its precincts was not employed. Sir Vithaldas Thackersey, as a result of a division, compelled Government to retain the original section. In the Council of State no amendments were made, and some leading employers gave generous commendation to the Bill. The Bill, as Act II of 1922, came into force on 1st July 1922.

CHAPTER VII.

1922-1926.

Two Amending Acts.

ACT IX OF 1923.

The coming into force of Act II of 1922 was attended with remarkably little disturbance when regard is had to the large number of important alterations made in the law. Two provisions alone gave rise to difficulty: in each case the difficulty was unforeseen. One difficulty, relating to intervals, will be discussed later; the other, which related to holidays, led to the passing of another amending Act in 1923. Under the Act of 1911, any of the three days immediately preceding or succeeding a Sunday could be substituted for that Sunday. It was thus possible for factory employees to work on twelve consecutive days. With a view to preventing this, Government in the Bill of 1921 proposed to compel employers who wanted to substitute another day for Sunday to substitute the same day each week for a period of not less than three months. The Joint Committee rejected this proposal, and retained the original section, adding a proviso that no one should be employed for more than ten consecutive days without a holiday. But the retention of the section, coupled with the provision for the sixty-hours' week and the definition of the week as beginning with Sunday, produced an unexpected result. For the employer who was working a nine or ten hours' day found that, in practice, he could not substitute the preceding Thursday, Friday or Saturday for the Sunday holiday, since this would involve working 7 days of 9 or 10 hours in the week following the holiday, *i.e.*, it would mean the contravention of the section relating to the sixty hours' week. Had the week been defined as beginning with Thursday, no such difficulty would have arisen. The defect was remedied by the passing, in February 1923, of Act IX of 1923 which provided that, where a day in the preceding week was substituted for Sunday, that Sunday was to be reckoned, for the purpose of calculating

weekly hours, as included in the preceding week. Some formal corrections were made in the Factories Act at the same time.

THE PROBLEM OF HUMIDIFICATION.

The Act of 1922 added to the Factories Act a clause providing that the atmosphere in factories should not be rendered so humid by artificial means as to be injurious to health and gave local Governments power to prescribe standards of humidification. The Statement of Objects and Reasons explained that the investigations into the possibility of controlling humidification, which were suspended during the war, were shortly to be resumed. They were entrusted to Mr. T. Maloney, M.C., A.M.C.T., in 1921 and his report entitled "Humidification in Indian Cotton Mills" was published by the Government of India in 1923. After investigations extending over a period of 18 months in Bombay, Ahmedabad, Cawnpore, Madras, Coimbatore, Sholapur, the Central Provinces, Calcutta and Delhi, he was able to point the way to the solution of a problem previously regarded as insoluble. As the Government of India, in discussing the Report, observed

"In most factories the regulation of the atmospheric conditions has presented no great difficulty. But in the majority of cotton mills the necessity for the employment of artificial humidification has proved a serious obstacle. It is unnecessary here to recapitulate the history of the question, because in spite of the attention given to the subject by Governments and employers and by more than one Committee, no satisfactory solution was reached. It has hitherto proved impossible to introduce regulations which would adequately secure the comfort and health of the operatives in cotton mills and which would not injure very seriously the cotton mill industry and, in consequence, the operatives themselves."

MR. MALONEY'S PROPOSALS.

Mr. Maloney indicated that all the methods hitherto enforced in other countries or suggested in India for measuring the air conditions in factories were unsatisfactory, and he proposed in their place the utilization of the kata-thermometer as a measure of

comfort, and the fixation of standards based on kata-thermometric readings. This is not the place for a discussion of the somewhat technical questions involved; the principles were based on recent scientific research in England and elsewhere and the method of regulation proposed by him received the assent of those qualified to discuss the subject. The question of the actual standards suited to the requirements of the industry, and the possibility of their enforcement in different centres is still the subject of investigation. The defective construction of many factories makes it difficult to secure the universal maintenance of satisfactory conditions, but endeavours are now being made by local Governments to prevent the continuance of the worst evils revealed by Mr. Maloney's investigations, more particularly the practice of humidifying with live steam at high temperatures.

THE QUESTION OF INTERVALS.

Prior to 1922 the Factories Act provided only for a single half-hour's interval, and even that was not obligatory in the case of factories working on an approved system of shifts. The Act of 1922 provided that a rest period of an hour must be given after every six hours. This period might, however, be split up into two half-hours if the workmen so desired; but in this case not more than five hours' work was to be done continuously. The new provision gave rise to difficulty in the Bengal engineering shops and in some other factories whose workers lived at long distances from their work. For those employers who had previously been giving only half-an-hour's interval could only maintain the existing hours of work by adding half-an-hour to the day. This was resented by the workers who went on strike in some cases and the employers urged the repeal of the new provision. Faced by the opposition of both employers and workers, the local Government found it impossible to enforce the Act in certain factories and pressed for an amendment of the law. In Bombay the effect of the new section was different. In a few cotton mills which had been working on a shift system, the operatives had previously been kept at work for eight hours continuously. These mills found it impossible to maintain the shift system and at the same time to provide an hour's interval; the attempt led to a strike and the owners later abandoned the shift system and came into line with the majority

of the mills which, before the passing of the new Act, had been working for ten hours daily with a full hour's interval. In enforcing the law, the local authorities were supported by the Millowners Association, which for some time had been strongly opposed to the shift system. Elsewhere the new provision was generally accepted without difficulty; in a few up-country factories, the employers and workers, following the lead of Bengal, united in opposition to the new arrangement.

A FRESH PROPOSAL.

The Government of India addressed local Governments on the subject in 1923. They stated that they were reluctant to interfere with the law. The letter went on to say,

“ They doubt whether it is possible for a worker to maintain sustained work for 10 hours daily without intervals of rest amounting to at least an hour. They believe that the longer interval is desirable in order to enable the worker to maintain his vigour, and that its enforcement should ultimately prove beneficial to the employer. There are grounds for believing that the absence of sustained work, characteristic of many factory employees in this country, has been due, in part at least, to the fact that the hours fixed did not in the past allow sufficient opportunity for the rest necessary to prevent fatigue. Moreover, the amendment of section 21 of the Act was passed into law without opposition from any section of the general community or in either Chamber of the Legislature, and the Government of India consider that very strong reasons should be adduced before the Legislature is asked to modify provisions which it has so recently affirmed.”

In agreeing to reopen the question, they were influenced by a fresh consideration, *viz.*, the fact that the objections to the new provisions generally came from factories where working hours were short. And it seemed possible that if the interval could be reduced to half-an-hour where daily hours did not exceed more than $8\frac{1}{2}$, some encouragement would be given to the movement in favour of the reduction of hours. The Government of India indicated that any such concession should be restricted to men: in respect of women's

intervals the Act was less stringent than the law in force between 1892 and 1912. At the same time, local Governments were asked to bring to notice any administrative difficulties arising in connection with other sections of the Act.

CONFERENCE OF CHIEF INSPECTORS.

In reply to this letter numerous suggestions were put forward relating to administrative difficulties which had arisen in connection with various sections. Several of these related to provisions which dated from 1911, and not to the amendments recently made: discussion on previous occasions had been concentrated so largely on controversial points of principle that the minor, but important, questions affecting the smooth working of the Act had received rather little attention. On this occasion, a Conference of Chief Inspectors of Factories was convened at Simla and met in August 1924. The proposals for the Act of 1922 had been informally discussed with the Chief Inspectors of three leading provinces at Bombay in 1921, but the 1924 conference was the first occasion on which the Chief Inspectors of all provinces were called together to discuss the administrative problems with which they were concerned. The Conference was attended by the Chief Inspectors of all provinces except one, and it agreed on a number of proposals for the amendment of the Act.

THE ACT OF 1926.

The Bill introduced by Sir Bhupendra Nath Mitra in the Legislative Assembly in September 1925 embodied the proposals of the Conference of Chief Inspectors. Although it proposed amendments to more than a third of the sections of the Factories Act, the majority of the amendments related to points of minor importance and no substantial alteration was suggested in the more important operative provisions of the Act. As the Statement of Objects and Reasons explained:

“The experience of the last three years indicates that the amended Act has worked smoothly on the whole, and the main principles followed in 1922 command general acceptance. The Government of India do not propose to modify any of the main principles of the Act.”

The Bill was first circulated for opinions and was referred to a Select Committee of the Legislative Assembly in February 1926. Nearly all the amendments proposed were approved in principle by the Select Committee, and the Act as amended by them was passed without further alterations by the Assembly and Council of State in March 1926. As Act XXVI of 1926 it came into force on 1st June 1926.

THE AMENDMENTS MADE.

The more important changes in the law may be briefly mentioned. The difficulty regarding intervals was met by a provision allowing the reduction of the interval to half-an-hour for men working not more than $8\frac{1}{2}$ hours a day, provided that the men concerned wanted this reduction and the local Government granted their sanction. Power was given to local Governments to prevent the cleaning of machinery in motion and to secure better reporting of accidents. Another amendment of some importance was the addition of a section making it an offence for a parent or guardian to allow a child to be worked in two or more factories on the same day. This section was designed to assist in stamping out the abuse of the double employment of children which in some centres, notably Ahmedabad where it was associated with an objectionable system of recruitment for child labour, proved difficult to eradicate. Every successive diminution in the hours of work for children and every successive addition to the minimum age increased the temptations to evade the provision prohibiting double employment. For the raising of the age increased the scarcity of child labour, and the reduction of the hours reduced their earnings. The Act of 1922 raised the minimum age by three years and although it did not reduce the statutory maximum hours for children in textile mills, the introduction of the ten hours' day had the effect of reducing children's hours generally to about 5 daily. The result was that the abuse, which had long been difficult to prevent, at once assumed an aggravated form. Increased vigilance by certifying surgeons and inspectors met with considerable success, but it appeared unlikely that the evil could be eradicated so long as those who were mainly responsible were not liable to be called to account. Other amendments affected the provisions relating to exemptions which were made more elastic in some directions; the definition of a

factory was improved and amendments were also made in the sections relating to registers and notices.

TEMPERATURE.

The Bill, as originally introduced, contained a clause requiring that a reasonable temperature should be maintained in factories, and giving Inspectors powers to specify the measures necessary to prevent unreasonable temperatures. Mr. Maloney's report had given an account of experiments in which the whitewashing of roofs, roof-spraying and the under-drawing of roofs had been adopted with a view to reducing excessive temperatures, with results favourable both to the comfort of the operatives and to production in factories. But the clause designed by Government met with criticism on the ground that it gave too wide powers to Inspectors, and the majority of the Select Committee deleted it, and were unwilling to insert any clause in its place. Government, although they still regarded it as necessary that power should be given to local Governments to control excessive temperature in factories, did not attempt to insert any clause in the final debate; but it was clear that the views of the majority of the Select Committee were not shared by a large section of the Assembly, and an undertaking was given to bring the matter up at the next session. Accordingly in the Simla session in August 1926 Sir Bhupendra Nath Mitra introduced another amending bill, which proposed to give local Governments power to prescribe standards of temperature and the methods to be used to attain these standards, with a view to safeguarding the health of the operatives. This proposal, which differed substantially from that put forward in the 1925 Bill, was admittedly tentative and the Bill was circulated for opinions. It was recognized that the Bill would die with the impending dissolution of the Legislative Assembly, but criticisms of the Bill were invited with a view to the preparation of a new measure.

ADMINISTRATION.

The days when any large share in the local administration of the Factories Act could be undertaken by men without technical experience and with other duties to perform have long passed and the bulk of the responsibility for the enforcement of the Act now

rests on a well-qualified whole-time staff. In spite of, constant additions to their strength, the task of Factory Inspectors in India shows no signs of becoming easier. The growing complexity of the Act and the rules framed under it and the steady advance of industrialism make increasing demands on their vigilance and judgment. One of the main difficulties is caused by "the fact that the education of the operative has not kept pace with the increase in the complexity of the plant and processes consequent on growing industrialization"*; a large proportion of the accidents can be traced to an imperfect recognition by the operatives of the dangers they face. On the other hand, the growth of interest in factory legislation on the part both of the educated public and of those whom that legislation is primarily designed to protect gives to the administration a support which is more valuable than is generally realized.

* Statistics of Factories for 1924; Prefatory note.

TABLE I.

FACTORIES.

Number of factories subject to the Factories Act.

Year.	Number.	Year.	Number.	Year.	Number.	Year.	Number.
1892	656	1901	1,398	1910	2,359	1919	3,604
1893	715	1902	1,533	1911	2,403	1920	3,804
1894	815	1903	1,673	1912	2,710	1921	4,059
1895	872	1904	1,485	1913	2,888	1922	5,144
1896	937	1905	1,600	1914	2,936	1923	5,985
1897	1,008	1906	1,855	1915	3,027	1924	6,400
1898	1,098	1907	1,976	1916	3,274	1925	6,926
1899	1,151	1908	2,120	1917	3,382		
1900	1,227	1909	2,243	1918	3,436		

TABLE II.

OPERATIVES.

Average daily number of operatives employed in factories.

Year.	Total average daily number.	Men.	Women.	Boys.	Girls.
1892	316,816	254,326	43,592	16,200	2,580
1893	334,480	265,050	49,648	17,328	2,454
1894	340,810	275,806	53,127	18,001	2,810
1895	371,101	293,836	54,530	19,812	2,923
1896	398,243	315,426	58,829	20,462	3,526
1897	421,545	335,702	60,271	21,564	4,008
1898	422,729	334,594	60,603	23,219	4,313
1899	452,796	360,029	65,308	22,089	4,520
1900	468,956	372,017	68,610	23,100	4,623
1901	514,329	409,013	76,853	24,938	4,525
1902	541,634	424,375	85,882	26,440	4,937
1903	558,422	437,372	85,458	27,568	5,529
1904	587,560	466,721	85,221	30,273	5,345
1905	632,636	501,227	93,431	32,171	5,807
1906	690,712	546,693	102,706	35,112	6,111
1907	729,663	576,052	103,764	41,977	7,270
1908	766,150	606,296	107,700	42,786	8,359
1909	785,910	619,015	114,455	43,454	8,986

Year.	Total average daily number.	Men.	Women.	Boys.	Girls.
1910	792,511	624,945	115,540	43,273	8,753
1911	791,044	629,227	115,090	39,450	8,177
1912	809,643	685,822	130,025	44,132	9,664
1913	936,300	736,904	143,160	45,814	10,512
1914	959,973	746,773	144,157	48,984	11,059
1915	1,004,106	791,978	156,356	50,906	10,886
1916	1,061,400	839,438	158,453	52,147	11,371
1917	1,076,201	857,221	158,644	49,882	10,454
1918	1,122,022	897,409	161,343	53,184	10,926
1919	1,171,513	927,529	177,376	54,946	11,592
1920	1,238,725	986,367	184,922	55,503	11,933
1921	1,266,395	1,010,680	187,596	56,926	11,187
1922	1,361,002	1,086,457	206,887	56,522	11,106
1923	1,409,173	1,113,508	221,045	61,841	12,779
1924	1,455,173	1,147,729	235,332	60,240	12,291
1925	1,434,958	1,178,719	247,514	57,159	11,526

TABLE III.

Accidents and Convictions.

Year.	Number of persons injured in recorded accidents.				Number of persons injured for every 100,000 persons employed.				Number of persons convicted of offences against Factories Act.
	Fatal.	Serious.	Minor.	TOTAL	Fatal.	Serious.	Minor.	TOTAL.	
1892	31	318	1,020	1,369	10	100	322	432	..
1893	40	373	1,351	1,764	12	112	403	527	..
1894	58	371	1,504	1,933	17	106	430	553	2
1895	51	438	1,612	2,101	14	118	434	566	4
1896	56	440	1,681	2,183	14	112	422	548	13
1897	61	520	1,724	2,314	14	125	409	548	20
1898	66	537	1,714	2,316	15	127	406	548	17
1899	77	489	2,037	2,603	17	108	449	574	3
1900	92	435	1,640	2,143	18	92	352	457	8
1901	92	442	2,422	2,956	18	86	471	576	22
1902	95	405	2,517	3,107	18	91	465	574	24
1903	91	568	2,330	2,989	16	108	421	540	37
1904	91	586	2,383	3,060	15	100	405	520	22
1905	111	409	2,642	3,262	18	79	417	514	22

Year.	Number of persons injured. in recorded accidents.				Number of persons injured for every 100,000 persons employed.				Number of persons convicted of offences against Factories Act.
	Fatal.	Serious.	Minor.	TOTAL.	Fatal.	Serious.	Minor.	TOTAL.	
1906 . . .	86	738	2,739	3,563	13	107	396	516	28
1907 . . .	120	833	2,797	3,750	17	114	383	514	36
1908 . . .	128	891	2,680	3,699	17	116	349	482	60
1909 . . .	123	897	3,016	4,036	15	114	385	514	58
1910 . . .	139	886	3,354	4,379	18	112	423	553	70
1911 . . .	108	985	3,129	4,222	14	124	395	533	60
1912 . . .	122	1,019	3,367	4,508	14	117	387	518	22
1913 . . .	143	1,101	3,587	4,831	15	118	383	516	108
1914 . . .	114	798	4,017	4,929	12	84	422	518	162
1915 . . .	115	923	4,414	5,452	11	92	439	542	97
1916 . . .	160	1,098	3,956	5,223	16	103	373	492	157
1917 . . .	144	887	3,961	4,992	14	82	368	464	154
1918 . . .	180	1,108	3,775	5,063	16	99	335	450	195
1919 . . .	145	957	4,321	5,423	12	82	369	463	132
1920 . . .	193	1,197	4,371	5,767	16	96	353	465	468
1921 . . .	203	1,179	5,034	7,016	16	93	445	554	55
1922 . . .	191	1,207	5,562	6,960	14	89	409	512	124
1923 . . .	197	1,333	5,507	7,037	17	91	391	499	172
1924 . . .	284	1,690	8,055	10,029	20	118	565	703	222
1925 . . .	263	2,481	9,901	12,645	18	166	662	846	268