unless this specific demand was dropped! The procedure suggested by the Executive was arbitration through the recognised channel, with the decision in regard to the actual changes in the wage-schedules to rest in the hands of the arbitrators. The Executive was evidently playing for time, and was trying to interpret all agreements according to the letter rather than the spirit. Faced with such an attitude, the N.U.R. had an awkward situation to deal with, Mr. Figgins, a true Labourite, could not call for a strike, that too in a nationalised industry. And it was at this juncture that the men in Manchester and London decided to take a lesson from the National Executive itself. They decided to interpret the rules regarding work in the yards and stations literally. In effect, this meant observing regulations which on common sense grounds could be dispensed with; or, refusing to work overtime on the ground that it was purely "voluntary". Such action does not constitute a strike because the men do not break their employment contracts. But it does dislocate work enormously, because many depots and yards had reduced the number of men on duty by arranging on the basis of "gentlemen's agreements" that those on duty should put an extra ounce of labour whenever necessary. Now that the railway men have left no doubt about their willingness to go by the letter if the Executive wants it so, many unkind things are being said about them. It all sounds puzzling. If these honest stalwarts who decry the railway men find nothing wrong in the Executive's stand, why should they feel outraged by what the men do? Perhaps the general attitude of the British Press towards the Berlin Reichsbahn strike is a clue to this strange reaction.

The crisis on the railways brings to the fore problems which have been sadly neglected by the Labour Movement in general. While the Government has to think quick and substitute a rational wages policy for the admonitions of the austere Chancellor, all Labour men, in the Government or out of it, have to revise their ideas about workers' participation in the management of industries—especially nationalised industries. Characteristic of this prevailing myopia in this field is the statement made by Mr. Hugh Gaitskell, the Minister for Fuel, sometime ago. Talking of Workers' Control in nationalised industries he admitted he could not see how labour could sit on both sides of the table at the same time. One would have thought that one of the objectives of nationalisation, was to remove that piece of table. It is distressing that so important a member of the Government should accept the table as a permanent fixture.

THE NEW FACTORY ACT

RAJA KULKARNI

IF the textile mills of Manchester were built on the loot and plunder of the wealth of India by the agents of the East India Company, it was left to the British working class to repay Britain's debt to India partially by fighting successfully for the rights of Labour in their own country. Workers in Britain, along with their confreres in the industrially advanced countries of Europe, faced bullets and spilt blood to secure those rights and privileges without which they could not lead a life of human dignity. They won many a battle and marched a long way towards securing better working conditions and raising their own standards of living from the subnormal standards of animal existence. Their sacrifices paved the way for the working class in India for better wording conditions and a better standard of living. Labour legislation in Britain was the basis and the forerunner of labour legislation in our country. Whatever scanty and scrappy labour legislation exists today in India bears the imprint of the script and ink of the labour legislation in Britain in particular, and in Western Europe in general.

This fact stands out when one reads the story of the Factory Acts passed from time to time by the Indian legislature during the last seventy years. The first Factory Act passed by the Indian Government in 1881 was enacted, as is well known, at the instance of the Lancashire millowners who brought pressure upon the Government to fight the menace of competition from the Indian Mills who could produce at cheap rates because of cheap labour, lack of
stay regulation of working hours or restriction on the employment of women and children, etc.

The Lancashire millowners were interested in getting the hours of work and employment of women and children regulated in order to enhance the cost of production of the Indian mills which had become their competitors. They were not interested as such, in championing the cause of Indian labour. But having lost the battle against their own workers, and being desirous of maintaining the margin of profit as before, they wanted to shift the burden of increasing costs on the producers outside their own country. Hence it was that the success of the working class struggles in England laid the foundation of factory legislation in India.

The Second Factory Act passed in 1891 followed the investigations carried out by two commissions,—Bombay factory commission (1884) and Factory Labour Commission (1890),—who had found that the protection given to women and children in Indian mills was inadequate as compared with the protection given in England. A world-wide slump in the textile industry had led to widespread discontent and strikes by workers all over the world. The Government of India had to appoint special officers and committees to investigate into the working conditions of factory labour. This brought a third Factory Act on our statute book in the year 1911, when the hours of work were brought down to twelve for adults and to six for children; women and children were prohibited to work between 7 p.m. and 6 p.m.

Then came the first World War and the Treaty of Versailles which provided for the International Labour Organisation. The I.L.O. Conference in Washington adopted several conventions relating to hours of work etc. The Government of India ratified these conventions and gave legislative sanctions to them in the Factories Act of 1922 which reduced the hours of work to sixty in a week and defined a factory as any establishment using power driven machinery and employing twenty persons or more. Children under twelve were prohibited from being employed.

The Great Depression of 1929 which brought much hardship to labour and a general deterioration of the working conditions and living standards of labour besides a widespread wave of strikes led to the appointment of a Royal Commission on Labour presided over by Mr. Whiteley. The recommendations of this Commission were incorporated in the Factory Act of 1934 which brought, down weekly hours of work from 60 to 54 and the maximum hours of work per day from ten to nine. The Government of India relaxed this time limit during World War II and allowed the non-seasonal factories to work for sixty hours a week.

This Act of 1934 was subsequently amended from time to time until it was replaced by a new Act in 1948. The first amendment in the year 1945 introduced a new feature into the Act whereby workers who had completed twelve months continuous service were entitled to a holiday with pay for a period of ten days. The second amendment passed in 1946 lowered the limits of daily and weekly hours of work to nine and forty-eight respectively for the non-seasonal factories.

The awakening of labour was an important feature of the post-war world. In Britain, political power came into the hands of the Labour Party. The attitude towards the working class under-went a revolutionary change in all countries of the world. In India, the Government appointed the Rege 'Committee to investigate into the working conditions of labour in a number of industries. The recommendations of this committee formed the basis for the Factories Act of 1948.

The new Act which came into operation on April 1st, 1949 is in essence a product of history. It bears traces of all the previous factories Acts in our country and of the convention laid down by the I.L.O. Conferences year by year. It also bears the imprint of the pattern of factory legislation evolved in Great Britain. It consolidates in the first instance, all the previous Factories Acts in our country and amends them in the light of the I.L.O. Conventions and of the recent trend in factory legislations in the industrially advanced countries of the world.

Viewed against this background, one would be naturally curious to know whether this Act introduces any changes which will revolutionise the whole concept of labour and will, once for all, solve the paradox of man pitted against the machine, deprived of the full fruits of his labour. But there is nothing of the sort. Nothing that could speed up the evolutionary process of factory legislation in this country is incorporated in the act. Instead, it reflects the paradox existing in the, present phase of industrialisation. The employers are being encouraged by the Government in every possible way to modernise their plants and to go for the latest innovations and the most up-to-date machinery available in the world, at any cost. But when it comes to labour, its working conditions, standard of living and labour-management relationship, neither the employers nor the Government ever seem to think that
they should not lag behind anybody in the world. The Government proceeds in a halting manner because of its dual polity of not displeasing either capital or labour legislation that is introduced in the Provincial or Central Assemblies.

When the Bill for reducing the weekly hours of work from 54 to 48 introduced in 1946 by Dr. Ambedkar, the then Labour Member of the Government of India, it was opposed in the Central Assembly by a Congress Member, Sheth Vadilal Lalubai, the textile king of Ahmedabad.

The conventions of the I.L.O. have always been held up as an ideal. That this ideal cannot and should not be reached has been the policy behind all labour legislation in India.

Such dissimilarity in the approach towards the two major factors of production—capital and labour—has created a paradoxical situation in the problem of industrialisation and increased production in our country. The Factories Act reflects this situation in its true colours.

In Britain and in the U.S.A., the working hours are limited to forty a week. In Russia, there is a 36 hours week. But the Factories Act of 1948 has not made any change in the working hours nor touched the limits of 48 hours of work laid down in the amending Act or 1946.

In consolidating the previous Acts, the new Act has kept in view the tightening up of the administrative machinery. The former Acts had left too much to the rule-making powers of the Provincial Governments. Similarly, many important and complex points were left to the discretion of Factory Inspectors who had been loaded with too much responsibility. All these factors had brought dissimilarity and discrepancy in the administration of the Act. These defects have, no doubt, been removed by making the provisions more definite, clearer, especially those relating to hours of work and holiday with pay. Rules regarding registration of factories, the issue of licences and their periodical renewal have been elaborated. The burden of responsibility lying on the Factory Inspector has also been sought to be lightened. Among the old provisions that have been amended one of the significant ones is the change in the definition of a "Factory". The definition has been widened so as to bring within its scope a large number of establishments who do not use power, and were not therefore covered under the Factories Act of 1934. Large factories engaged in making bidis, processing mica, shellac, or manufacturing carpets, etc., had hitherto been left out from the provisions of the factories Act. Any factory employing ten persons with the aid of power or twenty persons without the aid of power now comes under the Factories Act.

The provisions for the safety, health and welfare of the workers which had so far been inadequate and unsatisfactory have been extended and more protection is thus given to the workers. However, those who are conversant with labour cases may still have legitimate doubt about the extent to which protection would be effective in practice, even though a separate chapter has been added in the Act for penalties.

The main contribution of the Factories Act of 1948 however lies in its provision for administration of the Act. This is in keeping with the Government's general policy of centralising economic and political power, and of extending it into the field of social welfare. I do not deprecate its value. A policy of centralisation has its merits. But an attempt to centralise administration through old and outmoded economic, social and political institutions has its own limits in achieving the purpose aimed at. There is nothing in the Factories Act of 1948 to show that the Government of India has excelled other countries in giving a new content to the meaning of labour, or in devising any better ways for the recognition of the human element in industry.