



EARLY FACTORY LEGISLATION IN MADRAS PRESIDENCY

Dr. M. Lakshmanan

Assistant Professor, Department of History, Presidency College (Autonomous),
Chennai.

ABSTRACT

The evolution of social policy for the working classes in colonial India is one of the areas that remain unexplored. It is generally recognized that the evolution of social policy is directly related to the socio- economic development of the country. In so far as colonial India is concerned, historians have discussed the rise of Indian business classes, their social background, their political and economic ideas and their business strategies. But there is no systematic study of the attitudes of the Indian business classes to welfare legislation or of their influence on the evolution of social policy. Studies on history of labour have been written in terms of cultural exceptionalism, which in our context was caste or community. Surveying the recent trend in labour history, Sabyasachi Bhatta charya warned in a recent article “ the explication of the history of labour or any other category in terms of popular or Indian culture may be no more than a variant of what Edward said identified as orientalism”. To avoid this pitfall, he suggests a comparative perspective, which avoids such dichotomies as rural/urban or industrial/pre-industrial categories (**Sabyasachi Bhattacharya “ Recent trends in labour history”**).

KEYWORDS: social policy , social background , cultural exceptionalism.

INTRODUCTION

This comparative perspective brings into focus the nature of certain utilitarian legislations that the colonial state had transplanted in India. In so far as the working classes were concerned, the colonial state borrowed most of the legislative enactments from its metropolitan experience and even attempted to modify them according to Indian conditions.

It has been argued that as industrialization proceeded in Western countries in the nineteenth century, employers in those countries came to view social welfare schemes for humanitarian, economic and social control reasons for some time in the 1880s. The Bismarckian social insurance was only an extension of those practices (**John Hay, “The origins of social policy in Great Britain in the 1880s**).

It is in this perspective that an attempt is made to discuss the attitude of the employer to social security measures in colonial Madras. It is argued that social security measures cut across caste/community differences among the workers and were administered within the framework of the low level of industrial development.

The first cotton textiles industry was set up in 1853 in Bombay. The question of regulating the hours and conditions of factory work by legislation was raised only in 1872. But it was only in 1875 that the first commission to enquire the condition of the operatives in the textile factories in Bombay and the necessity or otherwise for the passing of a factory Act was appointed by the Bombay Government. Two of the more progressive members of this commission recommended legislation on the following lines;

adequate protection of machinery, prohibition of employment of children under eight, a twelve hour day for adults with one hour rest, a weekly holiday and the provision of drinking water.

It is said that these proposals seemed too radical for those days and failed to win the approval of the majority of members of the commission. S.S. Bengali, a member in the Bombay Legislative Council took up the matter of factory legislation, but the Government of India in their anxiety to protect children and young persons employed in factories conceived the idea of all-India legislation. Lytton, then viceroy, decided to legislate and proposed a law prohibiting the employment of any person under fourteen for more than eight hours a day and requiring children to be kept away from dangerous machinery.

This could hardly be deemed drastic or far-reaching. Nothing was said, for instance, about limitation of the working hours of women, compulsory holidays, sanitation, and ventilation, fencing of dangerous machinery or inspection to enforce the laws. Even so, when circulated for opinion to local governments, while Bombay, Assam, the Central provinces and the Punjab favoured some such legislation; Madras, British, Burma and the North-West provinces reported it as unnecessary. Above all Bengal decidedly disapproved (**S. Gopal, The Viceroyalty of Lord Rippon**). But so essential a law as factory legislation could not be shelved for long. After a great deal of discussion in the course of which a draft bill underwent considerable alteration, the Imperial Legislature passed Act XV of 1881 on March 13, which came into force in July the same year. It applied to the whole of India. The factory was defined as any premises wherein was carried on for not less than four months in the year any process utilizing mechanical power and employing not less than a hundred persons. Indigo, tea and coffee plantations were excluded. No one under seven years of age was to be employed in a factory, the burden of proof of age urging on the employer.

Children fewer than twelve were not to be employed for more than nine hours a day, or a dangerous work or in two factories on the same day. They should be granted at least an hour interval during the day and four holidays per month. Dangerous machinery was to be fenced. Provision was to be made by local governments for inspection of factories, and governments for infringement of the law could impose fines up to Rs.200. But the sponsors of the Act were themselves dissatisfied with its extremely limited scope and doubted its adequacy. Viceroy Ripon himself felt that he had been wrong in giving way to the strong phalanx of conservative opinion opposed to this measure.

Bipan Chandra has shown in his major work on economic nationalism that the manufacturing interests in India had objected to factory legislation because it would retard the growth of the rising cotton textile industry by raising its costs of production and thus reducing its competitive capacity vis-à-vis-the mills of Lancashire. It has been argued by the Indian interests that law confined to Indian interests was and they argued that it clearly a discriminatory one, should be applicable throughout British India. No doubt the motive behind the Act of 1881 was to yield to Lancashire interests. But the protective clauses in the 1881 Act for children were not honoured.

Once again Lancashire interests became vigorous in protesting against the unfair competition of India on account of the lack of effective factory Act. The public opinion in India was also in favour of further legislation. In 1890 the Government of India set up factories commission. Based largely on the recommendations of this commission, a new Act was passed in 1891. The Act now embraced all factories employing fifty hands and provided for a weekly holiday (**Bipan Chandra, Rise and Growth of Economic Nationalism in India**).

The employing age of child workers under nine to 14 years was increased from seven to nine and their working hours were fixed at seven hours a day. Women could be employed for eleven hours a day, but should not be employed during night.

Once again the evasions of the law in regard to women and children became too obvious. The Government of India was therefore compelled in 1906 to appoint the Textile Factories Labour Committee (the Freer-Smith Committee) to go into the question and consider, inter alia, the case for

the limitation of the working hours of adult males and the minimum age and certification of children. After the publication of their Report in 1907, the Factory Labour Commission was appointed to investigate in respect of all factories the questions referred to the Freer-Smith Committee. They submitted their report in 1908, in which they admitted that if the industry employed worker for any length of time, they would almost certainly result in the physical deterioration of the operative (**P. Padmanatha Pillai, The Indian Labour Problem**).

In Tamil districts workers were found to be working between seventeen to eighteen hours a day in the ginning factories, twenty to twenty two hours in the rice mills and twenty-two hours in the printing presses for seven consecutive days. Hours of work for children were normally between 10 to fourteen hours a day. Workers in Engineering units worked for a fewer hours a day but the nature of work was more arduous and intensive. Not only were the hours of work spread over the whole day, but also even the statutory interval of an hour was not followed so that there was no time for the labourers to take food.

A distressing feature of factory employment in Madras was the employment of children in the textile mills and other unorganized units in mofussil areas like Coimbatore and Tuticorin. Children were made to work during the entire running hours of the mills. One official, W.G.Richard stated that it appeared to be the custom for owners to place boys on full-time employment irrespective of age. Half-time employment of children less than nine years of age was also widespread in Madras Presidency. The Factory Labour Commission recorded the evasions of law relating to holidays and recess time for children in Coimbatore. Holidays and Sundays were usually working days (**Report of this Indian Factory Labour Commission**).

REFERENCES

- Sabyasachi Bhattacharya "Recent trends in labour history". *Indian Journal of Labour Economics*, Vol.46, No.1, January-March 2003, p.29.
- John Hay, "The origins of social policy in Great Britain in the 1880s" in *Social History*, Vol.3, 1979, pp. 211-212.
- S. Gopal, *The Viceroyalty of Lord Rippon* (Oxford, 1956), p. 131.
- Ibid.
- Bipan Chandra, *Rise and Growth of Economic Nationalism in India* (New Delhi, 1977), p. 346.
- P. Padmanatha Pillai, *The Indian Labour Problem* (Madras, 1933), p.15.
- *Report of this Indian Factory Labour Commission 1908* (Simla, 1908), Vol.I. Section VI, pp.6-8.