



## THE ROLE OF BRITISH LEGISLATIONS AND THE WORKING CLASS MOVEMENT IN BOMBAY

### A Historical Study of the Factory Acts of 1881 and 1891 in India

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#### KEY WORDS

*Factory Acts 1881*  
*Factory Acts 1891*  
*Working Class Movement*  
*in Bombay*  
*Labour Legislation in india*

#### ABSTRACT

*India, has been a country to raise inquisitiveness from ancient times. The era of colonialism in India, unfolds many dimensions of struggle by the natives and the attempts of travesty by the imperialist powers. This paper will focus on the two landmark legislations of the end of the 19th century specifically pertaining to the labour conditions in India. The changing paradigms of the urban and rural labour underwent a phenomenal change by the mid 19th century. The characteristic which distinguishes the modern period in world history from all past periods is the fact of economic growth.*

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## 1. Introduction

The inauguration of the Industries in India, under the patronage of the British and the native entrepreneurs also opened up the debatable issues on the rights and exploitation of the workers by both the Europeans and the native Indian industrialists. The changing paradigms of the urban and the rural labour underwent a phenomenal change by the mid 19<sup>th</sup> century in India. Unlike Europe, where the artisans and craftsmen, when they changed their traditional skills to adapting into modern industries, they were able to retain their age old skills, where as in India the traditional handicrafts and cottage industries became victims of the textile industries and were left with no saviour, due to the emergence of the colonial era in India, simultaneously it also led to the decline of its age old monarchical order of governance. The already miserable landless peasants were now forced to migrate to newly developed towns in search of employment, due to which they suffered at both the ends, one by losing out on their traditional skills and also equally finding it difficult to adjust into the newly urbanized areas of the industrial sector.

‘The characteristic which distinguishes the modern period in the world history from all the past periods is the fact of economic growth. Whenever this enlargement of the productive horizon of the ordinary man appeared, it involved a distinctive transformation of the economy concerned. A predominantly family based system of economic organization began to give way to a predominantly industrial system, in which the representative unit of production was necessarily larger than the family’ (Habakkuk, H.J, Postand. 1965: p.1). India was ushering into a new age of development and societal change. ‘Industrial revolution tore up by the roots of social relationships and institution, it destroyed the old life of the village and created the problem of the new factory town’ (Cole, G.D.H. 1948: p.1). ‘As early as 1836 a group 10 Indians and 15 European merchants organized the Bombay Chamber’ (Dharma, Kumar.1984: p.573). ‘The first successful entrepreneur was C.N. Davar, a merchant from Bombay, he floated a spinning company with a capital of Rs. 5,00,000 contributed by 50 of the city’s leading traders. The company started its production in February, 1856’ (Dharma. Kumar, 1984. p. 574).

## 2. New Avenues of Employment

Although it opened up new avenues of employment, but it also isolated the working class from sharing the profit of their produce. They now merely became one of the components in this newly mechanized society. The new work required a skilled and trained workforce. The efficiency and

physical constraints were neglected, as they were subjected to rigorous discipline of performance. The emergence of the Indian working class had two fronts to combat, one the existing colonial rule and the second one was the newly emerged capitalist class of both the Indian natives and the Europeans. ‘When the British recruited workers from among the ruined craftsman and the poorest strata in the villages, they fixed wages conforming to their rural standards, which were much below the cost of labour’ (Cole, 1948. p.49). However the development of large scale factories in India can be associated primarily, to three major areas of production i.e. jute, iron & steel. The dynamics of development and its fruitful impact on a particular section in the society became more and more evident. The greed of capitalist class was reducing the workers to inhumane conditions and alienating them from deriving the benefits in the post – production process. The working hours were stretched beyond their endurance and the wages barely afforded to them a descent standard of living. It slowly appeared that there was no difference in the operation and existence of man and the machine. It is quite difficult to trace the stage of transformation, when man virtually became the machine. The gradual exploitation of labour became the primary source of profit. The figures of profits sometimes were synonymous to the intensity of the exploitation of the workers.

In order to understand the working class movement in Bombay in the 20<sup>th</sup> century, we will have to understand the evolution, processing and passing of the Factory Act of 1881, which is the first milestone towards placing the voice of the voiceless to the British government, it is indeed important to also trace its genesis from where it percolated. It was not merely the clauses of this Act which is important, but also the penetration of ideas of the western world in India that needs to be studied. The Factory Act of 1881 cannot be studied as an isolated case, but perhaps the beginning of the working class movement in the following century. It is equally essential to understand the journey of the working class movement in Europe and what hardships they had to go through, as it will enable us to understand the approach of the native government there and the struggle of the working class to fight for their just rights.

## 3. The Genesis of the Factory Act-1881

‘The genesis of the Factory Act of 1881 also points its needle to the workers movement in Europe and especially in England. The first so called Factory Act was passed in 1802 on the initiative of Sir Robert peel’ (Cole, Filson, 1951: p.311). However the Act did not yield much result as expected. ‘In 1805, the

weavers formed a general combination with the object, not of striking for higher wages, but for pressing the British Parliament by petition, to pass a minimum Wage Act. The Bill overwhelmingly got defeated in the House of Commons. It provoked the first large scale industrial movement in the factory districts in 1808' (Cole, 1948: p.41). The workers in the new industrial districts of Lancashire, Yorkshire, the East Mid lands, the south Wales started identifying the common issues which affected them all. It is also interesting to study that all the workers were not in the mood of petitioning their demands in the Parliament. He was against the method in which machines were used, he believed that 'the machineries are the new forces of production they must be socially controlled and organized for the benefits of all. They must be used to lighten labour and to diffuse plenty. Labour must be recognized as the measure of value and machinery as its servant' (Karl.Marx, 1954: p.429). Robert Owen as a true socialist strongly condemned the exploitative tricks of the capitalist class and identified labour as the sole creator of value in the unit of production. As Karl Marx had rightly pointed out 'the creation of a normal working day is therefore, the product of a protracted civil war, more or less, dissembled between the capitalists' class and the working class'(Cole,1948: p.15) It can be observed that workers movement in England after 1865 had a different dimensions and a definite ideology. The dichotomy of ideology in early and later 19<sup>th</sup> century in England was clearly visible and this allowed its struggle to influence further.

The industrial development in India by 1870 had prepared the ground for the emergence of the working class movement. It was now left to the reformers to choose from aggressive agitation or the utopian socialists' ideology with which we can associate Sorabejee Shapurjee Bengallee (henceforth SSB) which comes more closely to its utopian socialism led by Robert Owen (1771-1858), Claude. St. Simon (1760-1825), Charles F.M. Fourier (1772-1837) and Etienne Cabet (1788-1856). 'These utopian socialists from Great Britain and France, instead of basing themselves upon the scientific laws of social development, worked out idealistic plans of society of their own imagination' (Sukomal Sen, 1970: p.11). The experience of the working class movements in England taught the leaders in India that mere economic demands or development should not be the only focus; it should also cover the improvement of the social conditions of the workers. SSB along with few enlightened representatives of the workers, proposed some interference and monitoring on the working conditions in India and especially in Bombay. He believed that the strength and reactions of socialists approach only will sail the reforms in factory system. He did not wanted, that the reform should become practical politics, the way it happened in Britain.

The decade from 1870-1880 was the seeding time to experiment the six decades of factory reforms of Britain in India. The leadership and initiative of SSB served only to clarify the movements of forces and to mobilize like minded opinion for factory legislation in India. It will be however seen that when SSB introduced his first draft on 18<sup>th</sup> April, 1878, there were comparisons drawn with the conditions of workers in Great Britain and India. Lord Salisbury once in agreement with Lord Lytton (1876-1880) felt that 'good government might keep the masses loyal to the British administration, but they were mostly inert and to expect active political support from them as a consequence and recognition of good government was an optimistic dream. Good government avoids one of the causes of hate, but it does not inspire hope' (Singh, 1962: p.30). 'In India the number of people engaged in the cotton industry (urban) and combined with factory hands was 7,380,278 as per the census of 1891' (Census of India 1891,1893: p. 105). 'The extension of textile industry in Bombay was about 15.82%, as compared to 6.71% in Madras as per the census of 1891' (Census of India 1891,1893: p. 113). These are some indicators as to show how the textile industry had grown in Bombay in just three decades. In order to take the account of the regulation and the working conditions, a Commission was appointed by the Governor of Bombay in Council to inquire into the conditions of the operatives in the Bombay factories. The origin of the commission was rightly pointed out by the Honourable Mr. B.W. Colvin in 1879 which was discussing the Bill of 1881, in the Council of the Governor General 'Attention had first been drawn to the question of factory labour in India by certain remarks which were made a few years ago in a report as the administration of the cotton Department in Bombay. It was said in that report that the poorer classes derived great benefit from the mills, but that the advantage carried with it corresponding and serious disadvantages. The hours of labour, it was observed were not limited by any government regulation the working day was undoubtedly long, the nature of the work was fatiguing , whilst women and children were largely employed, and generally without any periodically returning day for rest like Sunday. Those remarks had attracted attention and had led to correspondence, the result of which had been the appointment of commission by the Bombay government with instruction to investigate and report upon the subject' (Proceedings of the Council of the Governor General of India, 1880: pp. 239-240)

### ***3.1. Echo of this Commission***

Similarly the background of this commission was echoed during the Council debate in March 1881, by Honourable Mr. C. Grant. He referred to debate which took place in the House of Lords in 1875, on

the motion of Lord Shaftsbury. 'It would appear that attention had been first drawn to the subject in report upon factories by Mr. Redgrave and very possibly Miss. Carpenters mission to India had something to do with the agitation which arose on the subject. She, no doubt discovered that some of the factories in India were open to the objections which had been brought against the unrestricted employment of children in English factories. The result was that a commission of inquiry sat, at Bombay and took great deal of evidence and discovered the existence of some abuses' (Proceedings of the Council of the Governor General of India, 1882: pp. 101-102). 'The testimony of Mr. Bhana Naik, Muccadam of Manockjee Petit spinning weaving mill in Bombay, was that they work for over 12 hours; with half an hour for meals. There are only two closing days in a month' (Report of the Commissioners, 1875: p. 18). Similarly, 'the evidence of women workers also supported the standard working time as 6.00am to 6.00 pm with half an hour recess time' (Report of the Commissioners, 1875: p. 19). The statement of the manager of Bombay limited spinning and weaving mill, 'Mr. James Helm was that there are no fixed hours of work, it does get extended beyond 12 hours and no holiday on Sunday' (Report of the Commissioners, 1875: p. 1). The report of the commission didn't give any strong suggestive remarks and the issue of reforming the existing working conditions of workers got temporarily shelved, due to the larger picture displayed by the members of the commission.

The meticulous work of SSB in framing this final draft in 1878 on factory legislation must have been on the lines of the argument of Mr. Libbs, who while debating in the Governor General Council meeting in March 1881, addressed the house while supporting the Factory Bill in the contest that the appointment of that commission was necessitated, because cotton mills had started with much rapidity in Bombay, then in other provinces. It was indeed necessary to have an inquiry of that nature to see whether there were really any of the very objectionable practices which had prevailed in the mills of England. SSB studied the condition of the workers closely and referred to the report of the Factory Commission of 1875. For almost two years he worked on the issue and waited for an opportunity to strike with full force. He strongly condemned the partial report of the commission of 1875. As he felt that the report was more in favour of the mill owners than the workers. He argued that how the entire report was manipulated and the recording of the witnesses also were tampered with. He condemned the 'extensive working hours and the indiscriminate employment of children in the mills in Bombay, at the cost of their health'

### **3.2. Final status of the Act**

Finally, in 1878 when as a member of the legislative council, he submitted the draft of Bill to regulate the labour of persons employed in the mills and factories in the presidency of Bombay, he very well understood that a mere submission of the draft would not suffice, for converting into an Act. He attached a copy of Statement of Objects and Reason for Factory legislation. He justified his demands on the grounds that in many parts of Europe the movement for labour reform had taken definite shape. He appealed to the British Government to take interest and the necessity for such legislation in India as well unlike in their own country. The conditions of workers in England were equally deplorable, but how the various labour Acts brought changes in the country. SSB tried to touch on the sentimental chord, by putting forward the issue of the health, of the workers and the unjust exploitation of children. He also gave the scope to the Governor in General in Council to use their discretion on exemption of some factories and the hours of work to be sanctioned for them.

The draft requested the British government 'to define the set up of factory, it proposed 6 days working, prohibition in employment of children below 8 years for young person between 8 to 14 years it should not be more than 9 hours in a day, for women 10 hours and adult male 11 hours and compulsory rest of 1 hour. It also called for the certification of age from Government certified Surgeon and if any employer appoints any child under eight years of age, he should be liable for fine of Rs. 10 for each case. It also made provision for penalty, if the employer didn't adhere to working hours and weekly breaks'. However he didn't get a favourable and encouraging reply for the consideration of his Bill on the contrary Mr. J. Nugent (Under Secretary to Government) replied that 'they are unable to introduce a Bill of this nature into both the Local Legislative councils' (Bengallee, 1930: p. 152). It didn't take much time for the reformers in India to realize that, the British government in India was just pacifying them and were in no mood to accept their demands and the draft for legislation. By this time they had alarmed the government enough to think on preparing a non effective provisional Bill towards the Factory Act. This Bill was to apply to the entire country, but with inadequate relief measures. The Bill finally reached its expected platform of discussion i.e Governor General's Council on 7<sup>th</sup> November, 1879. What makes this entire process interesting was the commitment and earnest zeal of SSB in getting the Bill first for discussion and then finally culminating it into an Act of 1881.

The Act before completing its final cycle went through a heavy series of opposition and promotion from November 1879 to March 1881. The tenure of

16 months helped the draft to evolve into bill and finally into a form of legislation. The Bill was finally published in the Bombay Gazette of 29<sup>th</sup> November, 3<sup>rd</sup> and 9<sup>th</sup> December, 1879. It got the support from Mr. Janardhan Ramchandraj and Rughaba Succaram and 578 others in the form of memorial to the Council and the Viceroy dated 26<sup>th</sup> December, 1879. The memorialists acknowledged the sincere efforts of Sorabjee (See Annexure I).

### *The Factory Act of 1891*

The Factory Act of 1881 remained silent on the working hours for the adult male and female, but the Act did recommend six days working week and one day holiday in a week. The Act was welcomed by some, however objected by others, with vested interests and reprocessed by the industrial reformers. It dropped the permissive character and now got the entire country under its ambit. The Factory Act of 1881 however should be given credit that at least for once brought the industrial workers in India and Great Britain on one plank. The other area of doubt was due to its non- clarity of various issues in the first factory Act of 1881. It should be accepted that the Act did not fulfil its desired objectives and to some extent failed to achieve its set goal, as the Act of 1881 did not provide guidelines on working hours for male workers, the extended working hours for women; also the limitation on the working age of children needed a fresh review, moreover the implication of weekly break also depended at the discretion of the mill owners, the unresolved issue of the employment at night in artificial light, the hygiene and sanitation condition etc all these needed more discussion and inclusion. "The Indian worker was born in such a historical place of the country and it is no exaggeration to say that right from the moment of its birth, it had to move along the torturous path of protest and conflict" (Sukomal, Sen, 1979: p.71).

The working class in England had cold climate and they had come from uprooted peasantry so for them working in the factory sometimes was the only option. Whereas the India worker still had his rural root intact and sometimes had family back in the village so for them they would have something to fall back and in a situation like the factory was quite suffocating, amidst, unhygienic conditions? 'The machines were not always protected' (Punekar,Varickayil, 1990: p.xvii) The Act of 1881, was a complete surrender to the forces of opposition. It only touched the fringe of the evil system which was gradually racking the nerves and undermining the health of the operatives. The fact that soon after the first factory Act was passed, fresh investigations had to be set in motion both by the Government, 'was an eloquent testimony to the inadequacy of its provisions' (Bengallee,1930: p. 52) . It should also be noted that the Act of 1881, did not

provide any guidelines on the sanitation and ventilation, Mr. Meade king after conducting exhaustive study about the application and improvements of the Factory Act 1881, gave some suggestions.

### *The Factory Commission of 1885*

The Factory commission of 1885, in which Mr. Meade King suggested that 'Every factory shall be ventilated in such a manner as to render harmless, so far as is practicable , all vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health where it appears to an inspector under this Act that there is a contravention of this section he may direct a far or other mechanical means of a proper construction for preventing or carrying of such vapours, dust or other impurities to be provided within a reasonable time and if the same is not provided, maintained, and used the occupier of the factory shall be liable to a penalty not exceeding Rs. 200'(Punekar,1990: p.173). These recommendations were a great advance on the newly established position, but as, 'Bengal strongly protested the other Governments did not extend sufficient support' (Bengallee, 1930: p. 54). The Bombay Government with a view to introduce a special Bill applicable to that presidency, appointed a second Factories Commission to report and review the implementation of the Act in 1884 it appointed Bombay Factory Commission, which consisted the collector of Bombay W. B. Mulock, as president two representation chosen by the Bombay Chamber of commerce and two by the Bombay Mill owners Association and three other members nominated by the Government among whom were included Dr. Blaney and Mr. Bengallee. Before the commission it transpired that 'men, women, lads, girls and children employed in the cotton presses and spinning factories were occasionally worked continuously for 8 and 10 and 12 days and nights at a stretch, with a rest of half an hour in the evening and as rule from 4 and 5 am to 7, 8 and 9p.m without any stoppage during the day. If six or eight hours a day in is as long as a man should be employed in this works it is surely an abominable to allow lads, girls women, and children to be employed in them day after day for 23 ½ hours at a stretch'(Punekar, 1990: p.32).

Mr.Narayan Mehghaji Lokhande submitted a memorial of the meeting which was convened by him on 23<sup>rd</sup> and 26<sup>th</sup> September 1884, a memorandum incorporating the following demands was prepared.

1. That all mill-hands be allowed one complete day of rest every Sunday.
2. That half an hour's recess is allowed to them at noon.

3. That work in mills should commence at 6.30 am and close at sunsets.
4. That the payment of wages should be made not later than the 15<sup>th</sup> of the month following that for which they have been earned.
5. That a workman sustaining serious injury in the course of his work at the mill, which might disable him for the time being should receive full wages until recovery and that in case of his being maimed for life, suitable pension should be made for his livelihood (Sukomal Sen, 1970: pp. 774-775).

The memorial was signed by 5,500 workers and submitted to the commission subsequently around 10,000 workers joined the movement and gave their approval to the memorandum. A memorial asking for 'a weekly holiday was drawn and sent to the meeting held on June 10, 1890, however it could not be enforced' (Das, 1923: p.14). The role and contribution of Mr. Narayan Meghaji Lokhande needs special mention as in later course with the support of Mr. Bengallee he drew up amendments for the Factory Act of 1891. In 1890 he founded the Bombay mill hands Association and became its president Mr. I.M. Campbell Revenue collector of Bombay commented on it regarding its character. He said 'The Bombay mill hands have no organized trade union, describes himself as the President of the Bombay mill hands Association. That Association has no existence as an organized body had no roll of membership, no funds, no rules'. The Bombay Factory Commission was greatly impressed by the facts disclosed in the course of the inquiry and recommended fixing the lower limit of 9 years and the upper at 14 years in respect of the age of children. A certificate of fitness was to be obtained before a child was employed. The minimum number required to constitute a factory was to be reduced from 100 to 10. They recommended that the hours of women workers should be restricted to 11 hours in a day provision for sanitation was also included. Sorabjee and Dr. Blaney added however a recommendation that 'a weekly holiday should be secured for all operatives, but the Government of India was not prepared to revise Act XV of 1881' (Bengallee, 1930: pp. 54-55). In the evidence recorded by the Factory commission, it recommended that if there is unanimity, or nearly so, on any one point, it is with regard to the desire to allow one day of rest in every seven days to all mill hands, male and female; a concession hitherto denied to them by their employers. The mill operatives in their memorial, above referred also prayed for this reasonable and much needed boon.

### *The Bill of the 1891 Act*

It should be however noted that the Bill that was presented in January, 1890 was different in its study and report as what was finally presented in

the council. The bill of January, 1890 had eight objectives subject' (Proceedings of the Council of the Governor General of India, 1891. p.155):

- 1) To extend the operation of the Act in which not less than twenty persons are employed.
- 2) To raise the minimum age for the employment of children from seven to nine years.
- 3) To limit the employment of women to eleven hours a day.
- 4) To secure to women and children proper intervals for food and rest during the day and not less than four days holidays in each month.
- 5) To secure a proper supply of water for the use of operatives.
- 6) To ensure proper ventilation and cleanliness in factories.
- 7) To prevent overcrowding likely to be injurious to health.
- 8) To give local governments greater power to obtain returns and make rules for the purpose of carrying out the provisions of the Act.

Mr. Hutchins in his speech echoed 'I confidently assert that the Government of India would never consent to promote a Bill who would involve the sacrifice of the true interests of Indian manufacturers or of any outside pressure we consider that this Bill is in itself good for India. We have long considered it necessary that the Factory Act should be amended in several respects (Proceedings of the Council of the Governor General of India, 1891. p.155). The Act covered a place with twenty operative and more constituted a definition of a factory, there would be weekly holidays enforced, hours of women were limited to 11, an interval of at least an hour and a half was provided for if the work extended to 11 hours, night work for them was prohibited except certain conditions, the working age of children fixed at 9 to 14, the hours to 7, and they should not be given dangerous work, regular inspection was introduced and penalties for defaults was given to administering officers.

Mr. Bengallee did witness the periodic changes in his lifetime on the issue of labour welfare. The legislations of factory Acts marked a new beginning in the industrial era of India. It was perhaps one of the strong factors towards the working class movement in Bombay in the 20<sup>th</sup> century<sup>1</sup>.

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<sup>1</sup> The recommendation of this Commission led to the legislation of Factory Act 1891. The main provision of this Act included: fixing daily 9 hours work child labourer's between 9 to 14 years, 11 hours work for female labourer's, daily half an hour break for Tiffin and one day's compulsory rest in a week. But noticeable, even this Act did not fix the hours of work for male labourers. Rather the Commission, in their own words, could not conceive of any conditions which can ever call for State interference in the matter.

## **The Role of British Legislations and the Working Class Movement in Bombay**

The struggle of the working class in India and especially in Bombay after the passing of these two Factory Acts not only strengthened their efforts, but gave them hope that the impact of legislation can be more effective and long lasting. The labour movement in the 20<sup>th</sup> century India bears its testimony. The formation of Kamgar Hitwardhak Sabha, Girni Kamgar Union, Mill Mazdoor Sangh, All India Trade Union Congress (AITUC) etc gave new

shape and dynamics to the movement. Though the void between the mill owners and the workers increased further, but it at least mobilised the workers together to a great extent. The introduction of Communism in Russia after the revolution of 1917 further aggravated this movement. The developments in Bombay towards the cause of the working class became the precedent in the country.

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## **Annexure I:**

### **Draft of a Bill to regulate the labour of persons employed in the mills and factories in the Presidency of Bombay**

#### **DRAFT**

Whereas it is expedient to pass an act, to regulate the labour of persons employed in the Mills and Factories in the Presidency of Bombay.

It is hereby enacted as follows:

#### **CHAPTER I- PRELIMINARY**

1. This Act may be called "The Factory Act, Bombay.

It extends to the whole of the Presidency of Bombay. And it shall come into force at once.

2. In this Act, unless there be something repugnant in the subject or context,

(1) "Mill" or "Factory" includes all places of work wherein steam or water power is or shall be used to propel or work the machinery therein, but doesn't include any part of such place or places wherein steam or water power shall not be so used.

(2) "Occupier" includes owner or owners of any Mill or Factory, whether such owner or owners be an individual or individuals or a company or association of persons either incorporated or not, and also any individual or individuals or company or association as aforesaid having on behalf of the owner or owners of any Mill or Factory the care or director thereof or any part thereof or any person employed therein.

(3) "Adults males" means all male persons who shall have completed the age of fourteen years.

(4) "Adults females" means all female persons who shall have completed the age of fourteen years.

(5) "Young persons" means, male or females, who shall have completed the age of eight years, but who shall not have completed the age of fourteen years.

#### **CHAPTER II - WORKING HOURS OF MILLS AND FACTORIES**

3. No Mills or Factory shall be at work before six in the forenoon or after six in the afternoon on any day.

4. No Mills or Factory shall be at work for more than six days in every seven days.

#### **CHAPTER III - WORKING HOURS OF PERSONS EMPLOYED IN MILLS AND FACTORIES**

5. No adult male shall be employed in any Mill or Factory for more than eleven hours on any one day.

6. No adults female shall be employed in any Mill or Factory for more than ten hours on any one day.

7. No young person shall be employed in any Mills or Factory for more than nine hours on any one day.

8. It shall not be lawful for any occupier of any Factory or Mill to employ therein on any day any adult male or female or any young person who shall have to his knowledge already worked on the same day in any Mill or Factory.

9. There shall be allowed in the course of every day not less than one hour for rest or meals to every adult male, adult female, and young person out of the hours of work for them respectively limited by this Act; such one hour shall be allowed in the case of adult males and females after the first five hours of work on any day, and in the case of young person's after the first hours on any day; provided that it shall not be necessary to allow any time for rest or meal to young persons who shall be employed in any Mills or Factory for not more than five hours per day.

10. It shall not be lawful for any occupier of any Factory or Mill to employ therein any child or children who shall not have not completed the age of eight years.

#### **CHAPTER IV CERTIFYING SURGEONS, REGISTERS AND CERTIFICATE OF AGE**

11. The Governor in council shall, upon this Act being passed, appoint a sufficient number of medical or surgical or surgical practitioners to be certifying surgeons for the purpose of examining persons brought or coming before them to obtain certificate of age, and giving such certificates, and may in any such appointment specify any Mills or Factories or district for which any such surgeon is appointed, and may from time to time annual any such appointment, and like manner make another or others; but no Medical or Surgical Practitioners having any beneficial interest in any Mills or Factory, shall be appointed a Certifying Surgeon.

12. Within such period after the appointment of Certifying Surgeons under this Act as the Governor in council shall specify by notification in the Government Gazette, a register shall be made in every Mill or Factory by the occupier thereof of the names, sexes and ages of all persons employed therein, and every such register shall within the same period be certified by a Certifying Surgeon duly appointed under this Act as aforesaid, who shall sign a statement at the foot of such register that he has been every person therein, and that he believes his or her age to be correctly stated therein. The occupier of each Mill or Factory shall pay the Surgeon who so certifies the correctness of the register thereof a fee of four annas for every person named therein as employed in such Mills or Factory.

13. After the period to be specified in the manner provided by the last preceding section, occupier of Mills or Factories shall obtain a surgical certificate of the age of every person engaged for employment in such Mills or Factories within seven days after the engagement of such person. The Certifying Surgeon's fee for each certificate shall be one rupee, which the occupiers obtaining it, shall pay in the first instance and be at liberty to deduct out of the earnings of the person named in such certificate. Occupiers of Mills or Factories shall file all certificate of age obtained by them, in a book to be called "Age Certificate Book," in the order of the date of such certificates, and said certificates shall be numbered in order in which they are so filed.

14 Surgical certificates of age given by Certifying Surgeons appointed in the manner prescribed by this Act shall be conclusive evidence of the age of the person named in such certificates for the purposes of this Act, and certificates given by any other person other than such Certifying Surgeon shall be of no force.

## **CHAPTER V - POWER OF GOVERNMENT TO INCREASE THE HOURS OF WORK AND TO ALLOW EXEMPTIONS IN CERTAIN CASES**

15. The Governor in council on the due representation being made to him may for such period or periods and subject to such rule or rules as he may consider necessary

- (a) Increase the working hours for adult males in any Mill or Factory.
- (b) Exempt any Mill or Factory where adult males only are employed, from the application of Sections three and four of this Act; or
- (c) Exempt any Mill or Factory belonging to government, from the operation of the Act.

## **CHAPTER VI - PENALTY**

16. every occupier of any Mill or Factory who shall work the same otherwise than in accordance with the provisions of Sections 3 and 4 of this Act, shall on conviction before a magistrate be liable to fine not exceeding Rs.1,000 for everyday that he shall so work the Mill or Factory.

17. Every occupier of any Mills or Factory who shall employ therein any male, female or young person otherwise than according to the provisions of this Act or any child under eight years of age, shall, on conviction before a magistrate, be liable to a fine not exceeding Rs.10 for every such male, female, young person or child per day of such employment.

## **CHAPTER VII- MISCELLANEOUS**

18. It shall be the duty of the Chief Officer of police in every town and district to see that the provisions of this Act are complied with and carried out within such town or district, and he or his duly authorized subordinate officer shall have the power at all times to enter into any Mills or Factory in the performance of such duty, and to obtain for inspection the Register of Persons employed therein," The Age Certificate Book and other documents pertaining to the due compliance with the provision of this Act.

19. Any person obstructing or hindering such officer shall be liable to the same punishment as that provided by Section 186 of the Indian Penal Code, for unlawfully obstructing a public officer in the discharge of his duty.