

*** Factories (Amendment) Bill**

The Honourable Dr. B. R. Ambedkar (Labour Member):
Mr. President I move :

“That the Bill further to amend the Factories Act, 1934, be taken into consideration”.

The Bill has altogether seven clauses ; but of these seven clauses there are only two which are fundamental. They are clause 2 and clause 7 of the Bill. These two clauses deal with two separate questions. Clause 2 deals with the question of reduction in the hours of work and clause 7 deals with the rate of payment for overtime.

Taking for consideration the first question, namely, the reduction in the hours of work. I would like to state to the House what the present position is. The present position is that under section 34 of the Factories Act, for perennial factories the maximum hours of work per week are fixed at 54, while for the non-perennial or seasonal factories the total is 60 hours a week. Clause 2 of the Bill proposes to make changes in the maximum hours of work fixed by section 34 for perennial factories the maximum is fixed at 48, while for the seasonal factories the maximum is fixed at 54. It might be desirable to mention to the House why Government has thought it necessary to bring this amending measure.

As some members of the House will remember, this question regarding the hours of work in factories was considered for the first time in a convention which was held in Washington in the year 1919. The convention fixed 40 hours as the maximum for factory labour, but on account of the special conditions prevalent in India, the conference agreed to allow India to retain the maximum of 60 hours, which was then prevalent. Consequently, the Government of India allowed the 60 hours limit to continue. The matter was then examined by the Royal

* Legislative Assembly Debates (Central), Vol. I-No. 7, 21st February 1946, pp. 1304-6.

Commission on Labour, and Royal Commission on Labour recommended that although the international convention did not put any obligation upon the Government of India to bring the Factory Law in consonance with the convention established in Washington, they recommended that nonetheless it was necessary that the hours of labour in India should be fixed at 54. That recommendation was accepted by the Government of India and an amending Bill was brought in the year 1934, under which the present maximum which is fixed by section 34 was brought into operation. The Government of India now think that time and circumstances have arisen whereby it is necessary that the Indian factory workers should be allowed the benefit of the maximum hours of labour that were fixed by the Washington Convention ; and that is the reason why this Bill has been brought forward.

I need not elaborate the reasons why Government regards this matter as somewhat emergent. But I might mention briefly the considerations that have moved the Government of India to bring forward this measure. I think it will be agreed that apart from other considerations, if one were to take into account only the climatic conditions that prevail in this country, it would be agreed that for that, if for no other reason, the hours of work in a country like India ought to be much less than the hours of work that are prevalent in other countries. There is also the other reason, namely, that during the war, under section 8 of the Ordinance, we had permitted the Provincial Governments to allow many exemptions from the provisions of the Factories Act which had the effect of increasing the hours of work for factory labour and the Government thinks that the strain arising from the extension of the hours of work during the period of the war was so great that it is necessary in the interests of the health of the workers that they ought to be now granted a substantial relief. I might also mention to the House that the Government also thinks that this measure will have some salutary effect in the matter of relieving unemployment which is likely to arise as a result of retrenchment. If 48 hours and 54 hours which have been fixed by the present Bill.....

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammdan Rural): Make it 40.

The Honourable Dr. B. R. Ambedkar : were to be of universal operation, it is, I think, logical that more people would be

employed than are employed now and that to some extent it would be a relief in our post-war difficulties. Some members are probably thinking that this might be a very radical measure. I would like to disabuse them of any such notion. The Bill does not make any radical change in the practice which exists at present and I would like to give the house some figures in order to show to what extent 48 hours in perennial factories and 54 hours in seasonal factories have become the order of the day. In the year 1939, there were altogether—I am giving figures of perennial factories—8,644 factories. Of them 2,315 were working at the rate of 48 hours a week which gives a percentage of 27 per cent. In 1940, the total number of factories was 8,115 and those that worked on 48 hours were 2,525 which gives 28 per cent of the total. In 1941, the total was 10,261. Those that worked on 48 hours were 2,921 which was 29 per cent. In 1942, the total was 10,483. Those that worked on 48 hours was 2,687 which gives a total of 26 per cent. In 1943, the total was 11,239. Those that worked on 48 was 2,761, which gives a total of 25 per cent. In 1944, that total was 11,835. Those that worked on 48 hours was 3,191 which gives a total of 27 per cent. The same facts with regard to seasonal factories are as follows. In 1939, there were 6,252 factories. Of them 2,409 worked on a basis of 54 hours which gives 39 per cent. In 1940, the total was 6,239. Of them 2,440 worked on the basis of 54 hours, which is again a total of 39. In 1941, the total was 6,265. Of them 2,439 worked on 54 hours which again is a percentage of 39. In 1942, the total was 5,925. Those that worked 54 was 2,358 which gives 40 as the percentage. In 1943, the total was 6,255. Of them 2,398 worked on a basis of 54 which gives a percentage of 40. In 1944, the total was 5,950 and of them 2,368 worked at the rate of 54. That gives 40. (An Honourable Member : “The rest is more than 54 hours”) Not beyond the maximum but above the figures now fixed in the Bill.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammdan Rural) What is the number of men employed ?

The Honourable Dr. B. R. Ambedkar : I am coming to that. Looking at the matter from the point of view of the hands, we unfortunately have not got very complete data but from the reports of the Fact Finding Committee which the Government of India appointed recently, the figures collected stand as follows. The total factory hands

both in seasonal and non-seasonal factories comes to 25,20,251. These are the latest figures for 1945. Those that were employed in factories working at 48 to 54 comes to 9,47,000 which is 37 per cent, of the total. It will therefore be seen that there are already a great number of factories both perennial and seasonal which have practically adopted the maximum which is now fixed in the Bill and from that point of view it cannot be said that the Bill is making any very great radical change in the situation as it exists today.

There is one other point which has been raised by the critics of the Bill to which I would like to give a reply. It has been said that this Bill will affect production, and that it will reduce production and this point has been emphasized, if I may say so, by the cotton textile mills. They have contended that from their point of view and from the point of view of the country this is an inopportune measure. There is a great deal of shortage of cloth in the country. In fact there is a cloth famine and they say that if anything was necessary in the circumstances of the day, the mills, particularly the Cotton mills, ought to have greater latitude in the matter of hours of employment, so that the deficiency in the matter of cloth production might be made up. Now, I had an examination made of the effect of the reduction in the hours of labour on production, particularly with regard to the cotton mills by the Labour Department and I have here some very interesting figures. I have a great lot of figures but I do not want to weary the House with them but I will just refer to the consumption of cotton, increase of loom, spindles and so on, so that the house may get an idea. Now, I take the figure for the year 1934, the year in which the change in the hours of work was made last time. They were brought down from 60 to 54. Now, in 1934, the position was as follows. There were 352 mills. There were 9,613,174 spindles, 194,388 looms, 384,938 hands employed and the number of cotton bales consumed was 2,703,994. Take the next year, 1935, when the provisions of the Act became effective. The number of mills had increased to 365. Spindles had increased to 9,685,175, looms had increased to 1,98,867. The number of hands increased to 4,14,884. The bales consumed increased to 3,123,418. I will take the last year available to me, that is 1938. The total number of mills had increased to 380. The number of spindles had increased to 1,020,275.

Shri Sri Prakasa : Will the Honourable Member give them in lakhs ?

The Honourable Dr. B. R. Ambedkar : They are all given here in millions. The notation which I am using is quite familiar to the Honourable Member on the other side. He is not so ignorant as he is showing himself to be.

The number of looms is 200,286; hands employed were 437,690, the number of cotton bales consumed 3,662,648. Therefore, my submission is that so far as experience of the past is any guide to the consequences of the future, I am sure that any such fear that may be entertained is unfounded. However, the Government of India does recognise that there is cloth famine, if not famine, there is shortage of cloth and that under the circumstances, it would be necessary to make some provision, so that should occasion arise, the mills or the other establishments which require longer hours to work may have the liberty to do so. Accordingly, there has been inserted in the Bill a clause which is clause 5 and which amends section 44. It will be seen from the wording of the clause that power is given to the Provincial Government to extend the operation of the order for six months at a time, it was proved that public interest as distinguished from emergency existed. There is already provision for suspending the provisions of the Factory Act whenever there is emergency. It was felt that the shortage of cloth may not be regarded as an emergency and consequently Provincial Governments may not be in a position to use the sections which exist at present in the Act. Consequently as a measure of greater precaution, the Government has inserted in the Bill a clause which now makes provision for another category of situation which is called public interest. So, I hope that that clause will allay such fears as the cotton textile millowners may have with regard to the effect of the Bill on the production of cloth.

Sir, the other clauses, namely, clauses 3, 4 and 6 are purely consequential. Clause 3 reduces the daily maximum from 11 to 9 for perennial factories and from 11 to 10 for seasonal factories. That is in consonance with the major change which we are making by fixing a new maxima for perennial and seasonal factories. Clauses 4 and 6 merely reduce the spread over from 13 hours to 12 and I am sure they need no comment from me. With regard to the second main provision

of the Bill which as I said deals with the rate of payment for overtime, Honourable Members will see that the existing Factory Act does not have a uniform rule with regard to payment of overtime. In fact, there are two different rules, one for perennial factory and the other for seasonal factory. For the seasonal factory, if the hours of work are above 60, then he gets $1\frac{1}{2}$ for the non-seasonal factory, there are really two different rates. If the working hours are between 54 to 60, then the overtime is $1\frac{1}{4}$ times, if it is above 60, it is $1\frac{1}{2}$ times. As Government thinks that as this distinction or differentiation in the rates of payment of overtime is unjustifiable, that it is desirable that there ought to be one single rule for overtime, irrespective of the nature of the factory, to which the rule applies. Consequently the amendment in the Bill proposes that for all overtime, the rates should be one and a half times. I hope that the house will realise that this is a simple measure, that it is a measure long overdue and that it will give its support to this belated measure of bringing Indian legislation in accord with the standards laid down by the International convention. Sir, I move.

Factories (Amendment) Bill

***The Honourable Dr. B. R. Ambedkar:** Sir, I have listened to the speech which the Mover made in support of his amendment and if that speech was the only speech in support of the amendment I certainly would have resisted the amendment, because, so far as I was able to hear, the Honourable the mover of this amendment said that the reason why he had moved his amendment was because I had not explained in my speech whether the Government of India, before putting forth this Bill, had consulted the different Parties to this measure. I certainly failed to say so but I thought that the Honourable member of this house were aware of the fact that for the last several years there has been in existence an institution called the Labour Conference which meets annually and which has a Standing Committee which meets every quarter. It consists of the representatives of labour, the representatives of employers and the representatives of the Provincial Governments. The Government of India, in so far as it is possible, for it to do so, always put forth their legislative measures

* Legislative Assembly Debates (Central), Vol. I-No. 7, 21st February 1946, pp. 1312-13.

before the Conference in order to ascertain the opinion of the different Parties to those measures. The same, Sir, has been the case with regard to this particular measure. I have no particular information with me now as to how many times this measure had come before the Standing Labour Committee or the Labour Conference but I have not the slightest doubt in my mind that this measure was discussed threadbare in one of the two bodies (I forget which). We had come to know that the cotton millowners had certain difficulties and certain objections and it was to meet their point of view that a particular amendment was made. Having regard to that, I do not think that there is any substance in the point made by the mover of this amendment. As I said, if that was the ground and the sole ground, I would have resisted, but, Sir, the debate as it developed has taken a very curious turn.

Prof. N. G. Ranga (Guntur-cum-Nellore : Non-Muhammdan Rural): A very welcome turn.

The Honourable Dr. B. R. Ambedkar : It is probably a welcome turn. I have noticed from the speeches that have been made from different part of the House that there is now a regular competition in love for labour. One section says one thing and another raises it as though it was an auction by making a higher bid and third one still further.

An Honourable Member : You can bid higher.

The Honourable Dr. B. R. Ambedkar : In all these debates I am rather unhappy that there were persons in the House who were members of the Royal Commission and who ought to have taken a personal interest in seeing that the measures which they had recommended when they were members of the Commission were put forth, if not from the Government side, at least from the non-official side, should turn my inside out and represent that I was a Tory of Tories. I do not accept that charge but I do feel that it is necessary that this Bill should go to Select Committee so that all the statements that have been made, the claims that have been put forth and the view points that have been urged should be put to the test of actual voting in order to see whether the sentiments that have been expressed are mere sentiments or that they are real convictions. If I did not do so, it is open to the members of the Opposition side to say that as I was a Tory and do not want to advance the Bill beyond the limits that have been fixed, that I on that

account shirked accepting this motion. I therefore accept the motion. (At this stage Honourable Members rose in their seats).

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***Sri R. Venkatasubba Reddiar:** To the names I have already submitted in regard to the Select Committee, I want to add two more names—Sri T. A. Ramalingam Chettiar and Rai Bahadur Bhattacharyya.

The Honourable Dr. B. R. Ambedkar: I accept them.
Mr. Deputy President: The question is :

“That the Bill be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Dr. B. R. Ambedkar, Prof. N. G. Ranga, Sjt. N. V. Gadgil, Mr. Vadilal Lallubhai, Diwan Chaman Lall, Pandit Balkrishna Sharma, Mr. Muhammad Nauman, Mr. Muhammad M. Killedar, Sir Hasan Ahrawardy, Mr. S. C. Joshi, Mr. A. C. Inskip, Miss Maniben Kara, Mr. S. Guruswami, Chaudhry Sri Chand, Sri T. A. Ramalingam Chettiar, Raj Bahadur D. M. Bhattacharya, and the Mover, with instructions to report on or before the 7th March, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

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