

Child Labour in India : I

by

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Continuing the series of articles already published in the International Labour Review¹ on various aspects of conditions of labour in India, Dr. Das deals in the following study with the question of child labour. He shows that in India, as in all predominantly agricultural and relatively little industrialised countries, the labour of children is an important factor in production; indeed, owing to the shortness of adult life as compared with Western countries, as well as the absence of compulsory education and the earlier age at which children begin to work, the burden of producing the national wealth falls heavily on the younger generations. Nevertheless, the adoption of protective legislation and the increase of industrial efficiency have greatly reduced the amount of child labour in organised industries. The vast mass of working children are engaged in assisting their families in agriculture, which is followed in order of importance as regards the employment of children by the traditional handicrafts and those numerous small undertakings that are not at present covered by the Factories Acts. The widening of the scope of the Indian Factories Act is now under consideration by the Government and Legislature of India, and this is without doubt the most urgent immediate task for the protection of Indian childhood. But, as the author of this article suggests, both the problem of restricting the employment of young children and that of the more efficient utilisation of juvenile labour call for the extension of compulsory primary education and the development of vocational training. It is only by progress in these directions that the wider problems of the employment of children in India can be met. Meanwhile, much has been done for the restriction and protection of child labour in factories, mines, and plantations; the extent of child labour in these industries in the British provinces of India, the systems of regulation, and the more immediate problems both in these industries and those which are still unregulated are the main subjects of this article.

¹ Vol. XXII, No. 5, Nov. 1930 : "Labour Legislation in India"; Vol. XXIV, Nos. 4-5, Oct.-Nov. 1931 : "Woman Labour in India".

ACCORDING to the Census of 1931, the total population of all India is about 353 million¹, of whom 141 million are children under 15 years of age. In comparison with most other countries, the proportion of children to the total population is high, being 39.9 per cent., as against, for instance, 23.3 per cent. in England and Wales.² This comparatively high proportion of children and the consequent low proportion of adults have great significance for the social and economic conditions of India. Among other things, they mean that juveniles play a larger part in production in India than in most other countries.

From the point of view of child labour, the most important age group is that of children from 5 to 14 years of age. The exact number of such children in India will not be known until the publication of the final report of the Census of 1931³, but, on the basis of the Census of 1921⁴, the number in 1931 would be roughly 93 million, or 52 million children from 5 to 9 years of age and 41 million from 10 to 14 years of age. The corresponding figures for British India would be about 72 million, or 40 million from 5 to 9 years of age and 32 million from 10 to 14 years.

No information is available to show how many of these children are working. The Census of 1931 gave the total number of persons engaged in gainful occupations—i.e. persons, excluding dependants, who obtain their livelihood by some form of labour, wage-earning or other—as 154 million⁵, but the number of children included in this total was not given. Moreover, it may be assumed that, following the example of the Census of 1921⁶, the Census of 1931 included only the children over 12 years of age among those who were helping in field work. It is unquestionable, however, that large numbers of young children are working both in agriculture and in handicrafts.

¹ The actual population of all India is 352,827,778; cf. *East India (Census 1931): Abstract of Tables* (Cmd. 4194; London, H.M. Stationery Office, 1932), p. 4. The population of British India, with which this article is mainly concerned, is about 272 million, of whom 108 million are children under 15 years of age.

² Cf. *The Registrar-General's Statistical Review of England and Wales, 1931*, Tables, Part II, p. 1.

³ Since this article was written, the final report of the Census of 1931 has been published in India, but no copy has as yet been available to the writer.

⁴ *Census of India, 1921*, Vol. I, Part I, Report, p. 135; and Vol. I, Part II, Tables, p. 46. (This document is hereafter referred to as *Census of India*.) Out of a population of 319 million in 1921, detailed accounts were available only for 315 million, of whom 14.8 per cent. were children from 5 to 9 years of age, and 11.7 per cent. from 10 to 14 years of age.

⁵ *East India (Census 1931): Abstract of Tables*, p. 12.

⁶ *Census of India, 1921*, p. 240.

It is equally impossible to estimate with any degree of accuracy the number of children employed as wage earners. Of the total number of persons gainfully occupied in 1931, 31.4 million¹ were agricultural labourers, of whom 23 million were landless labourers or farm servants entirely dependent upon employers for a livelihood, while the non-agricultural or industrial labour population in British India was estimated by the Indian Franchise Committee of 1932 to be about 25 million, including labourers employed in organised and unorganised industries, commerce, and other kindred occupations.² Although no estimate has been made as to the number of wage-earning children, there is no doubt that considerable numbers of these wage workers are children. The Royal Commission on Labour in India found that children of 6 and 7 years of age were employed in organised industries, such as plantations and unregulated factories.³

As regards the employment of children in large-scale organised industries, such as plantations, factories, mines, and transport industries including shipping and harbours, to which the present study is mainly confined, this is directly and indirectly regulated by labour legislation and considerable and reliable information is available.

CHILDREN IN ORGANISED INDUSTRIES

According to the Census reports, the number of workers in organised undertakings employing 20 persons or more was 2,105,824 in 1911 and 2,608,122 in 1921; including undertakings employing 10 persons or more, the total number of workers amounted to 2,681,125 in 1921.⁴ The results of the Census of 1931 are not yet available, but if the rate of increase was about the same as in the previous decade, the present number of labourers in organised industries would be between 3.25 and 5 millions; the Indian Franchise Committee considered that the number of workers would approach the latter figure.⁵

Of the 2,681,125 workers recorded by the Census of 1921, 225,172, or 8.4 per cent., were children under 15 years of age. They were employed mainly in such industries as plantations,

¹ *East India (Census 1931): Abstract of Tables*, p. 12.

² *India (Constitutional Reforms): Report of the Indian Franchise Committee*, Vol. I, pp. 91-92. Cmd. 4086. London, H.M. Stationery Office, 1932.

³ See below, under "Age of Admission to Employment".

⁴ *Census of India*, 1921, pp. 292-293.

⁵ *Report of the Indian Franchise Committee*, p. 91.

textile and connected industries, and mines and quarries, which employed respectively 56.0, 21.7, and 10.1 per cent., or together nearly nine-tenths, of the children, as shown in the table below.

CHILDREN IN ORGANISED INDUSTRIES IN INDIA IN 1921 ¹

Industry	Boys	Girls	Total	
			Number	Per cent. of total
Plantation industries	64,928	61,183	126,111	56.0
Textile and connected industries	38,854	10,119	48,973	21.7
Mines and quarries	12,586	10,071	22,657	10.1
Metal, glass, earthenware, and chemical industries	9,887	3,860	13,747	6.1
Food industries	3,676	1,440	5,116	2.3
Building and construction	3,084	1,261	4,345	1.9
Others	3,974	249	4,223	1.9
Total	136,989	88,183	225,172	100.0

¹ Adapted from *Census of India*, 1921, p. 292.

The corresponding figures for the Census of 1931 have not yet been published, but there are more recent statistics for the various groups of industries. In considering these figures, however, regard must be had to the differing definitions of a "child" in the different groups. The Census of 1921, as noted above, regarded all persons under 15 years of age as children, and the statistics of persons gainfully occupied included all persons over 12 years of age. The Indian Factories Act also classes all persons between the ages of 12 and 15 years as children. The Indian Mines Act, however, while excluding all children under 13 years of age from employment in mines, permits the employment of persons over 13 years of age as adults. Plantation legislation, on the other hand, regards all persons who have reached the age of 16 years as adults and they are so employed, and classes those who are below 16 years of age as children.

Plantations.

The plantation industry is one of the largest organised industries in India. The total number of workers on all kinds of

plantations was 741,691 in 1911 and 1,003,458 in 1921 ¹, showing an increase of 35 per cent. in a decade. The total number of workers at present employed on all classes of plantations is not known, but the number on tea gardens is 877,491 ², on coffee estates 103,766 ³, and on rubber estates 19,157 ⁴, or a total of 1,000,414 on the three most important classes of plantations. Exact statistics showing the number of children among these workers are not available, except in the case of the Assam tea gardens, which employ the largest number of plantation workers. In 1931, for instance, out of a total of 877,491 workers in the tea industry in the whole of India, 530,996, or over 60 per cent., were employed on the tea gardens of Assam. ⁵ Moreover, Assam is the only province where the recruitment and employment of plantation labour have been brought under legislative control.

The first available records showing the number of children living on the Assam tea gardens are for 1877, when, out of a labour population of 157,219, 46,544 were children under the age of 16 years. The figures rose to 1,069,426 and 448,999 respectively in 1931-1932, as shown in the table below, the increase in the proportion of children as compared with the total labour population being from 30 to 42 per cent.

CHILDREN LIVING ON ASSAM TEA GARDENS IN SPECIFIED YEARS ¹

Year	Total labour population ²	Children	
		Number ³	Per cent. of total
1877	157,219	46,544	30
1900	662,471	252,376	38
1919-1920	1,110,364	480,733	44
1931-1932	1,069 426	448,999	42

¹ Compiled from *Report on Immigrant Labour in the Province of Assam* for the respective years. The years chosen are those when there were the largest numbers of workers in the gardens.

² Average annual strength.

There are various reasons for the increase in the proportion of children living on the tea gardens. Changes have taken place

¹ *Census of India*, 1911, p. 440 ; 1921, p. 285.

² GOVERNMENT OF INDIA : *Indian Tea Statistics*, 1931, pp. 10-11.

³ Figures for the year 1931-1932. Cf. *The Planters' Journal and Agriculturist*, 1 Aug. 1933, p. 462.

⁴ GOVERNMENT OF INDIA : *Indian Rubber Statistics*, 1931, p. 1.

⁵ Compiled from *Indian Tea Statistics*, 1931, p. 10.

in recruiting policy, and whereas in the early days of the tea plantations recruiting was largely restricted to adults, at a later date the policy of recruiting families was adopted. Moreover, with increasing transport facilities, more men were willing to go to the plantations with their families, and the gradual improvement in health conditions not only had the effect of encouraging a larger number of migrants to take their families to the tea gardens, but also reduced the child mortality rate on the plantations.

The number of children actually employed on the tea gardens is, of course, not the same as that of those living with their parents on the plantations. In 1927-1928, when exact figures of children employed first became available, only a little over one-fourth of the children living on the gardens were registered in the labour books, i.e. actually working, and on the basis of the average daily working strength the number was less than one-fifth. Since then there has been a definite decline in the number of children employed on the tea gardens, as shown in the table below. It will be seen that during the past five years the number of children registered in the labour books of the tea gardens declined from 26 per cent. to 18 per cent. of the number of children living on the gardens, and, on the basis of the average daily strength, from 18 per cent. to 12 per cent. It is noteworthy that this decline followed the visit of the Royal Commission on Labour in India to Assam in 1929, as a result of which the Commission recommended a minimum age of 10 years for employment on the tea gardens.

EMPLOYMENT OF CHILDREN ON ASSAM TEA GARDENS,
1927-1928 TO 1931-1932 ¹

Year	Total number of children living on gardens ²	Children registered on labour books ³		Average daily working strength	
		Number	Per cent. of total	Number	Per cent. of total
1927-1928	376,791	96,613	26	67,281	18
1929-1929	446,150	93,378	21	64,608	14
1929-1930	457,917	89,394	20	62,493	13
1930-1931	452,649	84,394	19	56,158	12
1931-1932	448,999	79,680	18	52,565	12

¹ Compiled from *Report on Immigrant Labour in the Province of Assam* for the respective years.

² Average annual strength.

³ Average of two months only.

As an indication of the number of children actually employed, the figures for children registered in the labour books of the tea gardens are most important. The plantation industry is seasonal in character, a large number of labourers being laid off during the slack season, and the average daily number of children employed on the tea gardens is calculated on the basis of the actual number of working days in the year.

As regards the distribution of children in the Assam Valley and the Surma Valley, the two great geographical divisions of Assam, it may be noted that over two-thirds of the children are found in the Assam Valley. The proportion of children working, as compared with the total number living on the gardens, is, however, slightly larger in the Surma Valley, as shown below :

GEOGRAPHICAL DISTRIBUTION OF CHILDREN ON ASSAM TEA GARDENS, 1931-1932 ¹

Division	Children living on gardens		Children registered on labour books ²		Average daily working strength	
	Number ³	Per cent. of total	Number	Per cent. of total	Number	Per cent. of total
Assam Valley	313,533	70	51,890	65	36,243	69
Surma Valley	135,416	30	27,790	35	16,322	31
Total	448,999	100	79,680	100	52,565	100

¹ Compiled from *Report on Immigrant Labour in the Province of Assam, 1931-1932*.

² Average annual strength.

³ Average of two months.

Factories

There was considerable employment of child labour in the early years of factory industry in India, and particularly in the cotton and jute mills, which were started in the middle of the nineteenth century. ¹ No figures are, however, available regarding the number of children employed in the earlier years, the records for workers in all classes of factories beginning with the year 1892, when, out of 316,816 workers, 18,888 were children. In 1931, these figures stood respectively at 1,431,487 and 26,932, as shown in the table below, indicating a decline in the number of children employed in factories from 6.0 per cent. of all workers in 1892 to 1.9 per cent. in 1931.

¹ *Imperial Gazetteer of India*, 1908, Vol. III, pp. 197 and 205.

AVERAGE DAILY NUMBER OF WORKERS EMPLOYED IN FACTORIES
IN SPECIFIED YEARS ¹

Year	Factories	All workers	Children	
			Number	Per cent. of all workers
1892	656	316,816	18,888	6.0
1912	2,654	869,643	53,796	6.2
1923	5,985	1,409,173	74,620	5.3
1931	8,143	1,431,487	26,932	1.9

¹ *Statistical Abstract for British India, 1900-1901*, p. 265 ; 1923, p. 654 ; *Statistics of Factories subject to the Indian Factories Act, 1922, 1930, 1931*. The years chosen are those in which a new or amended Factories Act came into force.

This table shows that the decline in the number of children employed in factories has been both relative to the total number of workers since 1912, and also absolute in the number of the children themselves since 1923. Moreover, from 1923 onwards, the decline has been steady and rapid, amounting to about two-thirds in the course of nine years. In a single year, from 1930 to 1931, the number decreased from 37,972 to 26,932, i.e. by 11,040 or 29 per cent. ¹ This decline in the number of children in factories is to be ascribed partly to the stricter enforcement of legal provisions relating to the employment of children, and partly to the change in the policy of some employers who have substituted adult workers for children on economic grounds. Temporary causes are also to some extent operating during the present trade depression ; thus the decline in child labour between 1930 and 1931 must be considered in relation to the reduction in the total number of factory workers from 1,528,302 in 1930 to 1,431,487 in 1931, i.e. by 96,815.

Nevertheless, there has been a reduction in the number of children employed in factories which is much larger even than that shown in the table above. The table does not take into account the fact that since 1881 there has been a gradual increase in both the minimum and the maximum ages of children. Whereas between 1892 and 1921 all persons between the ages of 9 and 12 years were regarded as children, since 1922 all persons below the age of 12 years have been entirely excluded from employment

¹ *Statistics of Factories subject to the Indian Factories Act, 1931*, p. 2. The number of children was 72,531 in 1924 ; 68,725 in 1925 ; 60,094 in 1926 ; 57,562 in 1927 ; 50,911 in 1928 ; and 46,843 in 1929.

in factories and only persons between the ages of 12 and 15 years have been enumerated as children.

Reference has already been made to the employment of children in cotton and jute mills. From the beginning of the factory system in India, the largest number of children has been employed in these industries, although there has been a distinct decline in recent years. In 1920, more than three-fourths of the factory children were in cotton and jute mills, but this number declined to under two-thirds in 1923 and to one-half in 1931, as shown below.

CHILDREN IN TEXTILE FACTORIES IN SPECIFIED YEARS ¹

Year	Children in all factories	Children in textile factories			
		Cotton mills	Jute mills	Total	
				Number	Per cent. of all factory children
1920	67,436	24,010	28,680	53,590	79
1923	74,620	18,087	28,612	46,699	63
1931	26,932	9,812	3,770	13,582	50

¹ Adapted from *Statistics of Factories subject to the Indian Factories Act* for the years indicated. The years chosen are those when a new or amended Act came into force or the number of workers reached the highest or lowest point.

The following table shows that much the larger proportion of children employed are boys, the number of girls being only about one-fifth of the total ; but the number of boys to each girl, which was 6.3 in 1892, fell to 4.4 in 1931, showing a slightly increasing tendency to employ girls.

PROPORTION OF BOYS TO GIRLS IN FACTORIES IN SPECIFIED YEARS ¹

Year	Boys	Girls	Number of boys to each girl
1892	16,209	2,589	6.3
1912	44,132	9,664	4.6
1923	61,841	12,779	4.8
1931	21,920	5,012	4.4

¹ Compiled from the *Bulletin of Indian Industries and Labour*, No. 37, and *Statistics of Factories subject to the Indian Factories Act*, 1923 and 1931.

Among the reasons for the comparatively small number of girls in factories may be mentioned the customs of early marriage and of the universality of marriage, owing to which a considerable number of girls marry before the minimum age for admission to employment.¹ The Child Marriage Restraint Act of 1930 has indeed raised the age of marriage for girls to 14 years², but it would seem that it will be some time before the effects of the Act become noticeable. Other influences which keep girls away from the factories are the *purdah* system, the caste system, and the joint family system, which tend to prevent both adult women and grown-up girls as well as young girls from entering industrial occupations outside the household. The recent proportional increase in the employment of girls as compared with boys is to some extent due to the gradual breakdown of these social customs.

It is of interest to note that the proportion of girls among all workers employed in factories is smaller in India than in Japan. In making this comparison, however, it should be remembered that Japan is more industrialised than India. Moreover, statistics of Japanese factories include all undertakings employing 5 or more persons, while those of Indian factories include mostly the undertakings employing 20 persons or more.³ Finally, the statistics of factory children include all persons between the ages of 12 and 16 years in Japan and only persons from 12 to 15 years in India. It should also be borne in mind that the general minimum age for admission to employment in Japan is 14 years, although children may begin work at 12 years of age if they have finished the course in an elementary school; on the other hand, there is no limitation of the hours of work of children under 15 years of age as in India.

A comparative table of the number of children employed is given below. It will be seen that only 2.4 per cent. of the total

¹ According to the Census of 1921, out of 1,000 women 11 were married before the age of 5, 88 between the ages of 5 and 10, and 382 between the ages of 10 and 15. The average age of marriage for women has been estimated at only 12½ years in Bengal. (*Census of India, 1921*, pp. 153-154.)

² *Statement exhibiting the Moral and Material Progress and Condition of India, 1930-1931*, pp. 121-122.

³ In 1930 the total number of factories in Japan was 62,787, of which 36,015 employed from 5 to 9 persons and 8,125 from 10 to 14 persons. On the other hand, only 202 factories out of a total of 8,148 undertakings in India included in the statistics for the same year employed from 10 to 19 persons. Cf. *Rodo Tokei Yoran* (Japanese Statistical Year Book), 1932, and *Statistics of Factories subject to the Indian Factories Act, 1930*, p. 1.

number of factory workers were children in India, as compared with 10.2 per cent. in Japan. The proportion of boys as compared with all male workers is about the same in both countries, but the proportion of girls as compared with all female workers is only 2.1 per cent. in India as compared with 17.5 per cent. in Japan. It is also noticeable that only one-sixth of all factory workers are females in India, as compared with more than one-half in Japan.

FACTORY CHILDREN COMPARED WITH ALL FACTORY WORKERS IN INDIA AND JAPAN IN 1930 ¹

Sex of workers	Japan			India		
	Total number of workers	Between 12 and 16		Total number of workers	Between 12 and 15	
		Number	Per cent. of total		Number	Per cent. of total
Males	893,036	23,624	2.6	1,268,022	32,597	2.6
Females	911,845	159,806	17.5	260,280	5,375	2.1
Total	1,804,881	183,430	10.2	1,528,302	37,972	2.5

¹ Compiled from *Rodo Tokei Yoran*, 1932, p. 62, and *Statistics of Factories subject to the Indian Factories Act, 1930*, p. 26.

Most of the children employed in factories in India are found in perennial industries ; in 1931, for instance, over two-thirds of all such children were employed in perennial factories. On the other hand, as shown by the following table, the proportion of girls employed in seasonal factories is much larger than that of boys.

DISTRIBUTION BY CLASS OF INDUSTRY OF FACTORY CHILDREN IN 1931 ¹

Class of industry	Number of factories	Boys	Girls	All children	
				Number	Per cent. of total
Perennial	3,737	15,997	2,960	18,957	70
Seasonal	4,406	5,923	2,052	7,975	30
Total	8,143	21,920	5,012	26,932	100

¹ Compiled from *Statistics of Factories subject to the Indian Factories Act, 1931*, p. 30.

From the point of view of the well-being of child workers, it is not unimportant that a larger proportion should be employed in perennial factories, in which conditions are generally better and inspection stricter than in seasonal factories. The latter are mostly small and are not within easy reach of inspectors. Moreover, the draft Bill for the amendment of the Factories Act, which is now under consideration, makes stricter provisions for perennial factories than for seasonal factories.¹

The geographical distribution of children is also an important matter in regard to their health, education, and social welfare, since health and educational conditions are better in some provinces and towns than in others. Most of the children are employed in Bengal, Madras, Assam, and Bombay; the jute mills of Bengal and the cotton mills of Madras employ the largest numbers of boys, while the cotton ginneries of Madras and the tea factories of Assam employ the largest numbers of girls.

DISTRIBUTION BY PROVINCE OF FACTORY CHILDREN IN 1931¹

Province	Boys	Girls	Total number of children
Bengal	6,897	384	7,281
Madras	4,094	2,388	6,482
Assam	3,908	1,291	5,199
Bombay	3,103	738	3,841
Others	3,918	211	4,129
Total	21,920	5,012	26,932

¹ Compiled from *Statistics of Factories subject to the Indian Factories Act, 1931*, pp. 30-31.

The influence of social customs is seen in the distribution by province of girl workers. There is no *purdah* system in Madras and the girls take advantage of the opportunities offered by cotton mills, while in Bengal, where the *purdah* system is rigorous, the number of girls is very low. Most of the girls in Assam are employed in tea factories, which they can easily attend while living with their parents on the tea gardens.

¹ See below, under "Child Labour Legislation".

The information given above applies, of course, only to those factories which are covered by the Indian Factories Act. It leaves out of account the large number of children who are employed in unregulated factories or undertakings which have not yet come under the scope of the Indian Factories Act, and for which no statistics of employment are available. These factories are of two kinds. There are, firstly, those which use power machinery but employ fewer than 20 persons and thus remain outside the jurisdiction of the Indian Factories Act; it has been estimated that the number of such undertakings is not less than 2,000.¹ The scope of work for children is, however, limited in these undertakings. Secondly, there are those undertakings which do not use power machinery but employ in some cases as many as 50 persons or more. The exact number of these undertakings is not known, but those which employ 50 persons or more have been estimated to be about 1,000.²

The most important of these undertakings are the following: (1) mica factories, only one out of 127 such factories being at present under the Indian Factories Act; (2) wool cleaning factories; (3) shellac factories, only 15 out of 149 such factories being under the Indian Factories Act; (4) *bidi* (indigenous cigarette) factories, which exist in almost all large cities; (5) carpet factories; and (6) tanneries.³ These undertakings employ large numbers of children, as many as one-tenth of the total number of workers in shellac factories⁴ and one-third in mica factories. Although the exact number of children in *bidi* factories is not known, "it is sufficiently large in certain areas to constitute an evil which demands immediate remedy"⁵; *bidi* making is in fact a "sweated" industry employing *purdah* women and girls in their homes as well as young boys in small workshops.⁶

Although local governments have been empowered, under section 2 (3) (b) of the Indian Factories Act, to apply, by

¹ *Report of the Royal Commission on Labour in India*, p. 93.

² *Idem*, p. 100.

³ *Idem*, pp. 94-98.

⁴ *Idem*, p. 95.

⁵ *Idem*, p. 97. An enquiry carried out by a member of the Madras Legislative Council in 1931 showed that 14,000 children (6,000 of them under 12) were employed in the Madras *bidi* (cigarette) factories alone, and 16,500 in other places in the Presidency. It is also estimated that over 150,000 persons are engaged in the *bidi* industry in the Central Provinces, which is the largest centre of *bidi* manufacture. Much of it is regarded as a cottage industry in rural areas. Cf. *The Guardian* (Madras), 19 Jan. 1933.

⁶ *Report of the Royal Commission on Labour in India*, p. 214.

notification, factory law to some of these undertakings, the number of factories so notified was only 202 in 1930 and 173 in 1931.¹

Mines

A third important class of organised industries employing children is mining. The Indian Mines Act of 1923, which prohibited the employment of children under 13 years of age, came into force on 1 July 1924, but, owing to misinterpretation of its provisions, a considerable number of children under 13 years of age were still employed in 1925, so that the Act became effective only in 1926.² Since children of 13 years of age and over are still employed both above and underground in mines, the mining industry is still important from the point of view of child labour.

The earliest year for which records of mining labour are available is 1901, when, out of 104,660 workers, 5,147 were children under 12 years of age.³ These numbers stood at 253,857 and 4,135 respectively in 1925, indicating a decline in the proportion of children as compared with the total number of workers from 4.9 per cent. to 1.6 per cent. From the following table it will be seen that the number of children rose as high as 8,548 in 1921, which was the largest number on record, but the proportion of children to the total number of workers was only 3.5 per cent. There was thus a relative decline of children even before the enactment in 1923 of the Act prohibiting the employment of children under 13 years of age.

CHILDREN IN MINES IN SPECIFIED YEARS¹

Year	Total number of workers	Children	
		Number	Per cent. of total
1901	104,660	5,147	4.9
1921	249,663	8,548	3.5
1925	253,857	4,135	1.6

¹ Compiled from the *Report of the Chief Inspector of Mines in India* for the respective years. The years chosen are those when a new or amended Act came into force, or the number of children reached the highest figure.

¹ *Statistics of Factories subject to the Indian Factories Act, 1931*, p. 1.

² *Report of the Chief Inspector of Mines in India under the Indian Mines Act, 1925*, pp. 40-42.

³ *Idem*, p. 40.

Since 1925 the mining industry has made further progress, although, like other industries, it is at present suffering from the economic depression. In 1931, the average daily number of workers in mines was 230,782¹, but it is not known how many of these workers were children between 13 and 15 years of age.

Of the various mining industries, such as coal, manganese, mica, iron, and lead, the most important is coal mining, which in 1925, for instance, employed 173,637 workers out of a total of 253,857 in all mines, or 68 per cent.² The largest numbers of children employed in mining industries were in mica and coal mines, which employed 49 and 27 per cent. respectively of all the children in mines in 1925, as shown below.

DISTRIBUTION BY INDUSTRY OF CHILDREN IN MINES IN 1925¹

Industry	Children	
	Number	Per cent. of total
Mica mines	2,031	49.1
Coal mines	1,210	29.3
Limestone quarries	463	11.2
Others	431	10.4
Total	4,135	100.0

¹ Compiled from *Report of the Chief Inspector of Mines in India, 1925*.

These statistics relate, of course, to the past and no children under 13 years of age are now employed in mines.³ On the other hand, children over 13 years of age may still be employed in mining work, both underground and on the surface, in the same conditions as adults, but no statistics are available to show the extent of this employment.

Other Employments

Of the other organised industries, the most important is transport, including railways, shipping, tramways, motor buses,

¹ *Idem*, 1931, p. 2.

² *Idem*, 1925, p. 1.

³ The statistics of the Government of India show that in 1931 51 out of the 173,175 persons employed in coal mines were children, but no indication is given of their exact age. Cf. GOVERNMENT OF INDIA: *Indian Coal Statistics*, 1931, p. 6.

and other means of communication. There is very little scope for the employment of children in these industries except on board ship and in docks. No figures are available as to the exact number of children employed in these industries.

Various non-industrial occupations also employ considerable numbers of children. The most important of these occupations are in Government and municipal offices, banks and commercial houses, shops and department stores, hotels and restaurants, and cinemas and theatres, but no data are available as to the extent of child labour in these occupations.

CHILD LABOUR LEGISLATION ¹

The legal provisions dealing with child labour in India are found in the legislation covering the various classes of industries; except for a recent Act regulating the recruitment of children, no legislation has been passed exclusively for the regulation of child labour. Each of the organised industries in which child labour is mainly employed—plantations, factories, mines, and shipping, including work on board ship and in harbours—is subject to separate legislation. It is proposed in this section to refer to this legislation in so far as it affects, directly or indirectly, the employment of children in organised industries, as well as to the historical development of this legislation, present tendencies, and systems of administration.

Although the Government of India as the Central Government has authority to initiate legislative and administrative measures relating to labour for the whole of India, provincial Governments may undertake, with the sanction of the Governor General in Council, both the enactment and the administration of labour legislation. Labour legislation in India may thus fall under three distinct headings : (1) Acts which are both enacted and administered by the Central Government, e.g. the Indian Mines Act ; (2) Acts which are enacted by the Central Government, but administered by local Governments, e.g. the Indian Factories Act, which local Governments are also granted powers to apply, subject to notification, to undertakings other than those to which the Act applies automatically ; and (3) Acts which are

¹ Cf. the article on "Labour Legislation in India", in *International Labour Review*, Vol. XXII, No. 5, Nov. 1930, and also *Factory Legislation in India*, Berlin, 1923, and *Plantation Labour in India*, Calcutta, 1931, by the present writer.

both enacted and administered by local Governments, e.g. the Bombay Maternity Benefit Act.

Plantations

There are no provisions in the legislation relating to plantations which deal specifically with the employment of children. Nevertheless, this legislation is not without importance in its effects on child labour. Legislation relating to labour on plantations was first adopted in 1863. With the development of tea gardens in Assam, the importation of labour from outside the Province became necessary, and an Act was passed in 1863 in order to regulate the recruitment and employment of emigrant labourers under the indenture system. The main objects of this legislation were to guarantee to the planters the services of their labourers, safeguard the health of the labourers, and ensure to them regular work and fixed wages. This Act was amended from time to time, the first important amendment being the Assam Labour and Emigration Act of 1901, which granted power to local Governments to enforce recruitment regulations and to close any area to recruitment except to licensed contractors and certified *sardars*. Further revisions of plantation legislation took place in 1908 and 1915: the amending Act of 1908 abolished recruitment by unlicensed contractors and prohibited the right of arrest by planters, while the Assam Labour and Emigration (Amendment) Act of 1915 abolished the indenture system and provided for the creation of an Assam Labour Board for the supervision of recruitment by local agents and garden *sardars*. The repeal in 1925 of the Workmen's Breach of Contract Act of 1859 and of certain sections of the Indian Penal Code destroyed the last vestiges of the penal sanction contract system in Assam, and the subsequent repeal of similar legislation in other provinces completed the abolition of penal sanctions in British India.

Nevertheless, in recent years, the existing legislation was increasingly felt to be inadequate, and the Royal Commission on Labour made several important recommendations regarding the recruitment of labour for Assam tea gardens¹, on the basis of which the Tea Districts Emigrant Labour Act was passed in 1932. This Act empowers local Governments, subject to the sanction of the Government of India, to regulate the recruitment and forwarding of assisted emigrants, secures to emigrant labour-

¹ *Report of the Royal Commission on Labour in India*, pp. 359-362.

ers the right to repatriation at the cost of the employer after three years from the date of entry into employment, or earlier under certain conditions, and entrusts the discharge of the duties prescribed in the Act to a Controller of Emigrant Labour, to be appointed by the Governor-General in Council.¹ The Act repeals the Act of 1901 and its subsequent amendments, and applies to the whole of British India ; it came into operation on 1 April 1933.

The provisions of this Act affect the employment of children in various ways : for instance, those relating to the regulation of the recruitment, forwarding, and repatriation of adults apply also to the children who accompany them, and the provisions regarding the conditions of labour in the tea gardens directly affect children, especially as far as sanitation, hours, wages, and housing are concerned. The Royal Commission on Labour also made several recommendations for the regulation of child labour on plantations, but, in the opinion of the Government of India, legislation to give effect to these recommendations is within the competence of the Government of Assam.²

The administration of the Act is entrusted, as regards recruiting, to the provinces in which the recruiting takes place, and, as regards employment, to the Government of Assam, the province in which the plantations are situated. The Controller of Emigrant Labour has power to supervise the recruiting, forwarding, repatriation, and employment of assisted emigrants.

In Assam, the number of tea gardens subject to inspection varies from year to year. At present the gardens are subject to biennial inspection, but some of the gardens may be selected for annual inspection if the health conditions have not been satisfactory during the previous year, or if they have been declared "unhealthy" ³ on account of the high rate of mortality. Out of a total of 766 gardens employing more than 50 persons in 1931-1932, only 465 gardens became liable to inspection, and 439 were inspected.⁴

¹ *Gazette of India*, 10 Sept. 1932, Part V, pp. 179-189 ; 15 Oct. 1932, Part IV, pp. 59-68.

² Cf. the speech of Mr. Gaya Prosad SINGH, *Legislative Assembly Debates*, 23 Sept. 1932, p. 1291.

³ An "unhealthy" garden is one in which the death rate exceeds 70 per 1,000 inhabitants and the total number of deaths is 10 or more. (*Report on Immigrant Labour in the Province of Assam, 1921-1922*, Statement XI.)

⁴ Compiled from *Report on Immigrant Labour in the Province of Assam, 1931-1932*, Statement XI.

Factories

Child labour legislation in India began with the regulation of the employment of children in factories. In the early period of factory industry in India, the unrestricted employment of women and children gave rise to many abuses, particularly in the cotton industry in the Presidency of Bombay, and in 1875 a Factory Commission was appointed by the Government of that Presidency. It was not, however, until 1881 that the first Indian Factories Act was passed. By this Act a factory was defined as being any premises in which mechanical power was used and 100 or more persons were employed. In such factories, the employment of children under 7 years of age was prohibited, while the hours of work of children between the ages of 7 and 12 years were limited to 9 a day, with an interval of one hour for rest ; four rest days in the month were also prescribed.

While this Act was still in force, the International Labour Conference, held in Berlin in 1890, recommended, *inter alia*, that the minimum age for admission of children to employment should be fixed at 12 years in northern countries and 10 years in southern countries, and the hours of work limited to 6 per day, with an interval of rest of at least half-an-hour. In the same year, the Government of India appointed a Factory Commission and, on its recommendation, passed the second Indian Factories Act in 1891. This Act extended the definition of a factory to cover any undertaking in which 50 or more persons were employed, and empowered local Governments to apply its provisions also to undertakings in which 20 persons were employed ; the minimum age was raised to 9 years and the hours of work of children between the ages of 9 and 14 years were reduced to 7 a day, and limited to the period between 5 a.m. and 8 p.m., with half-an-hour's interval of rest for every 6 hours' continuous work ; certificates of age were made compulsory.

Further enquiries into labour conditions were made by the Textile Factory Commission in 1906 and by the Factory Labour Commission in 1907, and on their recommendations a third Indian Factories Act was passed in 1911, by which the hours of work of children in textile industries were limited to 6 a day and to the period between 5.30 a.m. and 7 p.m., the hours of work remaining 7 a day as before in other factories. Under this Act, in addition to certificates of age, children seeking factory employment were required to produce certificates of physical fitness.

The third Indian Factories Act remained in force until after the World War, the foundation of the International Labour Organisation, and the adoption by the First Session of the International Labour Conference, held in Washington in 1919, of the Minimum Age, Night Work of Women, and Night Work of Young Persons Conventions. The Minimum Age Convention fixed 14 years as the minimum age for the admission of children to employment in industrial occupations for all countries except Japan and India, for which the age of 12 years was provided ; in the case of Japan, however, it was also provided that children over 12 years of age might only be admitted to employment if they had finished the course in the elementary school. The Night Work of Women Convention prohibited the employment of all women and girls at night, although it permitted India to suspend the prohibition in respect of industrial undertakings other than factories as defined by the Factories Act. The Night Work of Young Persons Convention, while generally prohibiting the employment of young persons under 18 years of age at night, fixed the ages of 16 and 14 years for Japan and India respectively, and in the case of India limited the application of the Convention to factories.

Of these Conventions, those relating to the night work of women and young persons were ratified by the Government of India in 1921, while the principles of the Minimum Age Convention, which has not been ratified, were accepted as regards factories covered by the Indian Factories Act. In consequence, the Indian Factories Act of 1911 was amended in 1922, with the effect of extending the scope of the Act to include all industrial undertakings using mechanical power and employing 20 or more persons, and giving local Governments the power to apply the law, by notification, to establishments employing not less than 10 persons and working with or without mechanical power. The minimum age for admission of children to employment was raised to 12 years, the hours of work of children between 12 and 15 years of age were limited to 6 a day, and night work was prohibited. In addition to the medical examination for age and physical fitness before admission to employment in factories, children were required to undergo a re-examination for continuing work, if thought necessary by an inspector. The employment of young persons under 18 years was prohibited in certain lead processes.

The Factories Act was again amended in 1923, 1926, and 1931

with a view to effecting minor changes, the most important amendment being that of 1926, which provided penalties for parents and guardians who permitted their children to work in two mills on the same day.

The Royal Commission on Labour in India made several recommendations for the amendment of the Indian Factories Act, and with a view to giving effect to these recommendations and to consolidating and amending the law regulating labour in factories, the Government of India circulated a draft Bill to local Governments and Administrations on 10 June 1932 in order to elicit public opinion. The Bill has three main objects: (1) the reduction of hours of work; (2) the improvement of working conditions; and (3) better observance, on the part of factory occupiers, of the requirements of the Act.¹

The draft Bill makes a distinction between perennial and seasonal factories, defining the latter as factories working less than 180 days in the year, and provides a 10-hour day and a 54-hour week for the former, while retaining the existing hours, i.e. an 11-hour day and a 60-hour week, for the latter. As far as the employment of children is concerned, the Bill proposes the reduction of hours of work from 6 to 5 a day, the fixing of a minimum height, to be prescribed by local Governments, for children seeking admission to factory employment, the creation of a "young persons" class between the ages of 15 and 16, who would be required to have certificates of age and physical fitness for adult employment, and the prohibition of the night work of "young persons" and of overtime of all persons under 16 years of age.

The most serious problem of child labour at present is that of the employment of children in unregulated factories, i.e. factories which are not covered by the Indian Factories Act. In order to regulate conditions in these factories, the Royal Commission on Labour has recommended the enactment of a separate Act, brief and simple, to be applicable to those undertakings which use no power machinery, but employ 50¹ or more

¹ GOVERNMENT OF INDIA, DEPARTMENT OF INDUSTRIES AND LABOUR: Circular Letter No. L/301, 10 June 1932; *Labour Gazette* (Bombay), Jan. 1933, pp. 357-359.

Since this article was written, the Factories Bill has been introduced into the Legislative Assembly. For a summary of its provisions cf. *Industrial and Labour Information*, Vol. XLVIII, No. 7, 13 Nov. 1933, pp. 203-205.

² Mr. Cliff, Mr. Joshi, and Diwan Chaman Lall, representing labour on the Commission, considered that this recommendation should be extended so as to include all undertakings employing 25 persons. Cf. *Report of the Royal Commission on Labour in India*, p. 100, footnote.

persons, and during any part of the year. Regarding child labour, the Commission recommended that the proposed Act should fix the minimum age for admission to employment at 10 years, that the hours of work of children between 10 and 14 years of age should be limited to 7 a day, to be worked within a period of 9 consecutive hours, with an interval of rest of at least one hour, and that overtime and the taking home of work by children should be prohibited.¹

For the same purpose of regulating conditions in factories and workshops which are not at present subject to factory legislation, the Government of Madras has given permission for the introduction of two private Bills, namely, the Artisan Bill and the *Bidi* (cigarette) Factories Bill, into the Legislative Council. The introduction of these Bills has also received the sanction of the Governor-General, and the *Bidi* Factories Bill was presented to the Legislative Council on 31 November 1932.²

The object of these Bills is to regulate the employment of labour in handicraft workshops (in which gold, silver, and other metals, as well as wood, stone, and ivory are worked) and also in *bidi* (cigarette) factories which employ more than 10 persons. The provisions regarding the employment of children are almost identical in both these Bills and are largely based on the provisions of the Indian Factories Act as far as minimum age, certificate of age and physical fitness, and holidays are concerned. The age below which hours of work are to be limited to 7 a day, with half-an-hour's rest after every 4 hours worked is, however, raised to 16 years. Moreover, it is provided that no kind of corporal punishment may be inflicted on any child for any kind of dereliction of duty, including absence from work without leave.

As noted above, the administration of factory legislation is entrusted to provincial or local Governments. Most of the provinces have a chief inspector, several inspectors and assistant inspectors, and other officials who act as *ex-officio* inspectors. There are also boiler inspectors, and special medical officers, called certifying surgeons, who issue certificates of minimum age and physical fitness. There has been a lack of co-ordination in this and other departments for administrative purposes; and the Royal Commission on Labour recommended the appointment of a Labour

¹ *Report of the Royal Commission on Labour in India*, pp. 100-102.

² Cf. GOVERNMENT OF MADRAS : Bills Nos. 22 and 36 of 1932; *Labour Gazette* (Bombay), March 1933, p. 516.

Commissioner in each province, except Assam, who should be responsible for the administration of all labour subjects. Following this recommendation, the Government of Bombay has appointed a Commissioner of Labour, who took office on 1 May 1933, and the administrative control of the factory and boiler inspection departments has been transferred from the Collector of Bombay to the Labour Commissioner.¹

The efficiency of factory inspection is indicated by the fact that out of 8,143 factories, 7,229, or 89 per cent. of the total, were inspected in 1931, some being inspected more than once. As a rule, the majority of perennial factories are inspected. The proportion of perennial and seasonal factories inspected to the total number of such factories was 95 and 83 per cent. respectively, the lower percentage of inspection of seasonal factories being explained by the fact that they are often located in out-of-the-way places. The total number of uninspected seasonal factories in 1931 was 743.²

Mines

The next important class of labour legislation relates to the employment of children in mines. The increasing employment of women and children in mines, where conditions are particularly insanitary and the risk of accidents considerable, was one of the main reasons for the enactment of the first Mines Act in 1901. By this Act a mine was defined to be any excavation for minerals which was deeper than twenty feet below the level of the adjacent ground. Among other things, provision was made for the appointment of a chief inspector of mines, who was granted powers to prohibit the employment of children under 12 years of age in any mine where conditions, in his opinion, were dangerous to their health and safety.

The Act of 1901 was amended in 1923, among other things, to give effect to the Hours Convention, ratified by India in 1921, and to the Minimum Age Convention, the principles of which were accepted by the Government of India, although it was not able to ratify the Convention. By the 1923 Act a mine was defined to be any excavation, irrespective of depth, for searching for or obtaining minerals, and the employment of children under

¹ *Report of the Royal Commission on Labour in India*, pp. 452-453; *Labour Gazette* (Bombay), April 1933, p. 561.

² *Statistics of Factories subject to the Indian Factories Act*, 1931, p. 7 and 37.

13 years of age was prohibited in or about mines. The weekly hours of work were restricted to 60 above ground and to 54 underground. The Act of 1923 came into force on 1 July 1924, but in view of the continued employment of children over 13 years of age, mining legislation is still very important to child labour.¹

In 1928, a further amending Act was passed restricting hours of work in mines to 12 in any one day. It was followed by regulations, promulgated in 1929, prohibiting the underground employment of women in some mines and providing for their gradual elimination in others. These regulations became effective on 1 April 1929 and the underground employment of women, including girls of 13 years of age and over, will come to an end in 1939. In 1931 the Act was again amended for some minor purposes.² In the meantime, the Government of India has taken further steps to amend the Indian Mines Act, and on 21 September 1932 it circulated proposals on the basis of several recommendations, of which the most important are those of the Royal Commission on Labour for limiting hours of surface work to 54 a week and for raising the minimum age for admission of children to employment in or about mines from 13 to 14 years.

The administration of the Indian Mines Act is entrusted to a Chief Inspector of Mines and his assistants, all of whom are appointed by the Government of India. The number of mines subject to the operation of the Indian Mines Act was 1,417 in 1931, of which 988, or 70 per cent., were inspected, many of them more than once.³

Transport

As noted above, there is no scope for the employment of children in transport industries except on board ship and in harbours, for which separate legislation has been enacted.

For the regulation of shipping, a series of Acts passed since the middle of the nineteenth century were consolidated and amended by the Indian Merchant Shipping Act (XXI) of 1923. This Act was again amended in 1931⁴, in order, *inter alia*, to give effect to the Minimum Age (Sea) Convention, which the Government of India has not, however, ratified on the ground

¹ Cf. *Report of the Chief Inspector of Mines in India*, 1925, pp. 40-41.

² Cf. *Labour Gazette* (Bombay), Oct. 1931, p. 137.

³ *Report of the Chief Inspector of Mines in India*, 1925, pp. 40-42; 1931, p. 36.

⁴ Indian Merchant Shipping (Amendment) Act (LX), 1931, assented to on 17 March 1931.

that Indian children are accustomed to accompany their relatives to sea as apprentices at nominal wages, and the Minimum Age (Trimmers and Stokers) Convention and the Medical Examination of Young Persons (Sea) Convention, both of which have been ratified by India. The Government of India has also ratified the Seamen's Articles of Agreement Convention, adopted by the International Labour Conference in 1926.¹

As it now stands, the Indian Merchant Shipping Act provides that no young person under the age of 14 years may be employed on board ship, except under certain conditions, e.g. when they are employed on nominal wages and are under the charge of their fathers or other near relatives, that no young person under the age of 18 years may be employed as a trimmer or stoker, subject to the exceptions provided for in the relevant Convention, and that no young person under the age of 18 years may be employed in a ship without a medical certificate of physical fitness. Under Notification of 5 December 1931, the Government of India also restricted the hours and nature of the work of trimmers and stokers.²

Legislation relating to harbours or ports is contained in the Indian Ports Acts. These Acts were consolidated by the Act (XV) of 1908, which was amended in 1922³ in order to give effect to Article 6 of the Minimum Age (Industry) Convention. By this amendment local Governments were required to frame rules prohibiting the employment of children under 12 years of age at piers, jetties, landing places, docks, quays, wharves, warehouses, and sheds. Children below the prescribed age were, however, still employed in coaling ships, and this defect was rectified by an amending Act (XI) of 1931 prohibiting the employment of children under the age of 12 years in handling goods anywhere within the ports to which the Act applies.

The Royal Commission on Labour in India recommended that the minimum age for admission of children to employment in ports should be raised to 14 years, on the ground that the work is too heavy for children of 12 years of age and that a system of half-time employment is not practicable.⁴ The Commission also recommended that the normal daily hours prescribed by

¹ Cf. *Industrial and Labour Information*, Vol. XLIV, No. 8, 21 Nov. 1932, p. 227.

² *Gazette of India*, 5 Dec. 1931, Part I, p. 1146.

³ Act No. XV of 1922, to regulate the employment of child labour in ports in British India, dated 29 March 1922.

⁴ *Report of the Royal Commission on Labour in India*, p. 189.

law should be fixed at 9, but that overtime should be allowed up to a maximum of 3 additional hours on any one day, to be paid at an increased rate of at least 33½ per cent. over the ordinary rates. On 3 November 1932 the Government of India addressed a circular letter to all local Governments controlling major or minor ports asking their opinion on these recommendations.¹

Non-Industrial Occupations

The employment of children in non-industrial occupations is not yet regulated in India. When the Minimum Age (Non-Industrial Employment) Convention was under consideration by the International Labour Conference in 1932, the Government of India was prepared to accept provisions fixing the minimum age at 10 years in certain specified occupations. Article 9 of the Convention fixes the minimum age at 10 years in the case of India, but the Conference did not adopt the proposal to limit its application to specified occupations. The Indian Legislature has therefore rejected the ratification of the Convention, on the ground that it is impossible to give effect to it in its present form owing to the absence of adequate machinery to enforce it in all kinds of occupations in India.²

Regulation of Engagement

As already noted, the first Act directly enacted for the welfare of children is one affecting the methods of obtaining child labour, which has recently been passed under the name of the Children (Pledging of Labour) Act. This Act is based on the recommendation of the Royal Commission on Labour, which found many instances of the practice of pledging, by which parents or guardians secured loans or advances on agreements, either written or oral, mortgaging the labour of children.³ The Bill was submitted by the Government of India to the Legislative Assembly on 5 September 1932; it was passed by the Legislative Assembly and the Council of State on 16 and 20 February 1933 respectively and assented to by the Governor-General on 24 February.⁴

¹ *Labour Gazette* (Bombay), March 1933, pp. 529-530.

² *Council of State Debates*, 8 Dec. 1932; *Labour Gazette* (Bombay), 19 March 1932, p. 709.

³ *Report of the Royal Commission on Labour in India*, pp. 96-98 and 102.

⁴ *Legislative Assembly Debates*, 1 and 6 Feb. 1933.

The most important provisions of the Act are as follows : (1) any agreement to pledge the labour of a child, that is, a person under 15 years of age, is to be void ; (2) an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition ; (3) parents or guardians making an agreement to pledge their children are to be liable to a fine not exceeding Rs.50, and employers taking part in the pledging, or employing children whose labour has been pledged, are to be liable to a fine not exceeding Rs.200.

Except for the penal clause, which came into force on 1 July 1933, the Act came into operation immediately.¹

Other Legislation affecting Child Workers

Other legislation which directly or indirectly affects child workers is that relating to workmen's compensation, trade unionism, industrial relations, maternity, payment of wages, and workers' housing. It would be out of place in this article to analyse the provisions of this general legislation, but it may be noted that the Maternity Benefit Acts, which as yet have only been adopted by Bombay and the Central Provinces, may affect children directly as well as indirectly, since girls below the age of 15 years may still be mothers in India, while the proposed legislation relating to payment of wages, a Bill for which was circulated for opinion on 14 February 1933, would prohibit deductions by way of fines from the wages of children under 15 years of age.

CONDITIONS OF EMPLOYMENT

Systems of Engagement

The majority of children employed in organised industries in India are engaged together with their parents or guardians. The methods of obtaining labour differ from industry to industry and from centre to centre, but they may be broadly divided into direct and indirect methods, i.e. engagement by employers themselves or their paid and accredited officers, and engagement through intermediaries. In some cases these two methods may be modified or combined.

¹ *Gazette of India*, 24 Sept. 1932, Part V, p. 211 ; 4 March 1933, Part IV, p. 2.

Most of the workers for plantations in the South are obtained by recruiting through contractors called *kanganis* or *maistries*, while planters in Bengal recruit their labour through *sardars* or agents. Recruiting for the Assam tea gardens, which are located far away from the centres of the labour supply, has become very complicated and has long been brought under legislative control. It was at first carried on by contractors, and later by the *sardar* system working under the supervision of the Assam Labour Board. Under the present Act, which came into force on 9 April 1933, the recruiting and forwarding of assisted emigrants are to be carried on by local licensed agents or recruiters and certified tea garden *sardars*, and are to be supervised by the Controller of Emigrant Labour.

Sardars are ordinary plantation workers who are sent to their native villages to recruit. In 1931-1932, 22,934 *sardars* were sent out; the number of workers recruited amounted to 49,857, including 11,170 dependants, most of whom were children. The average number of recruits per *sardar* was 1.69 in the case of adults and 2.17 in the case of all persons including dependants. This low figure for the number of recruits shows the costliness of the present recruiting system. In fact, out of 22,934 *sardars* sent out in 1931-1932, 9,306, or over 40 per cent., returned to the gardens without a single recruit.¹

Almost from the beginning, the policy of plantations has been to recruit families rather than individuals. This policy has been followed up to the present time, and immigration has thus been a constant source of supply of child labour to the Assam tea gardens, although, as shown above, only a part of the child immigrants are actually employed.

IMMIGRANT CHILDREN IN ASSAM TEA GARDENS IN SPECIFIED YEARS¹

Year	All immigrants	Children	
		Number	Per cent. of total
1900	62,733	17,689	28
1918-1919	222,171	87,143	39
1931-1932	50,997	12,764	25

¹ Compiled from *Report of the Assam Labour Enquiry Committee, 1921-1922*, p. 103; *Report on Immigrant Labour in the Province of Assam, 1931-1932*. The years chosen are those when the largest numbers of children accompanied their parents to Assam tea gardens.

¹ GOVERNMENT OF INDIA : *Annual Report on the Working of the Assam Labour Board, 1931-1932*, p. 5.

Besides immigrant children, considerable numbers of children are born in tea gardens or in their neighbourhood. A considerable proportion of the workers are now settled on the tea gardens both in Assam and in Bengal, and some of them have also settled down outside the gardens. In 1921, for instance, out of 119,366 labourers on the tea gardens of the Jahpaiguri District in Bengal, 29,018, or about one-fourth, were born of immigrant parents on the gardens themselves.¹ Moreover, in 1931, 61,792 workers in Assam and 11,544 workers in Bengal were living outside the gardens.²

A serious charge that has been made against the recruiting of plantation labour for Assam is that many minors or children under 16 years of age have been enticed away without the consent of their parents or guardians. The existence of such abuses cannot be denied, but the scope of their occurrence has been very much limited by successive legislative and administrative measures: first, it has been made unlawful to assist minors to emigrate to Assam without being accompanied by parents or guardians; secondly, local Governments have been granted power to check these evils by insisting on registration and production before a magistrate of all such minors; thirdly, in accordance with the rules framed by local Governments, such minors are detained at the depot for certain fixed periods, during which local agents institute enquiries as to whether there is any objection on the part of their parents or guardians to their proceeding to Assam; and finally, the industry itself is interested in controlling such abuses for the sake of creating good will among the possible recruits.³

There are several systems of recruiting labour for mines, such as the contractor system, the *sardar* system, and the agency system, the last being direct recruitment by members of the staff of the mine who visit workers' villages. Most of the mines, however, engage raising contractors for mining coal and loading wagons for a fixed rate of payment.⁴ These contractors recruit and generally employ the whole family, including the parents and the children. Besides these families recruited from the neighbouring villages, there are also considerable numbers of workers

¹ *Census of India*, 1921, p. 247.

² Compiled from *Indian Tea Statistics*, 1931, p. 11.

³ Cf. *Report of the Royal Commission on Labour in India*, p. 368.

⁴ *Census of India*, 1921, p. 293; *Report of the Royal Commission on Labour in India*, pp. 116-119.

who live in the mining areas and supply child labour to mines, whenever necessary.

Factory labour in such cities as Bombay and Calcutta is still largely migrant labour, but a growing class of workers dependent chiefly upon industrial occupation for their livelihood is now to be found in such industrial centres as Cawnpore, Ahmedabad, and Bombay. Migrant labourers are frequently not accompanied by their families ; it follows, therefore, that the child labour available for factory employment comes to a large extent from settled families and only to a smaller degree from the families of migrants. In either case, however, the great majority of the children are members of families. In Ahmedabad, for instance, in 1925, 96 per cent. of the children employed in factories lived with their parents.¹

The system of engaging factory labour differs in different centres, but most of the workers, adults as well as children, are engaged by supervisors or foremen, both men and women, who are variously called jobbers, *sardars*, *mukhadems*, or *maistries*. The workers engaged by a jobber or *sardar* are employed directly under him and he has control over his workers as long as the work lasts. The system makes the workers depend entirely upon the good will of the jobber or *sardar* for the security of their position and affords many opportunities for bribery and corruption.

One of the abuses in connection with the engaging of child labour is the practice of pledging, to which reference has already been made. This practice is widespread throughout India and is often resorted to for obtaining child labour for agriculture and domestic service² ; it also exists in factories such as carpet factories in Amritsar, textile mills in Ahmedabad, and *bidi* (cigarette) factories in Madras.³ As already explained, the pledging of children has been forbidden by a recent Act, the enforcement of which will no doubt bring these abuses to an end.

The method of obtaining children for carpet factories presents some special characteristics. Where the child is not the son or a near relative of the weaving master, he is normally the child of a man who, in return for a loan of money from the weaving master, contracts out the labour of his child at so many rupees

¹ *Statistics of Factories subject to the Indian Factories Act, 1925*, p. 1.

² *Legislative Assembly Debates*, 1932, Vol. IV, No. 5, pp. 480-492.

³ *Report of the Royal Commission on Labour in India*, pp. 96-98, 102.

(7, 9, etc., according to the age of the child) per month. The duration of the contract, which is sometimes set out in the formal document, would appear to be determined by the repayment of the loan.¹

Closely allied to pledging is the *sathi* system, under which children are brought in from the villages to work in mills under agreements whereby they are maintained by others who secure their wages. Enquiries made into the matter showed, however, that the *sathi* system was not in operation to a large extent.² The Government of Bombay in its *Memorandum to the Royal Commission on Labour* also points out that some of the jobbers secure children by entering into a contract with the parents to pay Rs.30 per annum to the parents and to feed, clothe, and house the children in return for their services. In the case of grown-up boys who can work full time, the amount offered per annum varies from Rs.100 to Rs.125. The contract is generally entered into for two or three years.³

The practice of taking *dasturi*, or bribes, by jobbers or *sardars* is another abuse in connection with engagement, which affects children, especially in the mills of Bombay. Both the jobber and his female counterpart, the *naikin*, levy contributions from their workers for securing jobs.⁴ It has been reported that besides paying fees for a job, the workers have to pay a part of their wages during the continuance of their service.⁵ It was partly in order to prevent this form of corruption that the Royal Commission on Labour recommended the elimination of the jobber or *sardar* from the engagement and dismissal of labour and the introduction of the direct system of employment by managers or other responsible officers.⁶

Nature of Occupations

In spite of the new opportunities offered by organised industries, both the kind and the number of occupations which are open to children are very limited. The nature of their work

¹ *Idem*, p. 97.

² *Statistics of Factories subject to the Indian Factories Act*, 1925, p. 1.

³ GOVERNMENT OF BOMBAY : *Memorandum to the Royal Commission on Labour in India*, p. 10.

⁴ *Idem*, pp. 8-9.

⁵ *Memorandum of the Bombay Textile Union to the Royal Commission on Labour*, 1930, p. 7.

⁶ *Report of the Royal Commission on Labour in India*, pp. 24-25.

naturally varies with the kind of industry in which they are employed.

In tea gardens, the main work of the children is plucking. In coal mines, they are employed to assist their parents or other relatives in loading tubs underground and carrying loads above ground. In mica mines, they are employed along with their parents and relatives in splitting and cutting.¹ In unregulated factories, children have to perform a variety of work, such as cleaning wool in woollen mills, melting and drying lac in shellac factories, and attending to the vats in tanneries.² In seasonal industries, children are mostly employed in cotton ginneries and tea factories, and some are also employed as carriers of paddy in rice mills or as "sawdust boys" in saw mills.³ In perennial factories most of the children are employed in cotton and jute mills.

Detailed information on occupations is available only in the case of children in the cotton mills of the Presidency of Bombay. The following table shows the number of boys from 14 to 18 years of age in different occupations in Bombay City cotton mills in 1923.⁴ It will be seen that the very great majority of these older boys were employed as spinners and rovers in doffing departments.

Department and occupation	Number
<i>Cordling :</i>	
Can carriers and can minders	417
<i>Ring spinning :</i>	
Side boys or piecers	1,049
Followers	518
Doffers, gaiters, doublers, etc.	347
<i>Doffing :</i>	
Roving boys	8,805
Spinning boys	5,251
Followers, creelers, and reachers	1,082
<i>Drawing :</i>	
Drawing boys	124
Total	12,043

¹ *Idem*, pp. 94-98.

² *Ibid.*

³ GOVERNMENT OF BURMA : *Report of an Enquiry into the Standard and Cost of Living of the Working Classes in Rangoon*, 1928, p. 89.

⁴ Adapted from : GOVERNMENT OF BOMBAY : *Report on an Enquiry into the Wages and Hours of Labour in the Cotton Mill Industry in 1923* (1925), p. 41.

Besides the older boys, there were also 739 half-timers, both boys and girls, employed in roving, spinning, doubling, and reaching in 1923.¹ Since 1923, however, the employment of children in Bombay City cotton mills has been materially reduced. Out of 736 children in the cities of Ahmedabad and Sholapur in 1926, 669 were in ring-spinning departments and the remainder were in slubbing, intermediate, and roving departments.²

Age for Admission to Employment

As was pointed out above in describing the legal protection of child workers, the minimum age for admission of children to employment varies in different industries and is subject to varying degrees of legal regulation.

Except for the tea gardens of Assam, plantation industries in India are immune from State supervision and the age for admission to employment is not regulated. Even in Assam, although children under 16 years of age may not be separately recruited, there are no regulations fixing the minimum age for employment. A large number of young children are therefore to be found in employment on plantations all over the country. They are usually over 9 years of age, but children have been found to be employed even at the ages of 5 and 6 years. It is the general practice to allow children of any age to accompany the parents while at work, although in many cases the children are not normally entered separately in the wage books as employed persons until they are 10 years of age.³

The situation is different in mines, where the employment of children under 13 years of age is prohibited, an age which the Government proposes to raise to 14 years.

The extent of the employment of children in factories and the provisions of the Factories Act relating to the minimum age have been explained above. The law is reported to be fairly well observed by employers, the principal recorded contraventions being the employment of children below the legal minimum age or without health certificates, the employment of children who

¹ *Idem*, p. 41.

² Compiled from : GOVERNMENT OF BOMBAY : *Report on an Enquiry into Wages and Hours of Labour in the Cotton Mill Industry in 1926* (1930), pp. 159 and 161. No half-timers were employed in any of the 19 mills selected for the 1926 investigation in Bombay City.

³ *Report of the Royal Commission on Labour in India*, pp. 385, 415.

are legally half-timers as adults or full-timers, and the employment of half-timers in two factories on the same day. Various measures have been taken to render these breaches of the law more difficult. The arrangements for the certification of the age of children have been improved, and the provision holding parents responsible for the double employment of their children has been effective in checking this abuse in Bombay. The number of prosecutions for irregular employment of children has been very small in recent years, amounting only to 20 in Bengal in 1930, 16 in Bombay in 1930, and 11 in Madras in 1930-1931.¹

As regards unregulated factories, enquiries made by different provincial Governments have shown that young children are employed in small ginning factories in the Central Provinces, match-making factories in Bengal and Bombay, rice mills and saw mills in Burma, and carpet factories in the Punjab.² It has also been found that the age at which children go to work is from 6 to 10 years in the mica factories of Bihar, about 8 years in wool-cleaning establishments in the Punjab, under 12 years in shellac factories in Bihar and the Central Provinces, as low as 5 years of age in the *bidi* (cigarette) factories in Madras and the Central Provinces, from 6 to 9 years in carpet factories in the Punjab, and from 8 to 12 years in tanneries in Madras.³ These abuses can be stopped only by bringing these undertakings under legislative control; as already stated, recommendations to this effect have been made by the Royal Commission on Labour.

Physical Fitness

A further problem is that of ensuring that children shall be physically fit for their occupations. In the case of factories, this requirement has been met by the provision that children must be certified fit by duly appointed certifying surgeons. Since the enactment of the Indian Factories Act of 1911, children are required to carry their certificates on their persons⁴, and the Amendment of 1922 gave inspectors power to require re-examination of the physical fitness of any child who may appear to be

¹ Cf. *Annual Report on the Administration of the Indian Factories Act* in the provinces and for the years referred to.

² These enquiries were made in the Central Provinces in 1923, in the Bombay and Bengal Presidencies in 1924, in Burma in 1926-1927, and in the Punjab in 1927-1928. Cf. *Report of the Royal Commission on Labour in India*, pp. 91-92.

³ *Idem*, pp. 94-98.

⁴ Act XII, 1911, sections 7 and 8.

physically unfit for work. In 1926 an Amending Act was passed making the conditions of certification more elaborate and the duties of certifying surgeons more precise.¹

The practical application of the law in regard to physical fitness presents, however, various difficulties. These difficulties do not arise to any extent in the cities, where certificates of physical fitness are issued by medical officers, either part-time or whole-time certifying surgeons. In rural districts, however, where most of the seasonal factories are located, certification becomes a problem. Medical officers may not be available, and certificates granted by local doctors are not always reliable. Moreover, factory inspectors who discover irregularities in regard to certification are not authorised to enforce the law without consulting the medical authorities, who are not to be found on the spot. With a view to avoiding these difficulties the proposed amendment of the Factories Act would provide that, in addition to physical fitness, children seeking employment in factories must attain a certain height to be prescribed in rules made by local Governments under the Act.

Disciplinary Measures

Among the disciplinary measures which are essential in modern industries, especially in relation to the employment of children in factories, the most important are the prevention of absenteeism, loitering, bad work, neglect of work, and damage to machinery.

Statistics of absenteeism show that it is responsible for a considerable loss of efficiency : out of 79,680 children registered in the labour books of the tea gardens in Assam in 1931-1932, the average daily strength was only 52,665, or 66 per cent.², indicating that on an average one-third of the children were absent during the year. Although some of the absent children may have been laid off, and sickness will account for other absences, absenteeism is nevertheless very common among children as well as other classes of workers on tea gardens. The rate of absenteeism is also very high in factories. In August 1923, absenteeism as determined by the number of days not worked, compared with the total number of working days, amounted to

¹ Act XXI, 1926, sections 6 and 7.

² Compiled from *Report on Immigrant Labour in the Province of Assam, 1931-1932, Statements*.

11.5 per cent. in the case of older boys (i.e. from 14 to 18 years of age) and 9.7 per cent. in the case of children in the cotton mills of the Bombay Presidency. In 1926, absenteeism amounted to 3.62 per cent. in Ahmadabad and 19.61 per cent. in Sholapur for children, as compared with 8.04 and 12.48 per cent. respectively for men, and 7.40 and 10.81 per cent. respectively for women.¹ The average absenteeism in the textile industries amounted to 8.51 per cent. in the whole Presidency of Bombay in March 1933, but figures showing the extent to which the children were responsible for this absenteeism are not given.²

There is also a good deal of idling among children as well as adults on the premises of factories.³ This point was much emphasised by employers before the Royal Commission on Labour. It was pointed out that, although in practically every case the operative is nominally working for 10 hours, he spends a considerable part of his time in the compound smoking, loitering, or eating his meals. Employers' representatives in different centres estimated the time lost in idling from 1½ hours to 2 hours. The Commission was not in a position to confirm or question these statements, but was convinced of the prevalence of the idling habit among the workers.⁴

The irregularity of attendance and lack of application, which affect the efficiency of adult and child workers alike, may be, in part at any rate, attributed to the fact that they are recruited from villages where life is simple and undisciplined, and also to the fact that there is no system of primary education by which they could be trained in the habit of regular attendance and the power of steady work. The results of ignorance and lack of training are unfortunate not only because of their effect on industrial efficiency, but also because they have led to the adoption by management of some very undesirable methods of maintaining discipline.

Corporal punishment is not a frequent occurrence, but it is still found in small undertakings, such as the carpet factories in Amritsar and *bidi* (cigarette) factories in many parts of

¹ GOVERNMENT OF BOMBAY : *Report of an Enquiry into the Wages and Hours of Labour in the Cotton Mill Industry in 1923*, p. 8 ; *Ditto*, in 1926, pp. 25-26.

² *Labour Gazette* (Bombay), April 1933, p. 579.

³ This point was also discussed by the Indian Factory Commission of 1890 and the Factory Labour Commission of 1907. Cf. GREAT BRITAIN : *Parliamentary Papers*, 1890-1891, Vol. 58, H. of C., 86, p. 14 ; *Idem*, 1908, Vol. 74, Cd. 4292, p. 21.

⁴ *Report of the Royal Commission on Labour in India*, p. 41.

the country. "Indeed, there is reason to believe", says the Royal Commission on Labour regarding the *bidi* factories, "that corporal punishment and other disciplinary measures of a very reprehensible kind are sometimes resorted to in the case of small children."¹ The extent of corporal punishment is indeed such that two private Bills, which have received the sanction of the Government of India for introduction into the Madras Legislative Council, and one of which has already been introduced, contain special provisions to prohibit such punishment.

The commonest disciplinary measure in use is, however, fining, which is extensively utilised all over the country, especially in the case of bad work and damage to property. Other disciplinary measures are forfeiture of wages and bonuses, and dismissal. The economic loss to children through fines and forfeiture of wages and bonuses is considerable, and the prohibition of the fining of children under 15 years of age proposed in the draft Factories Bill is to be welcomed.

(To be continued.)

¹ *Idem*, p. 96. The Commission makes a similar remark regarding carpet factories (*Idem*, p. 98).