

Machinery for the Administration of Labour Legislation in India

It may be recalled that in an article entitled "Federalism and Labour Legislation in India" by Sir Atul C. Chatterjee, previously published in these pages¹, attention was drawn to the importance of the establishment of suitable machinery for the administration of protective labour legislation in India. A short account of the existing machinery is given in the following article.²

During the last two decades or more, the need to improve the conditions of labour, more particularly industrial labour, in British India has been increasingly recognised. A great deal has been done to that end by the enactment of labour legislation and the extension of the social services. The Royal Commission on Labour in India, which reported in 1931 after an exhaustive survey of the field, made a large number of recommendations for the amelioration of the situation. Some of these recommendations were designed to bring about an improvement in the organisation of the machinery for the administration of labour laws and regulations and other measures for the promotion of labour welfare, and have considerably influenced the pattern of the administrative organisation subsequently built up for the purpose in the various provinces.

It may be observed at the outset that, under the Constitution which was set up by the Government of India Act, 1935, and which came into operation in 1937, there is a demarcation between the functions of the provincial and Central Governments regarding the enactment of labour legislation as well as the administration of the laws and regulations. Briefly, the regulation of labour and safety in mines and oilfields is a Central (or federal) subject. But in respect of other labour subjects, as, for instance, factory legislation, while both the Central (or federal) and provincial legislatures have powers to make laws, the administration of the laws is virtually the undivided responsibility of the provinces. The administration is as a rule carried on by the provincial Government secretariats. The Central and provincial Governments have their own administrative machinery for the enforcement of labour laws and promotion of labour welfare. The development and working of this machinery in the more important British Indian provinces and some recent developments at the Centre are briefly described below.

THE PROVINCES

Assam. In 1941, the Controller of Emigrant Labour, appointed by the Government of India for the administration of the Tea

¹ See *International Labour Review*, Vol. XLIX, Nos. 4-5, Apr.-May 1944, pp. 415-445.

² The sources used for the article are: *Indian Labour Gazette*, Vol. I, Nos. 3, 5, and 6, Sept., Nov., and Dec. 1943, and Vol. III, No. 3, Sept. 1945; *Hindustan Times*, 16 Nov. 1945; and information supplied by the I.L.O. Branch Office, New Delhi.



Districts Emigrant Labour Act, 1932, was also made Commissioner of Labour by the Assam Government, with the following functions: the settlement of industrial disputes, the collection of labour statistics and intelligence, and the organisation of labour welfare work, as well as the submission of proposals for labour legislation. The Labour Commissioner also acts as the Registrar of Trade Unions under the Indian Trade Unions Act, but the Factories Act is administered by the Chief Inspector of Factories and the Workmen's Compensation Act by the district deputy commissioners or senior administrative officers.

Bengal. A full-time Labour Commissioner was appointed in Bengal in 1938. Most of his time is taken up with conciliation work. He is also entrusted with the labour welfare activities carried on under the direct administrative control of the Government, and, for this purpose, had established by 1944-45, over 40 labour welfare centres throughout the province. He is, in addition, the Registrar of Trade Unions, but is not directly concerned with the administration of the Factories Act or the Workmen's Compensation Act.

Bihar. The Government of Bihar created the post of Labour Commissioner in 1941, but it was combined with that of the Director of Industries. The most important function of the Labour Commissioner at that time was the maintenance of industrial peace by conducting enquiries into complaints and undertaking mediation and conciliation in industrial disputes. Since 1944, however, the Labour Commissioner has been a full-time officer and has been entrusted with the administration of the legislation concerning factories, payment of wages, boiler inspection, workmen's compensation, and trade unions.

Bombay. The Bombay Labour Office was set up by the provincial Government in 1921, for such purposes as the collection of labour statistics and intelligence, settlement of industrial disputes, and submission of proposals for labour legislation. In 1933, the designation of the head of the Office was changed from "Director" to "Commissioner of Labour", and he was also given administrative control of the Offices of the Chief Inspector of Factories and the Chief Inspector of Boilers and Smoke Nuisances. He is, in addition, *ex-officio* Commissioner for Workmen's Compensation, Registrar of Trade Unions under the Indian Trade Unions Act, and in charge of certain duties concerning the administration of the Indian Trade Disputes Act and the Bombay Trade Disputes Conciliation Act. The Labour Commissioner is thus the principal officer for the administration of all the more important labour laws and regulations in the province.

Central Provinces and Berar. In the Central Provinces and Berar a Labour Department was set up under a Labour Commissioner in 1942. After a year's experience of the working of the Department, the provincial Government decided that, in all labour disputes, the maintenance of law and order would be primarily the concern of the district magistrates. Conciliation was to be attempted by the Labour Office attached to the Labour Commissioner only in the case of disputes within the limits of the law

in the larger industries in the province, and illegal strikes and disputes affecting non-industrial labour outside the provincial capital were to be left to be dealt with by the district executive officers.

Madras. The Office of the Labour Commissioner in Madras was created as early as February 1920, but it was then mainly concerned with the uplift of the "depressed classes". After having been held in abeyance for a time, it was revived in 1934 with the addition of the duties of the Chief Inspector of Factories. The Commissioner has also to keep the Government informed of industrial disputes and to tender his good offices for their settlement. At present, the Commissioner of Labour is also Registrar of Trade Unions, Commissioner for Workmen's Compensation, the competent authority for the administration of the Payment of Wages Act, and Controller of Emigration from the Madras Ports.

The Punjab. The Director of Industries deals with all labour questions through the Chief Inspector of Factories and the Chief Inspector of Shops and Commercial Establishments.

Sind. A Commissioner of Labour was first appointed in Sind in 1936; he also acts as the Registrar of Trade Unions, Conciliation Officer, Employment Exchange Officer, Chief Inspector of Shops, and Secretary to the Advisory Board for Labour. The Factories Act, the Payment of Wages Act, and the Maternity Benefit Act are, however, administered by the Chief Inspector of Factories, while the Chief Judge of the Small Causes Court and the district sub-judges are responsible for the working of the Workmen's Compensation Act.

United Provinces. A special Labour Officer for the settlement of disputes and promotion of labour welfare was appointed in 1937, and a whole-time Labour Commissioner in 1940. The Labour Commissioner and the Labour Officer act as conciliation officers under the Trade Disputes Act in respect of all industries, businesses and undertakings in the province, other than those carried on by or under the authority of the Central Government or by a railway company. Several welfare centres have been established in the province, and each centre is equipped with a dispensary, a reading room and library, a refreshment room, a gymnasium, a co-operative store, a games room, and a children's clinic.

THE CENTRAL GOVERNMENT

The Department of Labour of the Government of India has also been strengthened recently in several directions. In the first place, machinery has been established to deal with industrial relations in industries and undertakings directly controlled by the Central Government: all industrial establishments owned or controlled by the Government of India; federal railways; mines and oilfields; and major ports. The organisation consists of a Chief Labour Commissioner (central); three regional labour commissioners (central) in each of the three zones into which British India

is divided for this purpose; eight conciliation officers and twenty-four inspectors of railway labour located at various centres throughout India; and a Central Inspector of Industrial Canteens. The Chief Commissioner and the officers under him are in charge of conciliation; welfare (excluding welfare in coal mines for which a separate organisation exists under the Coal Mines Welfare Commissioner); and the administration of labour laws to the extent to which such administration is a central responsibility and is not entrusted to a separate organisation. Their main functions include assistance in the formation and maintenance of machinery to deal with industrial matters on a voluntary basis; prevention and settlement of industrial disputes; collection of information regarding wage rates and conditions of work; continuous study of industrial relations; and examination of welfare measures and advising employers and the Government in connection therewith. The main function of the Central Inspector of Industrial Canteens is to inspect canteens in undertakings under the control of the Central Government and advise on the establishment of new ones.

Secondly, to deal with the problem of resettlement and re-employment in civil life of demobilised members of the defence services and discharged war workers, an integrated resettlement organisation has been set up.¹

Thirdly, to advise the Central and provincial Governments on the improvement of working conditions in factories, a new organisation has been set up under the Chief Adviser, Factories. The main function of this organisation is to give technical advice on the design and lay-out of factories, standards of housing, and the most suitable working conditions to assure efficiency of production and welfare of the workers; and to make arrangements for the training of managements and workers in safety methods and welfare methods adopted in industrially advanced countries.

Finally, a Director for Labour Conference Work has been appointed in the Department of Labour, Government of India, to attend to all work pertaining to the Indian (tripartite) Labour Conference and its Standing Committee, and the International Labour Organisation including the International Labour Conference.

INDIAN STATES

It may be added that, among the Indian States, Hyderabad and Mysore have Labour Commissioners; in Baroda, Indore and Travancore, the Director of Industries is also in charge of labour; and the Government of Gwalior State has appointed a Senior Labour Officer to deal with labour questions.

¹ For an account of this organisation, see *International Labour Review*, Vol. LII, No. 4, Oct. 1945, p. 395.