

THEORETICAL BACKGROUND OF LABOUR

WELFARE AMENITIES

INTRODUCTION :

Industrial Revolution brought in its wave a commercial revolution and also a social revolution. The industrial revolution resulted in the migration of people in millions. Free movement and mass migration supplied the labour force for factories, mines, engineering works, railways etc. Rural character of the countryside transformed into the urban towns. All these resulted in a fundamental change in the character of every nation. The 19th century labour problems were entirely different from those of the present countries, and therefore needed a different approach and different treatment. The initial laissez-faire philosophy was abandoned and an era of State intervention and State control led to a series of labour legislations in order to protect the labour. The co-operation of labour and capital still assumes a major problem for which a satisfactory solution has not yet been found.

The Industrial Revolution affected all classes of every society in the world in one way or the other. In this stage, its impact was not felt as immediately and strongly as it is felt today. Human society was not aware of the full implications of developmental processes.

As a result, it has had to pay an enormous price for the ascent of man from the near primitive to the present economy. Industrialization also emphasised the value of such virtues as co-operation, organization and punctuality. Man came to depend very largely upon industry and the degree of his dependence was directly proportional to the extent of industrialization in a country.

It has been generally agreed that modern industrial growth has been achieved by " blood, toil, sweat and tears " and this has been a rather high price which individuals and different societies have paid. It is true that industrialization has hastened the pace of civilisation; but it has ushered in a new kind of barbarism in the world. The production has increased enormously, its benefits have widened the gulf between the rich and poor and created multiple social, industrial and human problems. Millions of workers live a life of dull routine, conflicts have developed between employers and the employees which have added to the sum total of human suffering and the burden of life.

Labour welfare in India has a long history. It originated in the early twenties at the initiative of some social-minded employers and in the following decades it underwent qualitative as well as quantitative expansion. The states, private enterprise and voluntary bodies worked hand in hand to establish one of world's

largest network of labour welfare amenities.

Labour welfare in India as a matter of fact, was never given a serious thought. Since the emergence of the industrial society in the 17th century. At the time of Industrial Revolution, acute poverty, bad living and working conditions, exploitation of labour etc., were the regular features of factory life. Only in the later half of the 19TH century, the workers were given their proper place in Industry as " MEN ". During these years of exploitation workers worked down to dusk in the dirty and hazardous and dangerous environments. It is clear that labour was treated very badly in the early days and even up to this date they are not free from it. The problem of industrial labour and its welfare is very important in a country which dreams of industrialization on a fast and large scale. Labour as one of the factor of production should be placed in the right place with services, facilities and amenities to enable it to perform its work in healthy, congenial surroundings in high morale.

In the words of Robert Owen " An employer of the past who realised that worker has not only pair of hands, but mind, heart and feelings. He organised welfare in his factories-better working conditions, housing, health and hygienic measures, education for both children and

adults, shopping and domestic facilities, playgrounds etc. " 1

" Not only he bettered the conditions of his workers, but aroused public conscience of that time i.e. to develop social sympathies and moral character and initiative. Then the trade unions also play a notable role in seeking for its members better employment conditions " 2

In the twentieth century it has been rightly felt that man does not live by bread alone, but along with it his mental, moral and emotional needs are also to be satisfied. Then only he can adjust with the environment to which he belongs. It is most properly stated now-a-days, that the labour welfare is neither philanthropy nor charity on the part of employers, but it is an expenditure in time to save the further evils like accidents, absenteeism, labour turnover and labour unrest etc.

1 - Roberts Owen " A New view of Society (New York) E, Bliss and E White. 1825.

2 - Bombay Labour Journal Vol. IX December 1969. Page No. 64.

Today, labour welfare has become an integral part of management techniques with a universal acceptance of its essentials. In the words of S.N. Mehrotra " Labour Welfare is nothing but the maintainance function of personal in the sense, that is directly specifically to the preservation of employee health and attitudes ".³

On the other hand Dr.T.N.Bhagoliwal states " Labour Welfare is one of the major aspect of national programmes towards bettering the lot of labour and creating a life and work environment of decent comfort for this class of population ".⁴

3 - Mehrotra S.N. " Labour problems in India " IIInd ed 1976 P.No. 195.

4 - Bhagoliwal T.N. " Economics of Labour and Industrial Relations " Sahity Bhavan Agra 5th ed 1981 P.No. 53.

PHILOSOPHY OF LABOUR WELFARE

' Welfare ' is a broad concept referring to a state of living of an individual or a group, in a desirable relationship with the total environment - ecological, economic and social. Labour Welfare includes both the social and economic contents of welfare. Social welfare is primarily concerned with the solution of various problems of the weaker section of society like prevention of destitution, poverty etc. It aims at social development by such means as social legislation, social reforms, social services, social work, and social action etc.

The purpose of providing welfare amenities is to facilitate the development of the total personality of the working class by exalating the facilities for physical, mental, pychological, cultural, social economic, moral and intellectual development. Labour welfare is a part of social welfare conceptually and operationally. It covers a broad field and suggests many ideas, meanings and cannotations, such as the state of well-being, health, happiness, satisfaction and the conversation and development of human resources.

The term Labour Welfare is composed of two concepts, namely;

- i. Concept of Labour. and ;
- ii. Concept of Welfare.

i) CONCEPT OF LABOUR :

The term ' Labour ' is used in various senses. Broadly speaking, any work, whether mannual or mental, which is undertaken for a monetary consideration is called labour in economics.

According to Marsheli Alfred " Any exertion of mind or body undergone partly or wholly with a view to some good other than the pleasure derived directly from the work"⁵ is called Labour.

Labour may be defined as workers who do not have any other ' adequate ' source of livelihood except the sale of their labour power (i.e. capacity to work either physically or mentally) in return of which they get wages (including salaries) " ⁶

Peculiarities of Labour : There are certain characteristics which distinguish it from the rest of the factors of production. They are :-

- 1) Labour is inseparable from labourer himself.
- 2) Labourer sells his work only

5 - Marshall Alfred " Principals of Economics " 1961 ed.
P.No. 54

6 - Bloom and Northrup " Economics of Labour Relations "
P.No. 4.

- 3) Labour is a perishable commodity, one day lost is lost for ever.
- 4) Labour ~~has~~ a very weak bargaining power
- 5) Rapid adjustment for the supply of labour to its demand is not possible
- 6) Labour is not so mobile as capital
- 7) Labour is not only a factor of production but is also the ultimate end of production
- 8) Labour being a human factor, not only economic but moral, social and other considerations having a bearing on human beings have also to be taken into account in the discussion of problems connected with labour.

Labour Efficiency Factors : As a factor of production, labour is the most important, and utilization of other factors of production largely depends on the proper utilisation of time and energy on the part of the workers. The efficiency of labour depends on the following factors.

- 1) Racial Qualification : Labour efficiency largely depends on heredity and racial stock to which a worker belongs.
- 2) Climatic Factors : A cool bracing climate is conducive to hard work, where as the tropical climate is enervating.

- 3) Industrial Environment : Illventilated factories situated in crowded and insanitary surroundings are not conducive to efficiency.
- 4) Industrial Organisation and Equipments : The level of organisation and nature of equipment supplied to work determine their efficiency.
- 5) Personnel Management : Efficiency of labour also depends on the personnel management in the industry. The selection, placement, treatment promotion transfer and welfare are the psychological factors which affect the morale of the work force. The labour should not be considered merely cog in the machines, but be treated with due respect and dignity that other human beings can claim.

CONCEPT OF WELFARE :

The term ' WELFARE ' is derived from the French phrase " WEL - FAREN " which means to " FARE - WELL ".

To understand the term welfare, here are some definitions :

According to Chamber's dictionary welfare is " a state characterized by happiness, well being or prosperity " ⁷.

7 - Chamber's Twentieth Century Dictionary 1964 ed.

M.V.Moorthy has defined the term welfare as
" a state of living of an individual or a group in a
desirable relation to the total environment, animate
and manimate ".⁸

Welfare means faring or doing well. It is a
comprehensive term and refers to the physical, mental,
moral and emotional well being of an individual or a
group. Moreover the term welfare is a relative concept
relative in time and space. The concept of welfare
therefore varies from time to time and from country to
country and region to region.

The word 'Labour' means any productive activity.
Thus in a broader sense, the phrase " Labour Welfare "
means the adoption of measures to promote the physical,
social, psychological and general well being of the
working population. Welfare work in any industry aims
or should aim at improving the working and living
conditions of workers and their families.

8 - Moorthy.M.V. " Principles of labour Welfare".
ed. 1968 P.No. 3.

C O N C E P T S

The concept of labour welfare is described from various angles. The following are the main characteristics of welfare.

1) Welfare as a total Concept:

Welfare has been described as a total concept. It is a desirable state of existence involving the physical, mental, moral and emotional well-being. These are four pillars or four-fold foundation in which the structure of welfare is built. Sound physical health is an important basis of welfare. It is said that "Sound mind in a sound body" is very significant in this regard and contains a profound truth. Mental health is also another element of welfare. Wherever physical health is not matched with mental health there is great lack of welfare. Mind is more important than body. Milton said "The mind is in its own place; and can make a heaven of hell and hell of heaven". Moral health is necessary to add to the content of welfare. Emotional health of a person is also an important factor which contributes to his welfare. It is in this sense, that welfare is described as a total concept.

2) Welfare as a Social Concept :

The Social Concept of Welfare implies the welfare of man, his family and his community. There is interconnection among these three aspects, in the sense that all the three

work together, or individually supplement one another, in a three dimensional approach, each mutually serving as ends and means.

Man is a social animal, he lives in the Society Man is member of his family welfare of the man / child depends upon the welfare of the family further family is not isolated but related to other families and to the neighbourhood. The community is the legitimate, natural and intimate setting in which family lives and has its being.

It is true that communities are composed of individuals and families, and if families and individuals are enjoying desirable conditions of living, it could be said that the community is faring well.

3) Welfare as a Relative Concept :

The relative concept of welfare implies that welfare is relative in time and place. It is growing and dynamic. The welfare potential changes, as a result of which its content keeps on varying and has to keep pace with the changing times. Also the characteristics of welfare vary, for it depends largely on the conscience of the community, the scientific advancement and the development of a nation in all fields. Thus its meaning and components differ from country to country and from place to place and time to time.

4) Welfare as a Positive Concept :

In order to establish minimum level of welfare it demands certain minimum acceptable conditions of existence biologically and socially. This positive nature calls for setting up of minimum desirable standards necessary in regard to certain components of welfare such as health, food, clothing, housing, medical assistance, insurance, education, recreation, job security and so on. Thus it has to specify the starting point for building levels of welfare.

DEFINITIONS OF LABOUR WELFARE AMENITIES

Labour welfare has been defined in several ways and is, therefore, understood in various ways in various countries. Following are the few standard definitions which will give a clear idea of the term ' Labour Welfare '.

- 1) The Oxford dictionary defines the term as " Effort to make life worth living for workmen ".
- 2) The Encyclopaedia of Social Sciences defines labour welfare as ; " the voluntary efforts of the employers to establish, within the existing industrial system, working and some time living and cultural conditions of the employees beyond what is required by law, the custom of the industry and the conditions of the market ". ¹⁰

10 - Encyclopaedia of Social Sciences. Vol. XV.
1935. P.No. 395.

3) Arthur James Todd defines "welfare work as any thing done for the confort and improvement, intellectual and social of the employees over and above the wages paid, which is not a necessisity of the industry ".¹¹

4) Moorthy.M.V. holds that " Labour Welfare has two sides, negative and positive. on the one side, it is associated with the counteracting of the harmful effects of large-scale industrialisation of the personal, family and social life of the worker while on the other positive side, it deals with the provision of the opportunities for the worker and his family for a socially and personally good life".¹²

5) According to Dr. Panadikar.J.H. " Labour Welfare means " work for improving the health, safety and general well-being and the industrial efficiency of the workers beyond the minimum standard laid down by labour legislation ".¹³

11 - Arthur James Todd " Industry and society "
ed. 1933 P.No. 250.

12 - Moorthy.M.V. " Principles of Labour Welfare "
ed. 1968 P.No. 10.

13 - Dr. Panadikar.J.H. " Industrial Labour in India "
P.No. 243.

6) The Labour Investigation Committee 1944-46 defines labour welfare work as " anything done for the intellectual, physical moral and economic betterment of the workers, whether by employers, by Government or by other agencies, over and above what is laid down by law or what is normally expected as part of the contractual benefits for which the workers may have bargained " 14

7) International Labour Organisation Conference, Labour welfare is also understood to mean - " such services, facilities and amenities, which may be established in or in the vicinity of undertakings to enable persons employed therein to perform their work in healthy and congenial surrounding and to provide them with amenities conducive to good health and good morals ". 15

8) Royal Commission on Labour in India " It is a term which must necessarily be elastic, bearing a somewhat different interpretation in one country from another, according to the different social customs, the degree of industrialisation and educational development of the workers ". 16

14 - Labour Investigation Committee Report 1944-46
Govt. of India Ministry of Labour & Employment P.No. 336.

15 - I.L.O. (Assian Regional) Conference Report-II 1947
P.No. 3.

16 - The Royal Commission Labour in India 1931 P.No. 281.

From the above definitions it is apparent that none is complete or comprehensive. There is no precise demarcation in this subject. Any kind of voluntary services will come under the perview of labour welfare, if it aims at helping the worker to work better and in more congenial surroundings and also to live better in a more meaningful manner, physically, socially, morally, economically and intellectually.

An examination of the definition of labour welfare as cited above reveals that the term has been defined from a broad as well as narrow point of view. Considering in its broader connotation, it includes all activities of employers, state, Trade Unions and other agencies to help workers and their families to derive greater satisfaction from life and living by creating for them better conditions of work and by making better home and community life possible. Interpreted narrowly, labour welfare includes social services provided by an employer to his employees over and above what is required to be done legally or is the necessity of the industry.

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SCOPE OF LABOUR WELFARE AMENITIES

The scope of Labour Welfare amenities has been described by writers and institutions of different shades in different ways and from different angles. The scope of Labour Welfare amenities not only covers the work life of the workers in the factory but also extends beyond into this life with his family and the community. The scope has to be elastic and flexible enough to suit the existing conditions to the worker and to include all the essential pre-requisites of life and minimum basic amenities.

The Malariya Committee in the extent of Scope of Labour Welfare Amenities state that :-

" The Scope of Labour Welfare Amenities however can not be limited to facilities within or near the undertaking. Nor can it be so comprehensive as to embrace the whole range of social welfare or social services ". 17

It follows, therefore, that all extra-mural and intra-mural welfare amenities as well as statutory and non-statutory welfare measures undertaken by employers, Government, Trade Unions or Voluntary Organisations fall within the scope of labour welfare and it also includes social security measures which contribute to workers

17 - Report of the Labour Investigation Committee - 1946
P.no. 345.

welfare such as Industrial health, Insurance, Provident Fund, Gratuity, Maternity Benefits, Worker's Compensation, Retirement Benefits etc.

According to Dr. Sarma.A.M. " Labour Welfare includes both the social and economic contents of welfare ".¹⁸

The welfare work to be effective should include the work life, families life and community life of the workers in a well-related, co-ordinated and purposefull pattern.

The scope of labour welfare amenities may become over a period of years narrower and narrower as more and more of them are covered by labour laws and collective agreements.

LABOUR WELFARE AMENITIES

The labour welfare amenities are such mamenities, services and facilities which may be established in or in the vicinity of the undertakings to enable the persons employed in them to perform their work in health, congenial surroundings and provided with amenities conducive to good health and high morale. A comprehensive list of welfare amenities is given by Moorthy¹⁹ in his monumental work on labour welfare. He divided welfare amenities into two broad groups, namely :

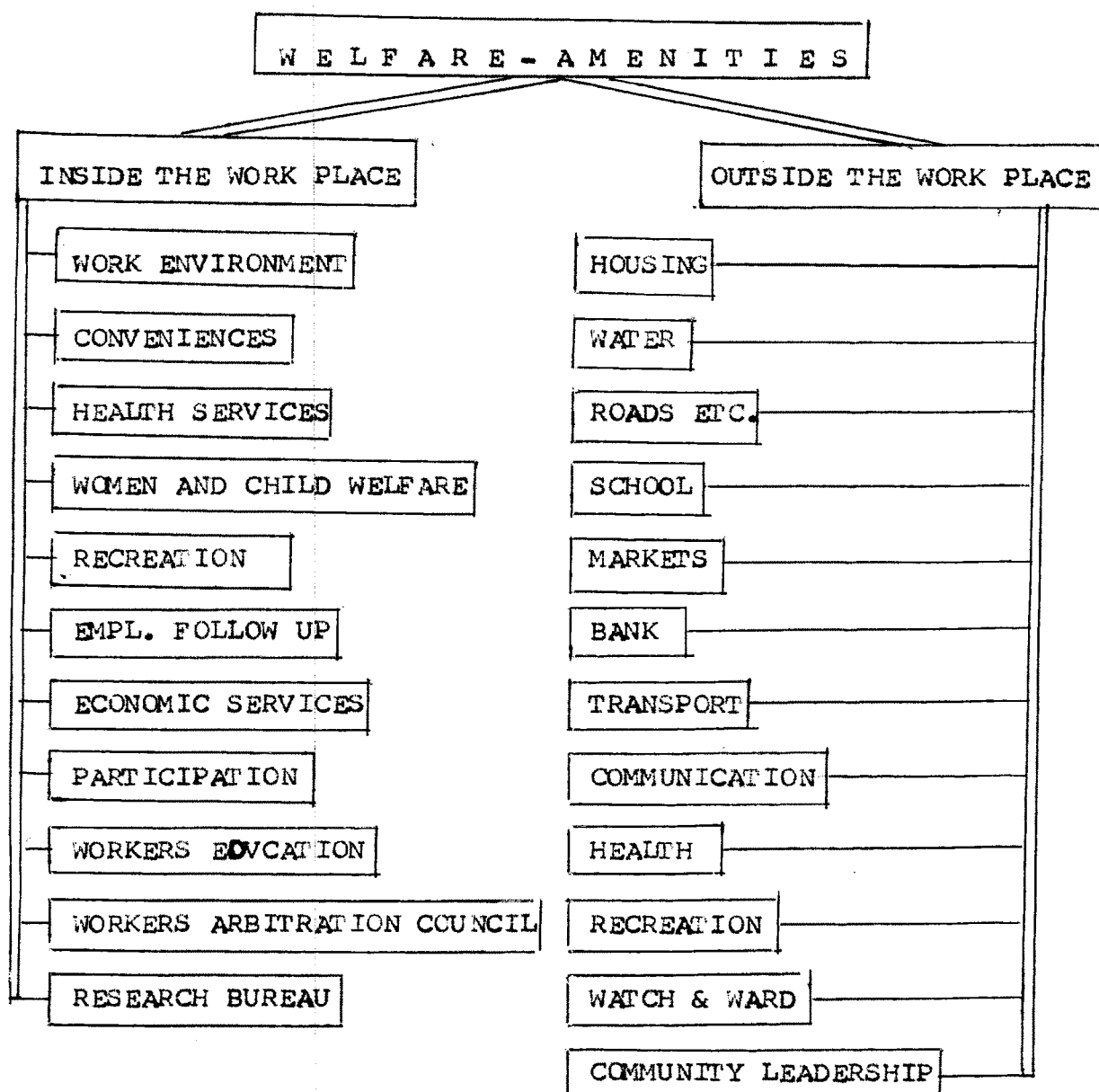
A) Amenities inside the work place.

B) Amenities outside the work place.

18 - Dr.Sarma.A.M. "Aspect of Labour Welfare and Social Security " Aug.1981 P.No. 3.

19 - MoorthyM.V. "Principles of Labour Welfare".P.P. 13 to 15.

Each group includes several activities.



A) WELFARE AMENITIES INSIDE THE WORK PLACE:

1) Conditions of the work environment :

- a) Neighbourhood safety and cleanliness, attention to approaches.
- b) House Keeping ; up keep of premises-compound wall, lawns and gardens, egress and ingress, passages and doors, white-washing of walls and floor maintenance.
- c) Workshop (room) sanitation and cleanliness, temperature, humidity, ventilation, lighting, elimination of dust, smoke, fumes, gasses.
- d) Control of effluents.
- e) Convenience and comfort during work i.e. operative posture, sitting arrangements.
- f) Distribution of work hours and provision for rest times, meal times and breaks.
- g) Workmen's safety measures, i.e. maintenance of machines and tools, fencing the machines, providing guards, helmets aprons, goggles and first-aid equipments.
- h) Supply of necessary beverages and pills and tablets i.e. salt tablets, milk and soda.
- i) Notice boards : posters, pictures, slogans, information or communications.

2) CONVENIENCES :

- a) Urinals and lavatories, wash basins, bath rooms, provision for spittoons and waste disposals.

- b) Provision and care of drinking water, water coolers,
- c) Canteen services : full-meals, mobile canteen,
- d) Management of workers' clock rooms, rest rooms, reading room and library.

3) Workers' Health Services:

Factory health centre, dispensary, ambulance, emergency aid, medical examination for workers, health education, health research, family planning services.

4) Women and Child Welfare :

Antenatal and postnatal care, maternity aid, creche and child care, women's general education; separate services for women workers, i.e. lunch rooms, urinals, rest rooms, women's recreation (indoor), family planning services.

5) Workers Recreation :

Indoor games ; strenuous games to be avoided during intervals of work.

6) Employment Follow-up :

Progress of the operative in his work, his adjustment problem with regard to machines and work load, supervisors and colleagues industrial counselling.

7) Economic Services :

- a) Co-operatives, loans, financial grants, thrift and saving schemes, budget knowledge, unemployment insurance, health insurance, employment bureau, profit sharing and bonus schemes,

- b) Transport services.
- c) Provident fund, gratuity and pensions,
- d) Reward and incentives.
- e) Workmen's compensation for injury, family assistance in times of need.

8) Labour Management Participation :

- a) Formation and working of various committees i.e. works committee, safety committee, canteen committee, consultation in welfare area, in production area in the area of administration, in the area of public relations.
- b) Workmen's arbitration council.
- c) Workers education.

Reading room, library, circulation library, visual education, literary classes, adult education, social education, daily news review, factory news bulletin, co-operation with workers in education services.

B. WELFARE AMENITIES OUTSIDE THE WORK PLACE :

1. Housing : Batchelors' quarters, family residences according to types and rooms,
2. Water, sanitation, waste disposal,
3. Roads, lighting, parks, recreation, playgrounds, and high school.
4. School : nursery, primary secondary and high school,
5. Markets, Co-operatives, consumers and credit societies,

6. Banks,
7. Transport,
8. Communication : post, telegraph and telephone,
9. Health and medical services : Dispensary, emergency ward, lying-in services, out-patient and in-patient care, family visiting, family planning,
10. Recreation : Games, clubs craft centres, cultural programmes i.e. music clubs, interest and hobby circles, festival celebrations, study circles, reading room and library, open air theatre, swimming pool, athletics and gymnasia,
11. Watch and ward security.
12. Community leadership development : Council of Elders, committee of representatives, administration of community services and problems, child, youth and women's clubs.

EVOLUTION OF LABOUR WELFARE AMENITIES IN INDIA

The need for adding welfare activities to the contractual relationship between employer and employees hardly received attention in any country in the early stages of industrialisation. The state had to intervene using its persuasive powers and / or by enforcing legislation. Our country has been no exception to this process. Barring a few cases employers were not generally inclined to accept the financial burden on account of welfare activities. Where they did provide the amenities it was more a matter of paternalistic approach to labour rather than a recognition of workers needs.

Workers welfare, as a movement, began in the early years of the industrial revolution especially in the Western Countries.

BEFORE INDEPENDENCE :

Welfare work in India, as in United Kingdom and United States, was mainly a product of the stresses and strains during the first world war. Before this period, there were only isolated instances of welfare work, mostly by outside agencies on humanitarian ground.

Factories act, 1934 enacted by the Central Government for the first time provided for the maintenance of suitable and sufficient water supply for drinking and washing purposes

adequate shelter for rest in factories employing more than 150 persons, reservation of suitable rooms for the sake of children and women employees and the maintenance of adequate first-aid appliances. Then the provincial Governments were however content with enforcing the central Acts relating to labour conditions besides enacting a few of their own did not actively concern themselves with any measures directly. This policy of non intervention was replaced by one of active intervention, though on a small scale, in some provinces, during the regime of the popular ministries during 1937-39.

The welfare work sponsored by employers also did not cover a great majority. It was during the second world war. The movement for provision of welfare facilities received a further impetus especially in respect of feeding facilities including supply of essential food articles. During the Second World War, the Government of India launched schemes of welfare in its ordnance and ammunition factories to keep morale and boost war production. The service of reputed labour leaders were also availed of for advising Government in regard to labour welfare programmes. After the end of the Second War both the Central and the State Governments evinced more interest in undertaking welfare work for workers.

The Second World War brought about far-reaching consequences in all fields of activities. The need for sustained and increased production gave a fillip to Indian Industry. The number of factories and factory employees increased enormously the Government took the initiative and actively promoted various welfare activities among the industrial employees. A number of legislations for the welfare of the working classes were also enacted.

AFTER INDEPENDENCE :

After Independence, the labour welfare movement acquired new dimensions. It was realised that labour welfare had a positive role to play in increasing productivity and reducing industrial tensions. The state began to realise its social responsibilities towards weaker sections of the society. The emergence of defferent central trade union organisations such as : I.N.T.U.C. - 1947, H.M.S. - 1948, U.T.U.C. - 1949, B.M.S. - 1955, C.I.T.U - 1970 gave a further fillip to the growth of labour welfare movement.

On the basis of the recommendations of the Raje Committee the Government of India enacted the factories Act 1948 (Act No. 63 of 1948), aimed at " An act to consolidate and amend the law regulating labour in factories". The factories Act 1948 come into effect from 1st April 1949.

It is an important and comprehensive piece of legislation the act applies to all establishments employing.

- I. 10 or more workers where power is used &
- II. 20 or more workers where power is not used &
- III. Where a manufacturing process is being carried on.

However, section 85 of the Act empowers the state Government to extend all or any provisions of the Act to any premise. It contains many important provisions regarding health, safety, welfare employment of young persons and children, hours of work for adults and children holiday leave with wages etc. The responsibility for administration of the act rests with the state Governments who administer it through their own factory Inspectorates. The onus for compliance with the provisions of the act wholly rests on the occupier of the factory though the obligations are also imposed on workers. The Directorate General of Factory Advice Service and Labour Institutions Co-ordinate the work of Enforcement of the factories act throughout the country and frame model Rules and suggest amendments to the act and the rules in consultation with the State Chief Inspectors of Factories.

The Indian constitution makes a specific mention of the duties which the state owes to labour. It may be pointed out that with the factories Act of 1948 the

Government of India also passed the welfare Act known as the " Employees state Insurance Act ". Which provides the benefit to workers in event of sickness maternity and employment injury in the form of payment of sick leave, hospitalisation etc.

THE FIVE YEAR PLANS AND LABOUR WELFARE

The First - Five Year Plan (1951-56) :

The first five year plan paid considerable attention to the welfare of the working classes. It laid emphasis on the development of welfare facilities for avoidance of industrial disputes and for creating mutual good-will and understanding during this period.

- The plantation Labour Act 1951.
- The Mines Act 1952.
- The employees provident fund Act 1952 as enacted.

The State Governments passed various laws regarding housing for industrial labour e.g.:

- Bombay housing Board Act 1948.
- Hyderabad Labour Housing Act 1952.
- Madhya Pradesh Board Act 1950.

A Central Labour Institute, with regional offices, was set-up to study the problems safety, management, industrial psychology etc..

The Second Five Year Plan (1956-61) :

During the Second Five Year Plan the important of better working conditions had been progressively recognised. Greater Stress was laid on the creation of an industrial democracy. This plan saw further development in the field of labour welfare. New enactments were made to cover seamen and Motor transport workers the coverage of the employees State Insurance Scheme was also extended by bringing in its fold more workers A comprehensive Scheme known as DOCK workers (safty, Health & Welfare) schemes was drawn up in 1961.

In 1959, the State Government of Assam passed an Act called the Assam Tea Plantations Employees Welfare Fund Act in April 1956, a New Plantation Labour Housing Scheme was envolved which envisages a certain amount of loan for construction of houses for workers various states enacted legislation to regulate the working conditions in shop and establishments.

The Second Five Year Plan period also saw the enactment of a number of Acts by various state Governments in the field of industrial housing e.g. :

- The Uttar Pradesh Industrial Housing Act of 1955.
- The Punjab Industrial Housing Act of 1956.

The Third Five-Year Plan (1961-66) :

The Third Five Year Plan also stressed the need for more effective implementation of various statutory welfare provisions. It recommended improvement in working conditions and emphasized greater productivity and more efficiency on the part of workers. It called upon the State Governments to strengthen the factory Inspectorates for effective implementation of various legislations the plan also recommended setting-up of co-operative credit societies and consumers store for industrial workers and emphasized the role of trade union and voluntary organisations in administering such co-operatives. Some of the legislative measures during this period include :

- The maternity benefit Act 1961.
- Apprentices Act 1961.
- Iron or Mines Labour Welfare Cess Act 1961 &
- The Payment of Bonus Act 1965.

Some of the State Government have also passed Labour Welfare Fund Act.

The Fourth Five - Year Plan (1969-74) :

The Fourth Five year Plan provided for the expansion of the Employees State Insurance Scheme to cover medical facilities to the families for insured persons and to cover shop and commercial establishments in selected centres.

During the Fourth Plan period -

- The Contract Labour (Regulation & Abolition) Act 1970.
 - The Payment of Gratuity Act 1972.
 - The Employees Family Pension Scheme 1971.
- were passed

The plan directed that programmes for welfare countries holiday homes and recreational centres should be included under the state plan and stress be laid on strengthening labour administration machinery for effective enforcement of labour laws.

For labour welfare programmes, a provision of Rs.37.11 crore was made in the plan.

The Fifth Five Year Plan (1974-79) :

In the fifth five year plan an amount of Rs.42.37 crores was provided for labour welfare and craftsmen training.

The committee on labour welfare (1966-69) set-up by the Government of India under the Chairmanship Sri. R.K.Malviya reviewed at length the functioning of various statutory and non statutory welfare schemes in industrial establishments, both in the public and private sector, including mines, plantations and railway etc.

The above survey covers labour welfare -

- I) As a movement through voluntary efforts by some of the employers &
- II) As the legislative movement.

In the field of labour welfare the Government is now playing a triple role as that ;

- a) of a legislator
- b) of an administrator, &
- c) of a promoter.

The Sixth Five Year Plan (1980-85) :

The total outlay for labour and labour welfare in the sixth plan was of Rs. 161.9 crores out of that for labour welfare only, an amount of Rs. 27.09 crores was provided with a view to special programmes to be taken up for workers in unorganised sectors, programmes of worker's education will need to be extended and their quality improvement, and special programme for education to women worker with an effort to cover come discrimination on the basis of sex etc., are the key targets under the sixth plan period.

The Seventh Five Year Plan (1985 - 90) :

The main objective of the seventh plan is that of greater productivity in the industrial sector and labour is expected to play a very important role in the process with

a view to achieve the aims of the plan an out lay of Rs. 333.72 crores were kept for labour and labour welfare programmes Rs.27.94 crores were kept aside only for labour welfare improvement. The significant welfare schemes in the plan period are, tackling the problem of industrial sickness, industrial safety, to be carried out by inspection of factories regularly improving the working conditions of child labour, to bring the women labour to the main stream of economic growth and lastly welfare of labourers in the unorganised sector.

In spite of all these efforts the welfare work in India is still considerably below the standard set up in other countries. However it has come to stay in other as an accepted feature of employment conditions and is bound to make rapid progress in the years to come especially when the Indian Republic is wedded to the Ideals of a Welfare state with socialist objectives.



INDIA AS A WELFARE STATE

After achieving independence our free country obtained her own independent constitution. The first indication of the effect that India is a welfare has been laid down on the very first page through the preamble. It is declared that India is a Republic Country and it respects the secularism. In addition to it there are certain directive principles of state policy written down in the constitution which are acting as guidelines and directions to the state action in clear terms. If all these directive principles are translated into action, they will make India as a welfare state.

A list of directive principles of state policy is presented below :-

Article - 38 :

A state shall secure and protect a social order which stands for the welfare of the people.

Article - 39 :

The state shall direct its policy towards securing adequate means of livelihood to all citizens; proper distribution of the material resources of community for the common good ; prevention of concentration of wealth to the common detriment, equal pay for equal work for both men

and women, protection of health and strength of workers and avoiding circumstances which force citizens to enter avocations unsuited to their age or strength and the protection of childhood and youth against exploitation or moral and material abandonment.

Article - 40 :

The state shall organize village panchayats as units at self-government.

Article - 41 :

The state shall, within the units of its economic capacity and development, make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article - 42 :

The state shall make provision for securing just and human conditions of work and for maternity relief.

Article - 43 :

The state can endeavour to secure, by suitable legislation or economic organisation or any other way, to all workers, agricultural, industrial or other some work, a living wage, condition of work ensuring a decent

standard of life and full enjoyment of leisure and social and cultural opportunities and in particular the state can endeavour to promote cottage industries on an industrial or co-operative basis in rural areas.

Article - 44 :

The state shall ensure a uniform civil code applicable to the entire countries.

Article - 45 :

The state shall provide within ten years from the commencement of the constitution, free and compulsory education to all children upto the age of 14 years.

Article - 46 :

The state shall promote, with special case, the educational and economic interest of the weaker sections of the people, especially the Scheduled Castes and Scheduled Tribes.

Article - 47 :

The state shall secure the improvement of public health and the prohibition of intoxicating drinks and drugs.

Article - 48 :

The state shall protect all monuments of historical interest and national importance.

Article - 50 :

The state shall bring about the separation of judiciary from the executive.

Article - 57 :

The state shall endeavour to secure the promotion of international peace and security, the maintenance of just and honourable relations between nations and the settlement of international disputes by arbitration.

Thus the directive principles direct the state to secure for its citizens more and better food, clothing ; shelter, employment, living, wages, universal, education social security, public assistance, leisure, social and cultural opportunities, and such other material comforts of life. The fundamental right guarantee such rights to its citizen that make life fruitful, richer and meaningful steps are being taken to realise the promises held out to the citizens in as brief a period as possible, subject to the limitation imposed by the need to work in democratic set-up. The five year plans and various legislative measures adopted after independence point to the intensity of the belief of our community in these principles. All these steps taken by the constitution goes to show that India too is welfare state.

NECESSITY AND IMPORTANCE OF WELFAREAMENITIES IN INDIA

The BEGINNINGS of modern industrial development in India could be traced back to early 19th century. Removed from the village community, and thrown into strange and uncongenial environment, - unemployment - poverty - illiteracy made them to work in factories from sunrise to sunset under bad sanitation and working conditions. This system of work based on injustice made them to remain absent work place, lazy and inefficient. As a result, they fell a prey to alcoholism, gambling and other vices that demoralised them, and some times, completely ruined them. Exploitation of labour to the large extent and maximisation of profits by the capitalist made industrial atmosphere still worse. Working class suffered injustice in silence.

Looking to the conditions of factory workers in India the need and importance of welfare amenities was felt by the Royal Commission on labour as far back as 1931. Several other commissions like Labour Welfare Enquiry Commission 1966, National Commission on Labour 1966, all expressed their opinion about importance of labour welfare amenities As pointed out by the Bombay Textile Labour Enquiry Committee " It is axiomatic that in all pursuits a high standard of efficiency can be expected only from person who are

physically fit and free from mental worries, that is only persons who are properly trained, properly housed, properly fed and properly clothed ²⁰.

The need and importance of welfare amenities in India, which are designed to bring about an all-round improvement in the workers' standard of life, cannot be over emphasized. There can be no doubt with regard to the beneficial effects of welfare amenities. They are so many.

Firstly, welfare amenities influence the sentiment of the workers. When the workers feel that the employers and the state are interested in their happiness, their tendency to grouse and grumble will steadily disappear. The development of such a feeling paves the way for industrial peace.

Secondly, the provision of various welfare measures such as good housing, canteens, medical and sickness benefits etc., makes them realise that they have also some stake in the undertaking in which they are engaged and reckless action which might prejudice the interest of the undertaking.

20 - Report of the Bombay Textile Labour Enquiry Committee 1940 P.No. 264.

Thirdly, welfare measures, such as cheap food in canteens, free medical and educational facilities etc., indirectly increase the real income of the workers.

Fourthly, welfare activities will reduce labour turnover and absenteeism and created a permanent settled labour force by making service attractive to labour.

Fifthly, welfare activities will go a long way to better the mental and moral health of workers by reducing the incidence of vices of industrialisation.

Lastly, welfare measures will improve the physique intelligence, morality and standard of living of the workers which in turn, will improve their efficiency and productivity.

AIMS OF WELFARE AMENITIES

The aim or object of welfare amenities is partly humanitarian, partly economic and partly civic. It is humanitarian, as it aims at to the workers which they themselves can not provide. It is economic, because it improves the efficiency of the workers and keeps the workers contented and minimises the chances of conflict. It is civic, because it is a means to promote a sense of responsibility and dignity among the workers and to make them better citizens.

CLASSIFICATION OF LABOUR WELFARE AMENITIES

Welfare work, taken in its more comprehensive term mentioned above, and as an all embracing phrase, may also be divided into three categories viz :

- A - Statutory Welfare Amenities.
- B - Voluntary Welfare Amenities and,
- C - Mutual Welfare Amenities.

A) Statutory Welfare Amenities :- Constitute those provisions of welfare work which are provided in different Factory Acts and it is obligatory on the part of the employers to observe these provisions. With a view to maintain a minimum standard of health and safety etc., of the workers, the Government of a country enacts certain rules under various Acts and ordinances which have to be abided by the employers in respect of their workers such as rules may relate to certain essential working conditions, e.g. hours of work, sanitation etc.

B) Voluntary Welfare Amenities : includes all those activities conducive to the welfare of the workers which are undertaken by the employers themselves of their own free will. Some social organisations also undertake this type of work.

C) Mutual Welfare Amenities : Mutual Welfare work signifies a corporate enterprise of the workers with a view to improve their lot. Activities of the trade unions which are conducive to the welfare of their members are included under this category.

They study Team appointed by Government of India in 1959 to examine labour welfare activities, then existing, divided the entire range of these activities into three categories viz :

- 1 - Welfare work within the precinct of an establishment.
- 2 - Welfare work outside the establishment.
- 3 - Social security measures.

However the committee of Experts on welfare facilities for industrial workers convened by International Labour Organisation in 1963 divided welfare services in two groups.

- 1 - Welfare work inside the factory, and
- 2 -- Welfare work outside the factory.

The content of the activities was the same as had been included in three groups mentioned above.

Dr. G.M.Broughton who has classified welfare amenities into a different style as :

- A - Intra - Mural & B - Extra - Mural.

A - Intra - Mural : Intra - Mural welfare work including various facilities and amenities provided to the workers inside the factory e.g. provision of drinking water, cleanliness and sanitation, canteens, creches, medical and first aid appliances etc.

B - Extra - Mural : Extra-Mural welfare work including the provision of facilities outside the factory e.g. provision of education and recreation facilities, amusement, games and sports housing and medical facilities.²¹

THEORIES OF LABOUR WELFARE

Dr.M.V.Moorthy has referred to seven approaches to a theory of labour welfare they are briefly described below:

1) The Policing Theory of Labour Welfare :

According to this theory man is by nature selfish. He does not hesitate to further his own self interests at the cost of other's welfare - particularly if he is placed in an advantageous position by virtue of wealth or authority. There is every likelihood of using his authority and wealth for his own welfare exploiting those under him. Factories provide ample opportunities for owners and managers of capital to exploit workers in unfair manner. This could be done by making labour work long hours paying them low wages and neglecting their health safety and welfare provisions.

21 - Dr. Broughton.G.M "Labour in Indian Industries
P.No. 181 to 182.

Obviously a welfare state cannot tolerate this state of affairs. Hence laws to compel the management to provide minimum wages and better working conditions and amenities become imperative.

2) The Religious Theory of Labour Welfare :

Man is not only a social animal but also a religious animal. Employers as well as employees as human beings are subscribe to religious sentiments and beliefs. In India, concept of Dharma and Karma and Re-Birth Influence man's conduct. It is believed that if one does a good deed here, one will reap benefits. In the future life. Any good work is thus looked upon as " an investment ". Inspired by this sentiment and hope employers plan and organise welfare activities.

3) Philanthropic Theory of Labour Welfare :

According to this theory man generally loves man. He has a spontaneous urge to better the lot of his fellow beings. Compassion urges him to promote the well being of mankind viewed from this angle, labour welfare work could be acts of pity on the part of employers who want to remove the disabilities of workers.

4) Paternalistic Theory of Labour Welfare :

Paternalism is the theory that " papa knows best " According to paternalistic theory of labour welfare the

employer holds the industrial properties and profits. He should use them not only for his own benefit but also for the well being of his workers. The workers are too poor to take care of themselves properly. They are in the nature of minors and the employers should provide for their well-being out of the funds they hold. The relations between employers and employees should be somewhat of the type of found between father and children or between the elder brother and the younger brother in the same family. Under such pattern of relationships, the elder should spend on-behalf of the younger ones who are too young to know their own Interest.

5) The Placating Theory of Labour Welfare :

According to this theory workers are becoming consious of their rights and previleges and their demands for higher wages and better working conditions can no longer be ignored. If their demands go unheeded the brute working masses will rise and do havoc. Therefore it is wise to appease the workers by doing timely acts of grace and welfare as crying children are pacified by sweets, so workers should be pleased by welfare work.

6) Public Relations Theory of Labour Welfare :

According to this theory welfare programmes by employers are necessary for the creation of goodwill

between labour and management and between management and public. The goodwill is created amongst the members of society, to that extent industry flourishes.

7) The Functional Theory of Labour Welfare :

According to this theory workers are the productive groups in industry; they prepare raw materials for manufacturing ; they man the machines ; process the product and pack and ship the commodities. Just as machines should be kept in good condition for smooth operation. The workers should be maintained in good physical, mental and moral conditions for increasing production welfare work is a means of securing the efficiency of labour.

PRINCIPLES OF LABOUR WELFARE

PRINCIPLES are nothing, but ethical values, rules and regulations, basic guides, that guide the conduct of labour welfare work and also help in the formation of labour welfare activities and programmes as well as in the solution of labour problems.

Labour welfare is dependent on certain basic principles, which must be kept in mind and properly followed to achieve a successful implementation of labour welfare programmes. They are as follows:

1) The Principle of Co-ordination or Integration :

This is the most important principle in welfare work. Welfare is a total concept. Therefore, we should not plan programme piece-meal and stop at that. Indeed a large part of the failure of welfare work is due to welfare being planned and treated on a piece-meal basis. Simultaneous and comprehensive programmes do cost money and need personnel. Therefore, employers may be tempted to introduce only a few items which are forced upon them by law. Since type of work does not yield results the employers lose faith, in welfare work. Further, the workers for whom welfare work is mainly planned feel the unreality of isolated and unrelated programmes and consequently, accept the programmes without confidence and enthusiasm. The welfare officer who has a clear concept of welfare should be able to co-ordinate purposeful and related activities.

2) The Principle of Association or Democratic Values:

Another important principle of welfare administration is the principle of association " work with the individual " is the motto of this principle. Welfare work aimed at the workers or for the workers. There is little chance of success as long as it is not designed and implemented in consultation and collaboration with the workers. The workers should be made to feel that the programmes or activities are a part of their own creation and that their practice

is a voluntary, spontaneous and willed process emerging from themselves. This implies that workers, through their representatives, should be taken into confidence, consulted at various stages regarding the programmes and their implementation.

3) The Principle of Responsibility :

This principle of responsibility is another which makes for the success of welfare work. According to their principle there should be delegation of authority in the welfare fields, either by election or nomination to committees. Such as safety committees, sports committees, canteen committees etc. Which work simultaneously in specific areas for limited periods. Here it should be mentioned that responsibility carries with it authority and authority should, in turn possess resources both personnel and financial. Responsibility will succeed only in the measure that it is combined with authority and resources. Also one of the ways of kindly primary leadership is to create resources, give authority and make persons or committees or groups responsible. And primary leadership properly created results in an overall feeling of belonging among the members of the group.

4) The Principle of Accountability :

This can also be called the principle of Evolution. Here, one responsible person gives an assessment or

evaluation of existing welfare services on a periodical basis to a higher authority. This is very necessary, for then one can judge and analyse. The labour welfare programmes with such scientifically made evaluation are lacking in labour welfare services in Indian industries.

5) The Principle of Timeliness :

One most important and basic principle is that of timeliness. This means that when a need is felt, or a time is opportune for starting programme or for associating the workers, or delegating authority or providing resources, it should be done with immediate despatch. Most of the programmes fail for lack of timely action, leadership help. Help when help is required is an excellent social-work maxim. While procrastination the thief of time, postponement could be a robber of resources. Therefore, the welfare officer should be alert to discover what is needed and when and take timely action in putting the programme.

6) The Principle of Self-Help :

Last, but not the least in importance, is the fact that labour welfare must aim at helping workers to help themselves in the long run. This will help them to become more responsible and more efficient.

AGENCIES FOR LABOUR WELFARE

The provisions of welfare amenities should be the prime-responsibility of the employers. The state the representative of the entire community also owes a duty to do things beneficial for the community as a whole. In a country like India, where the working class forms a weaker section of the community, the state should have a special obligation towards this class, and should make efforts to raise it from the level of moral, intellectual social and economic degradation. The workers organisations also have a duty towards, welfare schemes, according to their financial capacity and should occupy priority in their programmes,. Hence, the employers, the state, trade unions and other social organisations are combined, must make efforts through the provisions of welfare schemes to make the life of individual workers in the country comfortable and happy.

(a) Welfare Amenities by Employers :

Many associations of the employers in the country provide labour welfare, amenities for the benefit of their employees. As a matter of fact the employers have to play a very important role in this field because they are the beneficiaries of the services rendered by the workers whatever the employers or their associations spend over

labour welfare is a investment on the human factor in the industry.

The pattern of welfare that is provided by employers is a broad-based policy of providing recreational and educational facilities in large units, while the smaller units content themselves with conforming to those facilities prescribed by law. Most of the facilities for workers welfare provided by employers, such as Dispensaries, canteen creches education and transport are in the implementation of statutory provisions. The standard of these amenities provided by some employers are often high and much above the legal requirements.

To quote some examples, The Indian Jute Mills Association and Bombay Mill Association have done creditable work. They have organised various recreational activities in the labour colonies. Indoor as well as outdoor games facilities are provided, Adult literacy centres, women corners, creches, child welfare centres are maintained by these associations. As regards the contribution of individual employers, the Buckingham and Carnatic Mills Madras, the Delhi Cloth and General Mills, Delhi and the Geep Flash Light Industries, Allahabad , Kirloskar Electric Company Ltd., Bangalore, Guest Keen William Ltd., Bangalore are the poineers in the field. Progressive employers like Tata, Birla, Dalmia, Singhanian, Modies are also done credit~~able~~ works for their labours. The Tata Iron and Steel

company provides an up to day and well-equipped hospital with qualified staff, a net-work of primary and secondary schools, gymnastic and clubs, co-operative stores etc.

(b) Welfare Amenities By Governments :

With a view to making it mandatory for employers to provide certain welfare facilities for their employees, the Government of India has enacted several laws from time to time. These laws are the Factory Act 1948, the Mines Act 1952, the Plantation Labour Act 1951, the Bidi and Cigar Workers (conditions of employment) Act 1966, and the Contract Labour (Regulation and Abolition) Act 1970. Another significant step taken by the Central Government has been to constitute welfare funds.

The Lime-Stone and Dolomite Mines Welfare Fund Act 1972 : was passed to provide welfare facilities to the workers employed therein. The Act provides for levy and collection of a cess at the rate of 20 paise per metric tonne on such lime stone and dolomite as is consumed by iron and steel plants cement and other factories or is used by the mine owner himself for the above purpose. The Act makes provision for grant-in-aid facilities to the state Governments, local authorities and to the owner of lime-stone mines for carrying out medical, educational and recreational facilities.

State Governments have followed in the footsteps of the central Government in providing employee amenities. The Bombay and Uttar Pradesh were the painer in this field.

Government of Karnataka : A special mention should made about Karnataka Government. It has ansituted a Labour Welfare Board on tripartite basis, with the commissioner of Labour as Chairman, to advise Government on matters of labour legislation, labour welfare etc. The Department of Labour Welfare, Government of Karnataka is running 23 Welfare Centres throughout the state. The welfare amenities offered by these centres are :

- 1) Reading rooms and libraries,
- 2) Tailoring Classes,
- 3) Film Showes (Each centre is equiped with radio),
- 4) Indoor and Outdoor games.

The Government of Karnataka maintains fund, called Karnataka Labour Welfare Fund under the provisions of the Karnataka Labour Welfare Fund Act 1965 which come into effect in August 1968, ~~and~~ which was amended in 1976. The Act requires that compulsory contributions be made to the welfare fund by the employees, the employers and the State Government at the rate Rs. 1/- , Rs. 2/- and Rs. 3/- respectively. The Act further requires that factories, plantations, omnibus services, workshops and establishments, each employing more than 50 workers and

to the welfare fund by the employees, the employers and the state Government at the rate of Rs. 1/-, Rs. 2/- and Rs. 3/- respectively. The Act further requires that factories, plantations, omnibus services, workshops and establishments, each employing more than 50 workers and to which the Act applies, should transfer all the unclaimed accumulations - wages, bonus, gratuity and fines to the welfare fund.

(c) Welfare Amenities By Social Service Agencies :

The considerable number of social service agencies are playing an important role in mass education, promotion of public health, recreational programmes, sports etc. Many philanthropists have organised social services in the country which were working in labour colonies and the slums. The work of christian Missionaries and their organisations like Y.M.C.A and Y.W.C.A under the leadership of Mother Teresa are creditable. The social services League of Bombay started by servants of India Society has rendered valuable services. The Seva Sadan societies of Poona and Bombay have provided welfare services particularly to ladies and children.

Thus, welfare work may be considered a joint responsibility of the state, employers, workers organisations and voluntary social services agencies operating in the

country. All these agencies should work in harmony to raise the standard of living of the workers.

INTERNATIONAL LABOUR ORGANISATION AND ITS CONTRIBUTION
TO LABOUR WELFARE AMENITIES IN INDIA

The International Labour Organisation has shown considerable interest in the subject of welfare services in India. The purpose of International Labour Organisation includes the provision for adequate nutrition food, housing facilities for recreation and culture.

The first I.L.O met in Berlin in 1890. It recommended among other things, the regulation about woman and child labour. The recommendation of the Berlin conference was applied in India. In amending Act the age of child was raised to the years. The employment of children below 9 years of age was prohibited and working hours of children were brought down to 7 per day.

The recommendation of the utilisation of spare time which laid down the principles and methods to secure the use of workers spare time. Again the I.L.O conference at its 30th session 1947 passed a resolution concerning welfare facilities for workers. It drew alteration to the importance of establishing in co-operation with representatives of the workers concerned and to such services and amenities as adequate, canteens, sanitary

provision and medical helps, recreation. The amending Act was passed the working hours for men and women were fixed at 10 and not more than 11 per day. They fixed weekly holiday and one hour rest for every six hours work. The I.L.O has taken a great deal of interest in the development of worker's education programme in India. The I.L.O provided the services of an worker's education, training facilities for five Indian specialists and training aids of various kinds. The I.L.O conference held at philadelphia in 1944 decided that the social security plans should attempt to provide curative and preventive medical care.

The special problem relating to promotion of welfare facilities in the Assian countries were considered in detail at Asain regional conference held in Cylon in 1950. The resolution stated that the basic requirements in respect of workers welfare facilities should be prescribed by legislation about minimum standard for workers. Thus an important role is played by I.L.O to the problem of workers welfare in India.

International Labour Organisation convention ratified by India : The ratifications adopted by India in respect of labour welfare are as follows :

- 1) The International Labour Organisation convention No. 1 of 1919 relating to limiting hours of work in

Industrial establishment to 8 hours in a day and 48 hours in a Week.

- 2) Convention No. 14 of 1921 regarding weekly rest of 24 hours.
- 3) Convention No. 19 of 1921 relating to equality a treatment of National and Foreign workers as regards workmen compensation for accidents.
- 4) Convention No. 41 of 1934 prohibiting employment of workmen during night time.
- 5) Convention No. 90 of 1948 relating to night work for young persons employed in a industry.
- 6) Convention No. 42 of 1934 known as workmens compensation occupational diseases convention revised.
- 7) Convention No. 118 of 1962 known as equality of treatment of National and Non-National in social security convention.

Convention of International Labour Organisation were followed by India and it amended various Factories Act in order to give effect to hours of work, prohibition of hight work for children, women, weekly rest, compensation for diseases and so on.

LABOUR AMENITIES AND FACTORY ACT 1948Some Relevant Sections:

Objectives : " The act is intended to consolidate and amend the law relating labour in Factories ". The object of this Act is to secure health, safety, welfare, proper working hours, leave and other benefits for workers employed in factories. It came into force from 1st April 1949. It is applicable to the whole of India.

The law relating to the regulation of labour employed in factories was enshrined in the Act 1934. Experience of the working of the Act had revealed a number of defects and weaknesses. These consequently stood in the way of effective administration. Safety or welfare assumed urgent importance, nevertheless the general frame work had remained unaltered. The provisions of the safety, health and welfare of the workers were generally found to be inadequate and unsatisfactory. Even the production provided did not extend to the large mass of workers employed and work-places were not covered by the Act. The large and growing industrial activities in the country necessitated a radical overhauling of the factory laws. All these eventually led to the enactment of the Factory Act 1948 which is in force at present. The Act has been (last) amended by the Factory (Amendment) Act 1976 which came into force from 4th - September 1976.

Following are some of the Sections of Factory Act 1948 regarding Labour Welfare Amenities.

1) Cleanliness - Section 11.

Every factory must be kept clean and free from effuvia (i.e. Exhalations affecting lungs or sense of smell) emanating from any drain privy or other nuisance. This is general cleanliness.

2) Disposal of Wastes and Effluents - Section - 12 :

Effective arrangements must be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on there in so as to render them innocuous and for their disposal.

3) Ventilation and Temperature - Section - 13 :

Effective and suitable provisions must be made for securing and maintaining in every work room.

i) Adequate ventilation by the circulation of fresh air , and

ii) Such temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

4) Dust and Fume - Section - 14 :

Manufacturing process carried on in each factory may give off any dust in substantial quantities or give

off any dust or fume or other impurity or such a nature and to such an extent as is likely to be injurious or offensive to the workers employed there-in. That is way effective measures must be taken to prevent its inhalation and accumulation in any work room.

5) Artificial Humidification - Section - 15 :

In respect of all Factories in which the humidity of the air is artificially increased, the state Government may make rules to grapple with the situation.

6) Overcrowding - Section - 16 :

No room in a Factory can be over crowded to an extent injurious to the health of the workers employed in the room.

7) Lighting - Section - 17 :

In every part of the factory where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial or both.

8) Drinking Water - Section 18 :

In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed there-in a sufficient supply of wholesome drinking water.

Section-18 (3) : In every factory where in more than two hundred and fifty (250) workers are ordinarily employed, provision, shall be made for cooling drinking water during hot weather by effective means and for distribution thereof.

9) Latrins and Urinal - Section - 19 :

The following arrangements must be done in every factory in respect of latrins and urinals.

a) Sufficient latrine and urinal accommodation of prescribed type shall be provided conveniently situated and accessible to workers at all times while they are at the factory.

b) Separate enclosed accommodation shall be provided for male and female workers.

c) The said accommodation is to be adequately lighted and ventilated between a latrine and urinal and any work room there must not be any communication except through an intervening open space or ventilated passage.

d) All such accommodation shall be maintained in a clean and sanitary condition at all times.

e) Sweeper's shall be employed whose primary duty is to keep clean latrins urinals and washing places.

10) Spittoons - Section - 20 :

In every factory there shall be provided sufficient number of spittoons in convenient places and they shall be

maintained in a clean and hygienic condition.

11) Washing Facilities - Section - 42 :

In every factory ;

a) Adequate and suitable facilities for washing shall be provided and maintained for the use of the workers there-in,

b) Seperate and adequate screened facilities shall be provided for the use of male and female workers.

c) Such facilities shall be conveniently accessible and shall be kept clean.

12) Facilities for storing and drying clothing -
Section - 43 :

The State Government may in respect of any factory or class or discription of factories make rules requiring the provision there in of suitable places for keeping clothing not worn during working hours and of the drying of wet clothing.

13) Facilities for Sitting - Section - 44 :

In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position. In order that, they may take advantage of any opportunities for rest which may occure in the course of their work.

14) First Aid Appliances - Section - 45 :

First Aid appliances in every factory be provided and maintained so as to be readily accessible during all working hours. First Aid boxes and cupboards equipped with the prescribed contents and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty (150) workers ordinarily employed at any one time in the factory.

15) Canteen- Section - 46 :

1) The State Government may make rules requiring that in any specified factory where in more than two hundred and fifty (250) workers are ordinarily employed a canteen or canteen shall be provided and maintained by the occupier for the use of the workers.

2) Without prejudice to the generality of the foregoing power such rules may provide for -

- a) The date by which such canteen shall be provided
- b) The standards in respect of construction, accommodation, furniture and other equipment of the canteen.
- c) The foodstuffs to be served therein and the charges which may be made thereof.
- d) The constitution of a Managing Committee for the canteen and representation of the workers in the management of the canteen.

e) The items of expenditure in the running of canteen which are not to be taken into account in fixing the cost of foodstuff and which shall be borne by the employer.

f) The delegation to the chief Inspector, subject to such conditions as may be prescribed of the power to make rules under the clause (c) above.

15) Shelters, Rest Rooms and Lunch Rooms - Section - 47 :

1) In every factory wherein more than one hundred and fifty (150) workers are ordinarily employed, adequate and suitable shelters or rest rooms and a suitable lunch room, with provisions for drinking water where workers can eat meals brought by them, shall be provided and maintained for the use of the workers.

Provided that any canteen maintained in accordance with the provisions of section 45 shall be regarded as part of the requirements of this sub-section.

Provided further that where a lunch room exists no workers shall eat any food in the work room.

2) The shelters or rest rooms or lunch rooms to be provided under sub-section (1) shall sufficiently lighted and ventilated and shall be maintained a cool and clean condition.

16) Creches : Section - 48 :

1) In every factory wherein more than thirty (30) women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

2) Such rooms shall provides adequate accommodation, be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

17) Welfare Officers : Section - 49 :

1) In every factory wherein five hundred (500) and more workers are ordinarily employed, the occupier shall employ in the factory and such number of welfare officers as may be prescribed.

2) In state Government may prescribed the duties, qualifications and conditions of services of officers employed under sub-section (1).

18) Weekly Hours : Section - 51 :

An adult worker can not be required or allowed to work in a factory for more then 48 hours in any week.

19) Weekly Holidays : Section - 52 :

An adult worker can not be required or allowed to work in a factory on the first day of the week (hereinafter-

referred to as the said day), unless.

a) he has or will have a holiday for a whole day on one of the three days immediately before or after the said day and,

b) The Manager of the Factory has before the said day or the substituted day under clause (a); whichever is earlier -

i) delivered a notice at the office of the Inspector of his intension to require the worker to work on the said day and of the day which is to be substituted and

ii) displayed a notice to that effect in the factory.

Provided that, on substitution shall be made which result in any worker working for more than ten days consecutively without a holiday for a whole day.

20) Daily Hours : Section - 54 :

Subject to the provisions of section 51 no adult worker shall be required or allowed to work in factory for more than nine hours in a day ;

Provided that, subject to the previous approval of the Chief Inspector the daily maximum specified in this section may be exceeded in order to facilitate the changes of shift.

21) Intervals For Rest : Section - 55 :

The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

22) Extra Wages for Overtime : Section - 59 :

Where a worker work in a factory for more than nine hours a day or more than 58 hours a week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

HIGHLIGHTS OF SOCIAL SECURITY ACT'S

Workmen's Compensation Act 1923 :

Under this act payment of compensation has been made obligatory on all employers whose employees come within its scope, and injuries workmen or the dependents of those killed can obtain compensation in all cases where personal injury has been caused by accident arising out of and in the course of employment. But the employer is under no obligation to pay compensation to the worker if the injury is due to drunkenness or willful disregard of any safety instructions or measures provided. Besides body injuries

the contracting of certain occupational diseases and the death resulting from such disease are also covered by the provisions of this Act. So for 27 categories of workers have been brought within the scope of this Act. Employees earning Rs. 1000/- or more a month are not covered by the Act. Any person who is covered by the Act is entitled to get benefit from state Insurance Corporation is not entitled from to claim any compensation from the employers under this Act.

Compensation for death and total and partial disablement is paid to an adult worker at fixed rate in proportion to his monthly wages. The interest of the workers have been adequately protected under the Act. The amount of compensation payable is not to be attached, assigned and set off against any claim under this Act is administered by Workmens Compensation Commissioners appointed by State Government. In those areas where the Employees State Insurance Scheme has been implemented The payment of compensation is the responsibility of the E.S.I Corporation.

This Act was amended in February 1959. By this amendment the distinction between adult and minor has been removed and waiting period of compensation has been reduced from seven to five. Whenever payment is delayed then employer will have to pay an interest of 6% on the period so delayed.

The Employee's Provident Fund Act 1952 :

(And amended Act of Employee's Provident Fund 1972)

The Act applies to every establishment employing twenty or more workers continually engaged in any industry. One year of full service or has actually worked for 240 days during a period of 12 months is eligible for benefits under the scheme. The appropriate authorities for exemption from the operation of the scheme. That is setting up a Board of Trustees with equal member of employees and employers representative and investment of contribution in central Government securities etc. The Act imposes certain obligation on the employer in case of establishment such as maintaining accounts, submitting returns making required investment and inspection etc. In the event of re-employment and transfer, the amount of the accumulation to the credit of a employee is to be transferred where he is re-employed. The statutory rate of the provident fund contribution for both the employers and employees is 6½% of the basic wages and employee may also contribute up to 8.33% if he desires, but the employers contribution remains restricted to 6½% . The amount is collected from the employers by means of deposits in State Bank of India. Act provides advances and loan facilities. Any worker who has been contributor for the last three years can get advance. A worker is entitled to a loan for construction or purchase of a house or a plot of land for

building, medical treatment and education for children etc.

A member could draw full amount in the event of retirement after super annuation of an account of total permanent incapacity or disease or completion of 15 years of membership.

The administration of the fund vests on the Control of Board of Trustee, Chairman of the Board is appointed by the Central Government and members representing 6 of the Central Government and 15 members of the State Government and 6 members from each group of employers and employees.

THE PAYMENT OF GRATUITY ACT 1972

There are different forms of benefits viz. pension, providend funds and the gratuity. Gratuity is lump sum payment made to a worker or to his heirs by the company on termination of his service due to retirement, retrenchment or death. Gratuity scheme is enactable under following circumstances :

- 1 - On retirement or superannuation.
- 2 - On voluntary retirement or resignation.
- 3 - On physical or mental incapacity or unfit as to continue in service.
- 4 - On termination of service.
- 5 - On death while in permanent service.

Gratuity pay as stipulated rate of 15 days average salary per completed years of service. The act covers all industries employing ten or more persons whether engaged in factories. The qualifying period for an employee working above the ground is 240 days and below the ground is 190 days in a year. Under the Act the employer shall pay gratuity to an employee for every completed year of service at the rate of fifteen days wages.

Government appoint an officer as the controlling authority who shall be responsible for administration of the Act. Different authorities may be appointed for different areas.

EMPLOYEE'S STATE INSURANCE ACT 1948

The Employees State Insurance Act 1948 applies to all the workers up to salary of Rs. 1000/- per month and working in factories employing more than 20 workers. The scheme is administered by an autonomous body called the Employee's State Insurance Corporation. The corporation consists of 38 members representing employees and employers the central and the State Government and medical department. There are also Regional Advisory Boards, consisting of the representatives of the workers, the employers and the State Government.

The scheme is contributory and the central Government makes an annual grant to the corporation. The employer

has to pay his as well as his employee's share of contribution. The employees share is to be deducted from his wages. The benefits provided are (1) sickness benefits (2) medical benefits (3) maternity benefits (4) disablement benefits and (5) dependent benefit.

The administration of the scheme is with an autonomous body called Employees State Insurance Corporation. The corporation is incharge of the general administration and is to function in such away as to promote health welfare rehabilitation and re-employment of such insured persons. The corporation is empowered to spend the funds on all such measures directed for or attributed towards the welfare of the workers.

THE INDUSTRIAL DISPUTES ACT 1947

The Act come in to force on the first day of April 1947 and extends to the whole of India. It was passed with a view to removing certain shortcoming, found in the working of Trade Disputes Act 1928.

The main objects of the Act are to :

- A) ameliorate condition of workmen in industry
- B) to secure industrial peace and economic justice.

The Act empowers the State Government to prohibit strikes and lockout, to restrict the employers and workmen

to observe certain terms of employment, to appoint industrial courts, to refer industrial disputes to conciliation or adjudication, to adjudication awards. State Government appoint conciliation officer for certain specified areas to deal with the problems of industrial disputes.

The Industrial Disputes Act intends by making various provisions, the prevention and settlement of industrial disputes. The Act provides for a number of authorities, viz :

- | | |
|--------------------------|---------------------------------------|
| 1) Works Committee | 2) Conciliation Officer |
| 3) Board of Conciliation | 4) Courts of Inquiry |
| 5) Labour Courts | 6) Industrial and National Tribunals. |

These various authorities constitute the machinery for prevention and settlement of disputes works committee consists of representatives of employers and employee and Industrial Tribunal consists of one or more members possessing qualifications ordinarily required by a judge of High Court. By an amendment in 1956 Tribunals have been provided for adjudication.

When an industrial dispute occurs first of all the conciliation officer has wide power of making investigation without delay in to all matters affecting the merits and

rights of settlement there of, and he has to submit the report within 14 days of the commencement of the conciliation proceeding to the Government.

The Government of India have also promulgated certain ordinance and passed certain amendments to the Act to supplement the provision of the Industrial Dispute Act and to meet certain special requirements.

THE PAYMENT OF BONUS ACT 1965

The Act applies to every factory as defined under the factories Act 1948 and to every other establishment which employs 20 or more persons. This Act covers public sector also. Bonus would be payable for the accounting year in which the employer derives a profit from such establishment or after six month accounting year in which the products manufactured by the establishment are sold, whichever is earlier.

The calculation of gross pprofit which is the first step towards the computation of bonus, depends on the net profit of the establishment as per balance sheet and profit and loss account. The available surplus in accounting year is to be computed after deduction of certain prior charges from gross profit. The prior changes include depreciation direct taxes, return on capital, remuneration for working partners. The available surplus and its 60% is allocable

for payment of bonus to employees in such accounting year. The payment of bonus will be made within 8 months after the closer of accounting year, but Government is empowered to extend this period not beyond two years.

Under this Act the benefit of bonus is available to employee on a Salary or Wages not exceeding Rs. 1600/- per month and has worked in the establishment for not less than 30 working days in the given accounting year. Working days includes leave with pays or absent day for temporary disablement. Injury and maternity leave with wages shall be counted as working days. An employee shall be disqualified from receiving bonus if he is dismissed, fraud, riotous or violent behaviour.

The Act provides for payment of minimum as well as maximum bonus at the rate of 4% to 20% . In case of any shortage of allocable surplus the minimum amount so distributable as bonus would be set off for adjustment out of the allocable surplus up to fourth accounting year. The payment of Bonus Act 1965 was amended in 1969 for increasing the amount of available surplus.

