



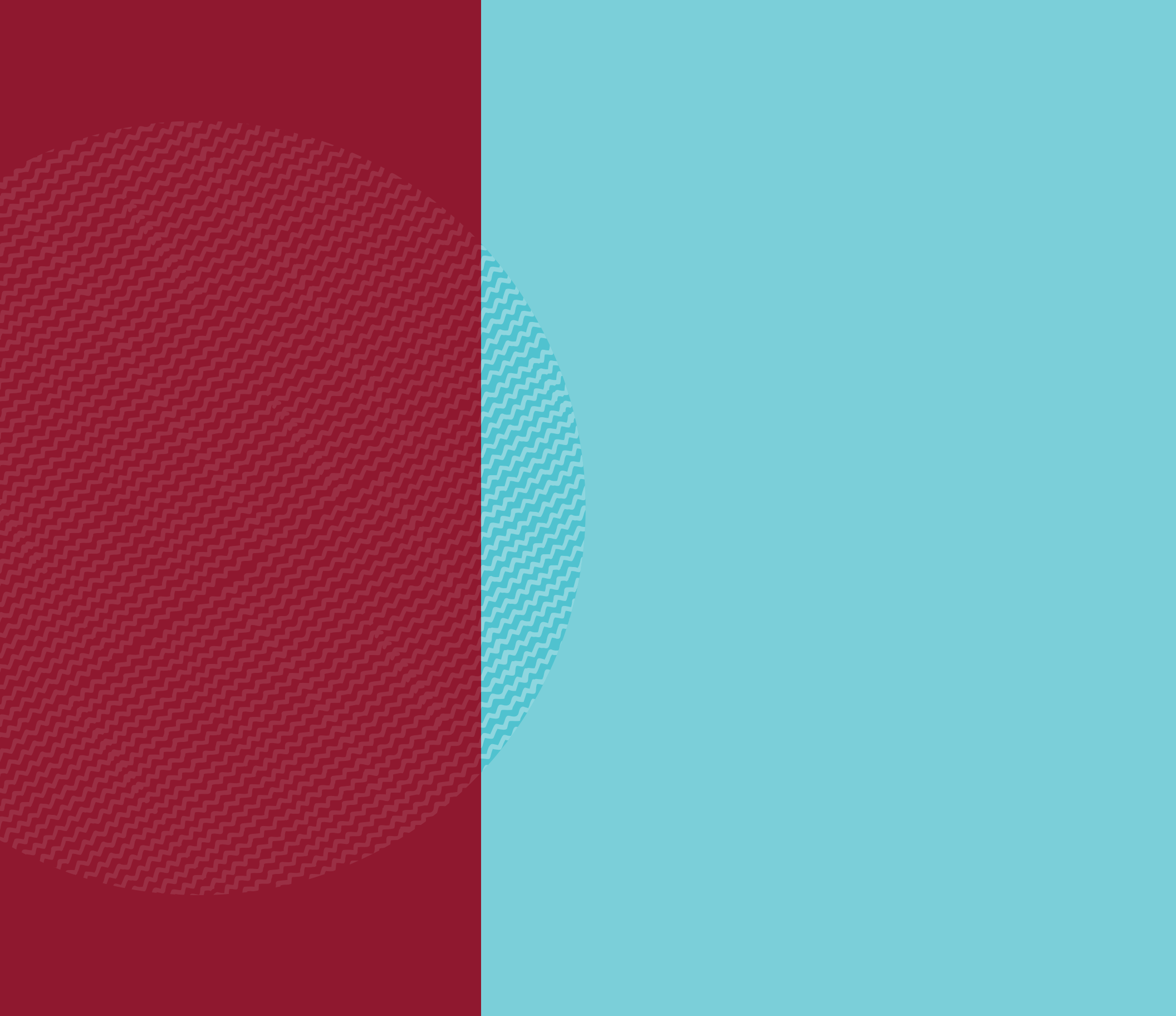
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1919-2019
SOCIAL JUSTICE
DECENT WORK

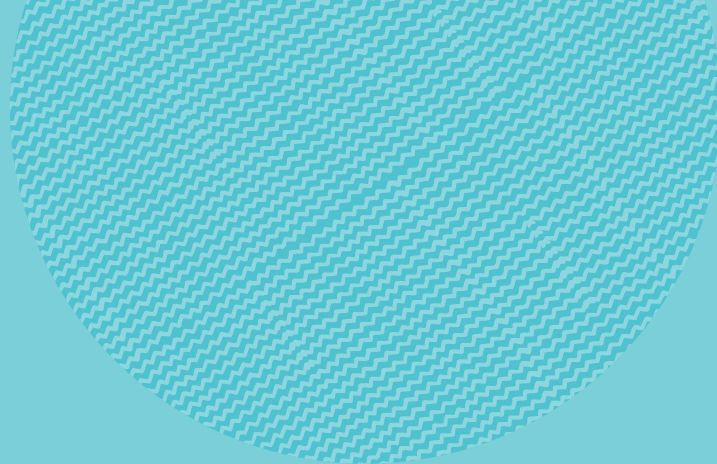
INDIA AND THE ILO

CHRONICLE OF A SHARED JOURNEY • 1919–2019



ILO DWT for South Asia and Country of Office for India





INDIA AND THE ILO

CHRONICLE OF A SHARED JOURNEY • 1919–2019



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Photos on cover from L to R

- Mr Naval Tata, Employer's Vice-President at the 39th session of the ILC, 1956
- Ms Maniben Kara, Trade Unionist, addressing textile workers in Mumbai
- Mr V V Giri, President of India at the 54th Session of the ILC, 1970

(Source ILO Photo Archives, Geneva and Alesy)

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“Whenever you are in doubt, or when the self becomes too much with you, apply the following test: Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him control over his own life and destiny? In other words, will it lead to Swaraj for the hungry and spiritually starving millions? Then you will find your doubts and self-melting away.....”

MAHATMA GANDHI

V. V. Giri, President of India, at the 54th session of the ILO in 1970 reiterated Gandhi’s vision for the ILO and India in their common pursuit of social justice. As quoted on page 83.



PREFACE



ILO DWT for South Asia and Country Office for India

India's participation in the International Labour Organization (ILO) has witnessed a kaleidoscopic journey. Incepted in 1919, the ILO recognized India as a founder state, 28 years before it achieved independence from the British rule. Post-independence, with India rising to be the world's biggest democracy and ILO's prominent partner, the association for peace and social justice stands emboldened.

The ILO has uniqueness among international organizations. Not only governments but also the real players in the economy – the workers and the employers – participate in its debates and decisions as full-fledged constituents. Even this narrative 'India and the ILO – Chronicle of a shared journey' – is a co-creation of its authors, our colleagues in the ILO, and covers reflections from our tripartite partners.

This book celebrates the pillars, which have laid the foundations of the ILO, including tripartism, the bedrock of the ILO, which provides for the democratic participation in decisions of the key social and economic actors; labour laws, which frame national action; and social dialogue, which builds understanding and expands the common interests of constituents.

The book compiles intersections and parallels between the development of labour and social policies in India and at the ILO. It gives a broad historical overview of the evolution and transformation of both India and the ILO over a century, demonstrating inter-twining of international and Indian agendas.

It is a token of remembrance for all our partners whose valuable contributions enabled ILO to be an indispensable contributor to India's remarkable development. We work together to ensure that the goals of employment and socio-economic security are addressed at all levels. The principles of justice, equal representation, and democracy are observed, and methods of reaching consensus through informed dialogue among representative social actors are followed. These key objectives are pathways leading to Decent Work for all.

I hope it will further stimulate work on the history of economic and social conditions, employment policies, and labour legislation in India and beyond. This heritage can help us understand both the responsibilities of today and the mission that our founders and successive generations have placed in our tripartite hands.

Constituents have now adopted the ILO Centenary Declaration for the Future of Work, calling for a human centred approach in dealing with the challenges ahead; investing in the capacities of people; investing in the institutions of work; and create the conditions for sustainable enterprise, productive employment and decent work for all.

As we together turn this page in the history and look forward to embracing the second century, ILO calls upon the future generations to know where we come from, the story of our struggle, and India's contribution to ILO and vice-versa, to enable all to embrace the new opportunities associated with a rapidly changing world of work.

Dagmar Walter
Director

ILO Decent Work Team for South Asia and Country Office for India

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ACKNOWLEDGMENT

This book is a joint effort of the ILO Decent Work Team for South Asia and Country Office for India and our constituents from Government, Trade Unions and Employers.

It is authored by a known historian and academic Dr Prabhu P. Mohapatra from the Department of History at the University of Delhi (DU). He was supported by Jibran Anand, Bhavya Chauhan, and Umang Sinha, research assistants associated with DU to hunt for sources and to align and arrange the historical events of this shared journey.

Guidance of Dr S. K. Sasikumar, Senior Fellow, V. V. Giri National Labour Institute, was valuable in conceptualizing, developing the framework, and identifying the details of events and eminent personalities associated with the ILO in India. We acknowledge offices of constituents, who provided the valuable historical documents by painstaking researching their archives.

ILO archives team in Geneva enriched the document by identifying photos of constituents, meetings, and events of historical importance. Other recent pictures have been used from ILO's photo archives in the country. We thank, the Publications and Communications support team in Geneva and at ILO Regional Office for Asia and Pacific in Bangkok for supporting in reviewing and editing this document. ILO Staff members in New Delhi, who devoted time in planning and coordinating for developing this book, also need a special mention here.

Once again, we would reiterate contribution from all our partners in India for collaborating to join the dots of each milestone from the pages of this chronicle. We look forward to your continued support in the future.



INTRODUCTION

Pic 1: ILO Head Office in Geneva



The ILO, one of the oldest organizations in the world, is celebrating an eventful century of its existence in 2019. The founding principle of the ILO was to ameliorate the conditions of labour and to create a society based on social justice in order to provide conditions of lasting world peace. Based on the explicit idea that inhumane conditions of work anywhere, were an impediment to progress and prosperity, ILO shaped itself as a unique international organization where government, employers and workers' organizations could have an equal voice in its functioning. ILO, in its quest for social justice has had a profound role in shaping the world of work in the twentieth century. Today, the ILO faces a new challenge when the landscape of

The ILO played a crucial role in shaping India's journey from colonial dependency and economic backwardness to an independent nation and to being one of the fastest growing economies in the world.

labour and work has been deeply transformed by technology and globalization. At the same time and as a consequence perhaps, there is a scenario of rising inequality and disparity of income and wealth among and within nations. How the ILO responds to these challenges will critically depend on the way it draws upon its rich experience of the past century. It is in this context that the unique relationship of India and ILO over the last century provides an exceptional vantage point to understand and address the opportunities and challenges posed by the rapidly changing world of work.

India, as a founding member of the ILO, has been an important partner in the exciting and eventful journey of the Organization. Similarly, the Indian experience of struggle, to create a just and democratic society, even as it faced challenges of entrenched social hierarchies, has impacted the way ILO has evolved over the century. This unique relationship, along with significant turning points and milestones in the ILO - India relationship, needs to be highlighted. Also, its lessons must be disseminated among all social partners and those concerned with labour issues, both at the national and global level.

STRUCTURE OF THE COMPENDIUM

The presentation of material in this compendium is broadly around a chronological axis consisting of five major decadal moments. Major events, important personalities and significant themes of Indian and ILO connections in the field of labour legislation and social justice have been duly highlighted in this chronological framework.

THE FOUNDING MOMENT

This focuses on the circumstances surrounding the emergence of the ILO in the aftermath of the First World War and the inclusion of India as a founding member and ultimately as a Governing body member of the ILO.

1919
1922

1920
1930

THE MOMENT OF MANOEUVRE

This highlights the key developments in the India - ILO connection during the decades when key labour legislations were initiated under the influence of the ILO. Prominent among these was the Trade Union Act of 1926. The critical period of the Great Depression and the institution of the Royal Commission in India, in whose working, ILO played a role, Mahatma Gandhi's meeting with Albert Thomas and Harold Butler's visit to India in 1938 are important milestones that have been mentioned.

THE MOMENT OF DEPARTURE

This section focuses on the crucial decades immediately before and after Indian independence. This period witnessed the movement from standard setting agenda of the ILO, exemplified with the Declaration of Philadelphia in 1944. It was during this phase that India's key labour institutions such as the Indian Labour Conference and key legislations such as the Industrial Disputes Act and the Provident Fund and Employees State Insurance (ESIC) Act came into being. India hosted two significant Asian Regional Conferences that highlighted its engagement with the Asian region and the emergence of the Non-Aligned Movement. Stalwarts who dominated the labour landscape in this period included B.R. Ambedkar, Jajjivan Ram, Jawaharlal Nehru and V.V. Giri.

1940
1960

1970
1990

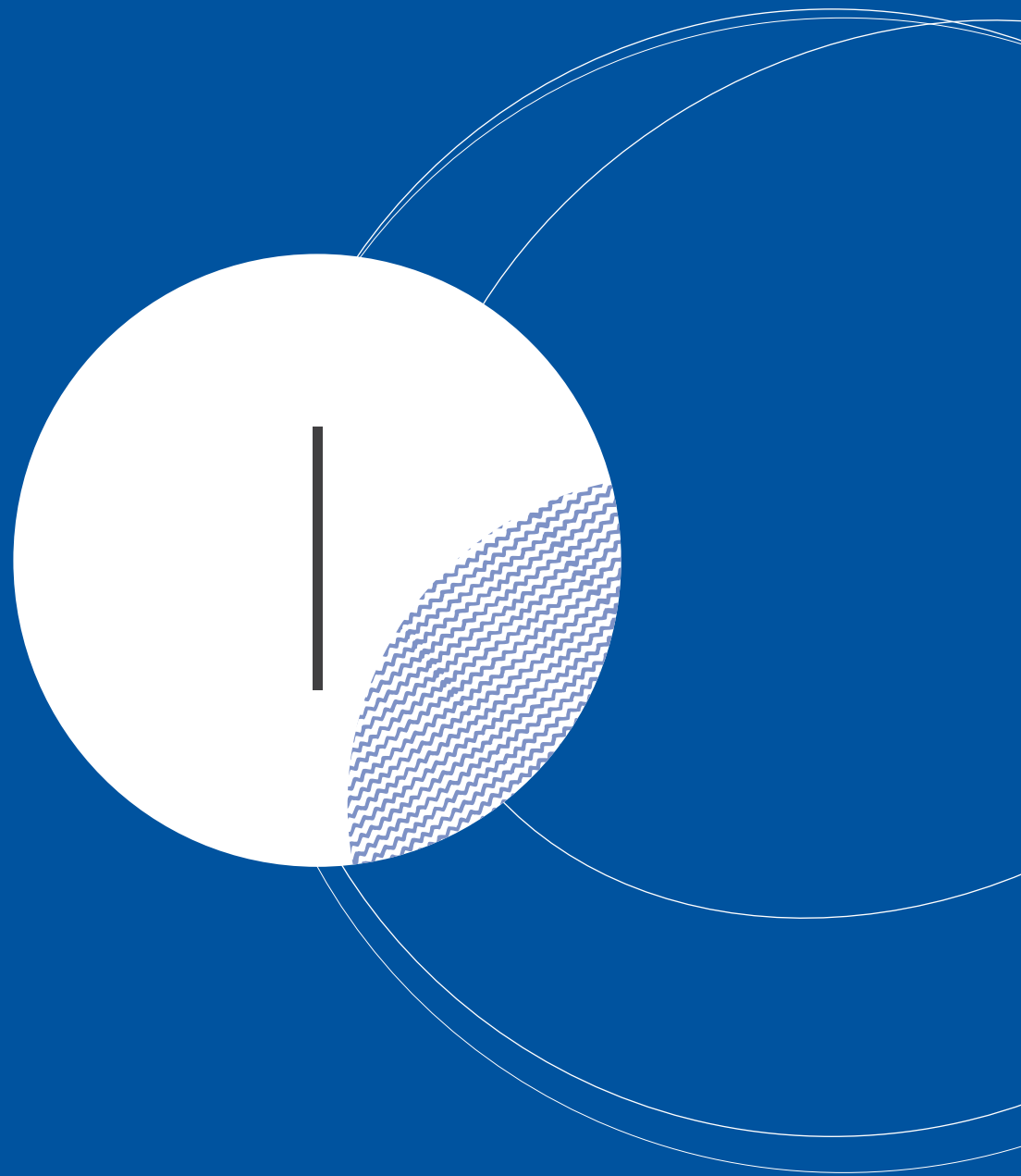
CRISIS RENEWAL AND RE-ORIENTATION


This section highlights the critical phase in ILO and India's journey where development initiatives and the promise of modernization, industrialization and full employment did not materialize. This was the period of the discovery of the Informal Sector as an alternative path of development. Globalization and its discontents were responded to by ILO's response in terms of Declaration of Fundamental Principles and Rights at Work and adoption of the Decent Work agenda. India's tryst with liberalization and growing informalization at the workplace intersected with ILO's where there was a raging debate on social clause and linking of labour standards with trade.

NEW MILLENNIUM AND TOWARDS A NEW CENTURY


Here the focus is on ways in which India and the ILO have faced up to the challenges of globalization and its crisis along with rapid technological change induced by the global recessionary crisis. A new century of cooperation reiterating the unfinished nature of the quest for social justice is given due attention in this concluding section.

2000





THE FOUNDING MOMENT: 1919–1922





Pic 2: 1st Session of the ILC at Washington DC, 1919

The International Labour Organization (ILO) was founded in 1919 when the world was in a churn. It was founded in the aftermath of the World War I as a mandate of the Paris Peace Conference and as an important organ of the newly founded League of Nations. Millions of men and women (20 to 40 million), especially workers, laid down their lives in one of the most vicious wars of all times. Four empires (The Ottoman, The Russian, The German and the Austro-Hungarian) were dissolved, marking the end of the old-world order.

“Peace can be established only if it is based upon social justice.”

— Part XIII (Labour) of Treaty of Versailles 1919 on establishment of the ILO and its objectives

At least one of them, namely the Russian Empire, disintegrated as the Bolshevik Revolution, took power in the name of the workers. The conduct of the war and the frenetic industrial production to supply the war machine required immense mobilisation of workers. Labour itself acquired visibility and labour issues were taken up on urgent basis, something that had not been there ever before.

The war had an impact on India monetarily, materially and militarily. Nearly 800,000 Indian soldiers were mobilised to fight the Imperialist war on the side of Britain. In theatres as far

apart as Mesopotamia to Africa to the European battlefields – Indian soldiers fought and nearly 80,000 of them were killed and many more severely wounded. India contributed to the war effort also by ramping up industrial production and supplying huge amounts of war credit. During this period, India was undergoing a major political upsurge. Mahatma Gandhi’s arrival from South Africa had spurred political action for self-governance. This was a time when a new phase of mass-based national movement led by Mahatma Gandhi rooted in principles of non-violence was in the offing.

As the Allied powers congregated in Paris in the January of 1919, to hammer out the peace treaty, a new international body, the League of Nations came into being. India too became a co-signatory of the Peace Treaty and of the League as a constituent member of the British Empire. Since Part XIII of the Treaty of Versailles mandated the formation of the ILO, India became a founding member of this organization and was invited to the first international conference that was held in October 1919 at Washington. Subsequently in 1922, India also became a permanent member of the Governing Body after being declared as one of the eight states of Chief industrial importance. It is important to note that even though India was a colony, her ILO membership was separate from that of Britain.

A. EMERGENCE OF THE LABOUR QUESTION/SOCIAL JUSTICE

"It was born at a moment when a great stirring of hope quivered in the hearts of all those who cherished a desire for social justice.... the period of peace negotiations was a period when the desire for justice between classes found unanimous acceptance. A powerful impulse of generous

human feeling and genuine desire for social peace brought the ILO into being."

These were the words written by the first Director of the International Labour Office, Albert Thomas. What these words capture is the impulse behind doing something which may seem somewhat out of place - the incorporation of labour issues into a peace treaty. One may wonder, what role does labour have in the peace building process or even in post-war negotiations? Was it not the duty of the League of Nations "to promote international cooperation and achieve international peace and security"? Then, what was the need for another permanent body to be set up, specifically for labour?

Once we go back to the "moment" that Albert Thomas referred to and situate the ILO's founding in a larger context, we can begin to understand the relationship between labour, social justice and world peace, a relationship that is at the core of the ILO.

The idea, that to achieve social justice and ergo universal peace, required acknowledging labour issues was rooted in a history of almost a century of organized labour movement. This labour movement also added the important element

"Labour should not be regarded merely as a commodity or article of commerce."

— Part XIII (Labour) of Treaty of Versailles 1919

of internationalism, since it paved the way for international cooperation and action on labour issues and labour legislations.

The ILO and the League resolved to work together to achieve universal peace, for as the Treaty recognized, universal peace could not be achieved without social justice. The latter, was the ILO's objective and accordingly, the founding International Labour Conference was to be hosted by the USA at Washington.

B. WASHINGTON CONFERENCE

(October–November 1919)

The basic structure of ILO already enshrined in the Treaty of Versailles lay in its unique tripartite arrangement, where governments, employers and workers had equal representation in its governing body. The major forum for their interaction was to be the annual International Labour Conferences. Delegates to the Conference were to be elected by the respective representative national organizations of employers and workers. The British Indian government had to very

quickly find the representatives for the founding conference at Washington. This had to be done in a situation where neither employers nor workers' organizations had a pan-Indian organization. It is in this context that the government nominated N.M. Joshi, a prominent member of the Social Services League and the Servant of Indian Society as the worker's delegate and B.P. Wadia, an ardent Theosophist who had founded the Madras Labour Union in 1918 as an adviser. The representation of employers, to the conference, was again through nomination of Mr Alexander Robertson Murray, a leading European businessman and chairman of the all European Indian Jute Mills Association.

Question of labour standards

An important theme which dominated the early years of the ILC and indeed the legislations in the various countries involved, was the question of labour standards. These included things like hours of work; restriction on child labour and women labour; and workers' safety. The most significant discussion on the question of labour standards took place during the First Annual Meeting (Washington, 1919).

AGENDA



The five-fold agenda for the Washington Conference was:

1. Application of the principle of the 8-hour day or 48-hour week.
2. Question of preventing or providing against unemployment.
3. Women's employment (a) before or after childbirth (including the question of maternity benefit); (b) during the night; and (c) in unhealthy processes.
4. Employment of children and (a) minimum age of employment; (b) during the night; (c) in unhealthy processes.
5. Extension and application of the international conventions adopted at Berne in 1906, on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

IMPORTANT RESOLUTIONS



1. Maintenance of wage standards: Wages not to be reduced to make up for the 48-hour work week.
2. Effect of the Convention upon existing standards more than those provided: Minimum standards and implementation of either conventions or national legislations, whichever is more rigorous.
3. Invitation to the Indian government to study the problem of the employment of women: Employment of women before and after confinement, and of maternity benefits, before the next conference.
4. Composition of the governing body: In as much as no less than 20 of the 24 members of that body who are representatives of European countries.

Labour standards and India at Washington

Major resolutions adopted at the Washington Conference were regarding the 48-hour work week (8-hour day), of maternity leave and women's work and increasing the minimum age of work to 14 years of age. These were to be translated into Conventions that all countries were encouraged to ratify. However, there were demands from some Governments for exemptions from the standards. Therefore, in the sessions which discussed the Child Labour Convention, Women's Work Convention as well as the Hours of Work Convention, exceptions were granted to countries on the basis of "Climatic difference" or "other factors".

For instance Article 9 of the Hours of Work Convention allowed special relaxation to those

countries in which "climatic conditions render industrial efficiency of workers substantially different. The Government of India delegate, Mr Kershaw supported a recommendation for a special commission to be set up for Eastern countries (India, China, Japan as the most important ones) to address the questions of application of labour standard."

Resolution moved by Indian delegates

On the question of employment of children, the question was rather more heated with contrasting opinions from delegates of different countries. The Convention adopted at the ILC raised the minimum age at work to 14 years. The workers delegates of India and government delegates also differed sharply in their positions.

INDIAN DELEGATES TO THE WASHINGTON CONFERENCE

GOVERNMENT DELEGATES

- ✓ Mr Louis James Kershaw, C.S.I., C.I.E., Secretary, Revenue and Statistics Department, India Office, London.
- ✓ Mr Atul Chandra Chatterjee, C.I.E., I.C.S., Acting Chief Secretary, United Provinces Government.

ADVISER

- ✓ Mr John David Frederick Engel, Chief Inspector of Factories, Bombay Presidency.

EMPLOYERS' DELEGATE

- ✓ Mr Alexander Robertson Murray, C.B.E., Chairman of the Indian Jute Mills Association.

WORKERS' DELEGATE

- ✓ Mr Narayan Malhar Joshi, Secretary, Social Service League, Bombay.

ADVISER

- ✓ Mr Bahman Pestonji Wadia, President, Madras Labour Union.

The government representative to the ILO, Mr A.C. Chatterjee sought amendments to the draft convention mentioning in India the small numbers of children employed in factories, how their employment was in light and subsidiary occupations rather than heavy ones and that the absence of universal education required that children of 14 years and below were put to work.

The argument therefore, from the Government representatives, was for a delay on procedural grounds, with a request for a transition period to adopt the norms and further discussion in the next ILC. The worker's delegate, Mr Narayan Malhar Joshi, however, was strongly opposed to the Indian Government's proposal.

Joshi went against the recommendations of A.C. Chatterjee and Kershaw to support the amendment raised by Ms Bronfeld (UK) which argued for universal adoption of minimum age with regard to employment of children. He refuted the argument which focused on the lack of education, mentioning the long history of literacy and the nature of the colonial government which made public opinion 'irrelevant'. Further, Joshi argued that the climatic difference argument seemed contrary to any understanding of development, since "children of 9 years of age" couldn't possibly be as well developed as children of 14, merely because of more sun." Moreover, he pointed out the limitations of existing legislations to address this, especially the Factory Act in India, where children of 9 years were allowed to work. The Convention on children's employment



Pic 3: Indian delegates at the Washington Conference, 1919

“Then, I wish also to bring to your notice another fact, namely, that factory legislation is not quite unknown in India. She does not stand on the same footing as China, Siam, or Persia in that respect. We have for many years had some factory legislation which is being improved from time to time.”

“The second argument against the amendment is that India has different climatic conditions. I admit we have much more sun than most western countries. But are you going to believe that in India, children of 9 years of age are as well developed as children of 14 years of age in western countries?”

— Mr N. M. Joshi, Workers’ delegate to the 1st Session of ILC at Washington, 1919

however made the exception for India and Japan to allow the minimum age at work to be 12 instead of 14 years.

The question of labour standards was often viewed through an “Orientalist” prism and therefore labour standards for the colonies were linked to their climatic conditions, backward methods of production and low levels of industrial organization. This can be seen explicitly with reference to the discussion surrounding the Hours of Work Convention of the Washington Conference. A resolution was passed under the provisions of Article 405 of which established a separate Commission on Special Countries and recommended application of lower standards for certain countries. This was based on the relative infancy of industries in India and Japan, in comparison to the west. Initially proposed by a British government delegate, this Commission was to protect industries in these “special” countries and to enforce a gradual reduction in working hours. The Commission recommended a 60-hour work-week in India and Japan instead of a 48-hour week. They did this by citing a small number of people engaged in industrial work, predominance of agriculture as well as limited coverage of the existing Factory Act.





Pic 4: Inugration of ILO Headquarters in 1926 symbolizing tripartism

C. INDIA JOINS THE GOVERNING BODY: THE ISSUE OF STATES OF CHIEF INDUSTRIAL IMPORTANCE

Article 388 of the Treaty of Versailles arranged for the ILO to have a General Conference of Representatives and an ILO, controlled by the Governing Body (elected by the General Conference). While the former acts like the legislative body, the latter is the executive and organizing body. The Governing Body is also a tripartite body and is comprised of 56 titular members (28 Governments, 14 each for Employers and Workers) and 66 deputy members. India has been part of the Governing Body since 1922 but its position is one of the 10 States of chief industrial importance (Brazil, China, France, Germany, India, Italy, Japan, the Russian Federation, the United Kingdom and the United States). They hold a permanent position while other government members are elected every year.

India was not always a permanent member of the Governing Body. Originally, in 1919, according to Article 393 of the Paris Peace Treaty, the Governing Body was to have 24 members, namely 12 government representatives and six each for employers and workers.

India was not always a permanent member of the Governing Body. Originally, in 1919, according to Article 393 of the Paris Peace Treaty, the Governing Body was to have 24 members, namely 12 government representatives and six each for employers and workers. Further, eight of the Government representatives which were to be permanent members of the Governing Body were to be from countries of chief industrial importance. Rest of the Government members (4), Workers and Employee's members were to be elected by delegates of the ILC members.

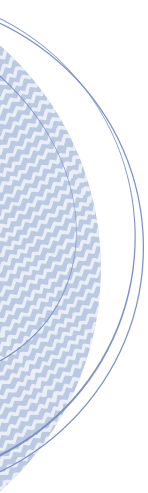
The eight States of chief industrial importance were to be determined by the Council of the League of Nations. But when the first ILC took place, the Council of League of Nations had not come into existence, and therefore the International Organizing Committee had to arrange the first ILC to declare the States of Chief Industrial Importance. These were Belgium, France, Germany, Great Britain, Italy, Japan, Switzerland and Denmark (since USA had withdrawn from the ILO in 1919 re-joining in 1934).

At this point many countries registered their protest and made claims to be designated as one of the eight States of chief industrial importance. India was one of these voices and made a formal claim to the permanent membership of the Governing Body.



Pic 5: Members of the Governing body, ILO, 1922

And so, in 1920, the League of Nations was called upon to resolve the ambiguities of the term “industrial importance”. Several criteria, including industrial population and production, extent of mechanization, foreign trade and mileage of railways, both in absolute and relative (per capita) terms were utilized to rank the countries. The Government of India and Great Britain were keen to get India a place in the high table of international organizations. It fought hard to get India’s representation. Three issues seem to have finally clinched it for India. The first related to the argument that industrial population must also include agricultural wage earners since as decided by the International Court of Justice, ILO had jurisdiction over agricultural workers of a country. Secondly, the absolute numbers rather than per capita figures were seen to better indicate industrial importance of a country and third, especially since India’s financial contribution to ILO was based on the size of its total population, being the third largest contributor to the ILO.



Mr Atul Chandra Chatterjee became the first Indian member of the Governing Body and was unanimously elected Chairman of the ILC in 1927 and Chairman of the Governing Body of the ILO in 1932

It was finally in 1922, that the Council of the League of Nations adopted a resolution on 30th September upholding India’s claim, namely: *“The Council of the League of Nations decided that the eight Members of the ILO which are of chief industrial importance, are at present, in the alphabetical order of the names in French, namely Germany, Belgium, Canada, France, Great Britain, India, Italy and Japan.”*² It further stipulated, *“On October 13, 1922, India took her place on the Governing Body of the ILO in its 16th session”*.³

The position as a permanent member was important from the perspective of national pride, but it was also remarkable because India was still a British colony. Moreover, being part of the governing body provided an opportunity to influence its functioning, organization, and even in setting the areas of work for the ILO, since the Governing Body was entrusted with setting the agenda for subsequent ILCs. This is of even more significance, as in the first 20 years of the ILO, India could be the voice of the colonies/colonized countries of Asia and also of the developing countries.

Mr Atul Chandra Chatterjee became the first Indian member of the Governing Body and was unanimously elected Chairman of the ILC in 1927 and Chairman of the Governing Body of the ILO in 1932. Similarly, Mr David Erulkar, President of the Indian Chamber of Commerce and spokesman of the Federation of Indian Chambers of Commerce was elected as “Employers representative” in

the Governing Body of ILO in 1931. In 1934, Mr Jamnadas Mehta and Mr N. M. Joshi were elected as “Workers representatives” in the Governing Body of ILO.

D. FORMATION OF AITUC AND ILO

The All India Trade Union Congress (AITUC), the first federation of Trade Unions in India was founded on 31 October 1920. The organization emerged out of the burgeoning labour movement of the preceding years and in the aftermath of the war. However, the immediate impetus for its formation was the need for an All India Workers’ Organization that could represent the voice of the workers at the ILC. Mr N. M. Joshi was the first Workers’ delegate at the Washington Conference in the capacity of a government nominee. It was in the following year that AITUC was formed. Addressing the formation of the organization, Ms Maniben Kara at the 15th AITUC session had noted that the main function of AITUC in its early years was to serve as a nominating body for the representation at the ILO conference in Geneva.

Mr S. A. Dange asserted that the formation of AITUC was the result of the prior work done by Bal Gangadhar Tilak and Lala Lajpat Rai in bringing together various workers organizations. He even asserted that had Tilak not been arrested in 1908, the organization would have been formed around that time. There is no doubt that Tilak had a strong relationship with the initial phase of

the labour movement and had been nominated as an adviser to the labour delegates for the Washington Conference from India in 1919 but he declined the offer to go to Washington, and died soon after.

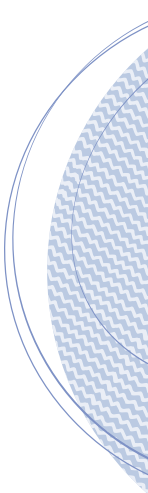
AITUC and labour standards

The question of labour standards was one of the crucial themes which came up in the early years of the AITUC and in ILO. In Lala Lajpat Rai’s presidential address to the AITUC Congress in 1920, Rai asserted the complexity of the situation:

“There is nobody in India who believes that European and Russian standards of labour can be applied to the India of today. If there were, I would remind them of the message of Lenin to Belal Kun, wherein the former warned the latter against the danger of applying Russian standards to Hungary prematurely.”⁴

This critique of universal labour standards laid out by Lajpat Rai however, was markedly different

Mr N. M. Joshi was the first Workers’ Delegate at the Washington Conference in the capacity of a government nominee. It was in the following year that AITUC was formed.



from the Government of India's position on the issue. There was a strategic argument implicit in Lajpat Rai's speech, wherein the question of labour standards was inseparable from the emerging national movement in India. At the second annual session of the Trade Union Congress in Jharia, a Swaraj resolution was passed. At this session, Chaman Lal (Advisor to the workers delegate at the 1920 ILC) and M. Daud (future delegate and President of Seamen's Union) argued that the non-ratification of the 8-hour workday and the Child Labour Convention of the Washington Conference was mainly due to the strong opposition of the colonial Government.

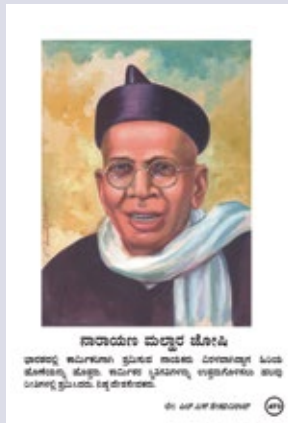
In 1923, Labour leader, Singarvallar Chettiar presided over the first ever recorded celebration of May Day (May 1) at the Triplicane Beach in Madras (as Chennai was known then) where the demand for an 8-hour working day and an independent political party of Labour was raised. To commemorate this historic May Day meeting a magnificent statue named the "Triumph of Labour" was erected at the site of the meeting place in 1959.

In 1925, for the first time, AITUC demanded an 8-hour working day and urged the Government of India and its provincial governments to amend the Factories Act and the Indian Mines Act accordingly. The resolution passed was a direct outcome of the conventions and resolutions passed at the 1919 Washington Conference. However the 8-hour workday had to wait till India attained its independence before getting incorporated in the Factory Act and the Minimum Wages Act of 1948.

Pic 6: The Triumph of Labour statue at Marina beach in Chennai.



NARAYAN MALHAR JOSHI (5 June 1879 – 30 May 1955)



N. M. Joshi was an eminent trade unionist and social worker. He was born in 1879 in a priestly family in Bombay. After his university education, he became a follower of Gopal Krishna Gokhale. In 1911, he founded the Social Service League which undertook social welfare activities among the industrial workers, starting his involvement in labour issues in Bombay. Once there, he was actively associated with several unions.

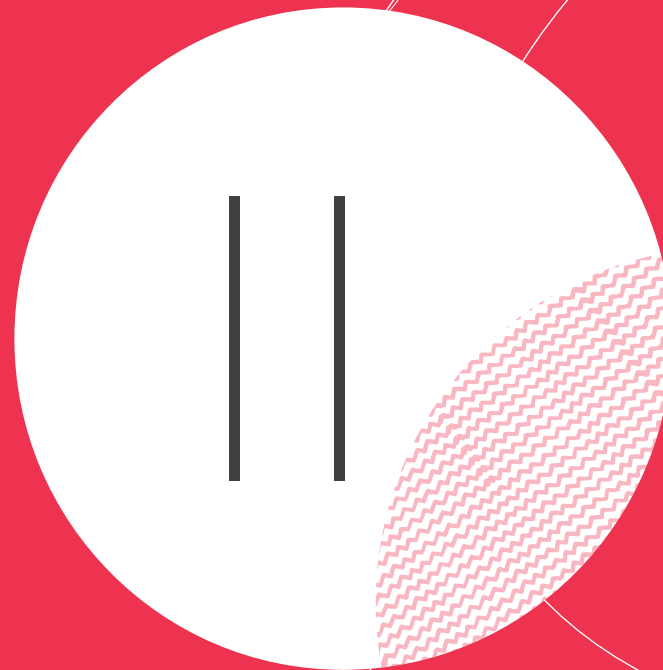
In 1919, he was appointed by the government as the Worker's delegate to the ILC of the ILO. This proved to be highly controversial as he was not elected by any working class organization. This was resolved with the setting up of the AITUC in whose founding, Joshi had played a prominent role as a means of mobilizing as well as democratizing the process of selection of labour representatives to ILO. His association with AITUC was chequered for he broke away from the organization in 1932 to form a separate entity called the National Federation of Trade Unions (NFTU) which was eventually merged with AITUC in 1938.

Joshi's interaction with the ILO covered several decades in his capacity as delegate almost every year from 1919–48. Also, from 1934–44 and 1946–48, he was a member of the Governing body of the ILO. Joshi used his position as delegate to speak for other countries of Asia and Africa. He referred to them as, "special countries" arguing against the imperial logic of implementing lower labour standards. His work for

the labour class extended to the Parliament. In January 1921 when he was nominated to be a member of the Central Legislative Assembly to represent labour interests. Joshi was central in the discourse surrounding several labour legislations, including the Trade Union Act of 1926 and in the amended Factory Labour Act of 1922 and the Trade Disputes Act of 1929. He was aware of the role that India played in the arena of recently decolonized countries and therefore felt that India should continue to be a member of the League of Nations, When the debate so arose, he continued to be a vociferous supporter of internationalizing labour and its immense potential to bring about change:

“...that Organization (ILO) has done, to my mind, a great amount of good to the working classes of this country. Sir, the factory legislation and labour legislation of this country is not sufficiently advanced— I admit it. But I must also admit that whatever advance we have recently made in this sphere of legislation, is to a great extent due to the ILO. We remember very well that our factory legislation was improved only last year. The rules as regards the employment of women and children, the rules as regards the hours of work of the working classes, have been changed and improved to a great extent, and this improvement is mostly due to the activities of the ILO of the League of Nations...”







**MOMENT OF MANOEUVRE AND
CHALLENGE: THE 1920–1930**

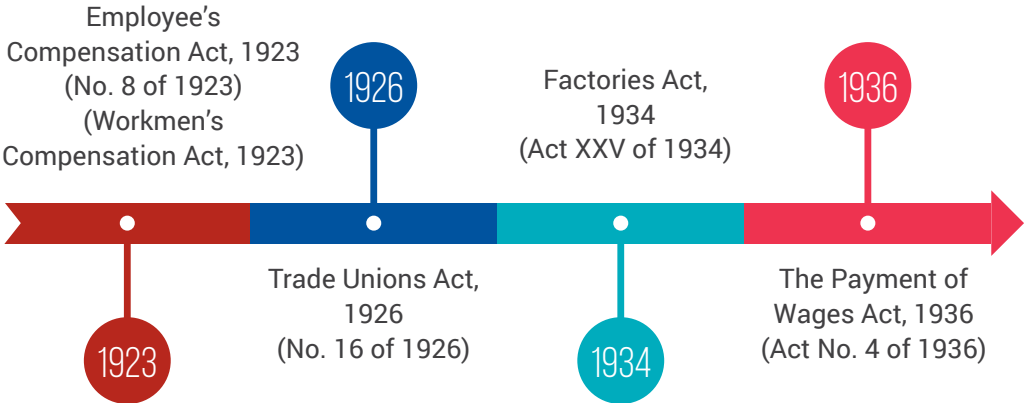




Pic 7: The first ILO Office in
New Delhi, 1928

*NEW DELHI = Chelmsford Club
Siège du Bureau de Correspondance du B. I. T.*

IMPORTANT CENTRAL LABOUR LEGISLATIONS PASSED IN THE PERIOD

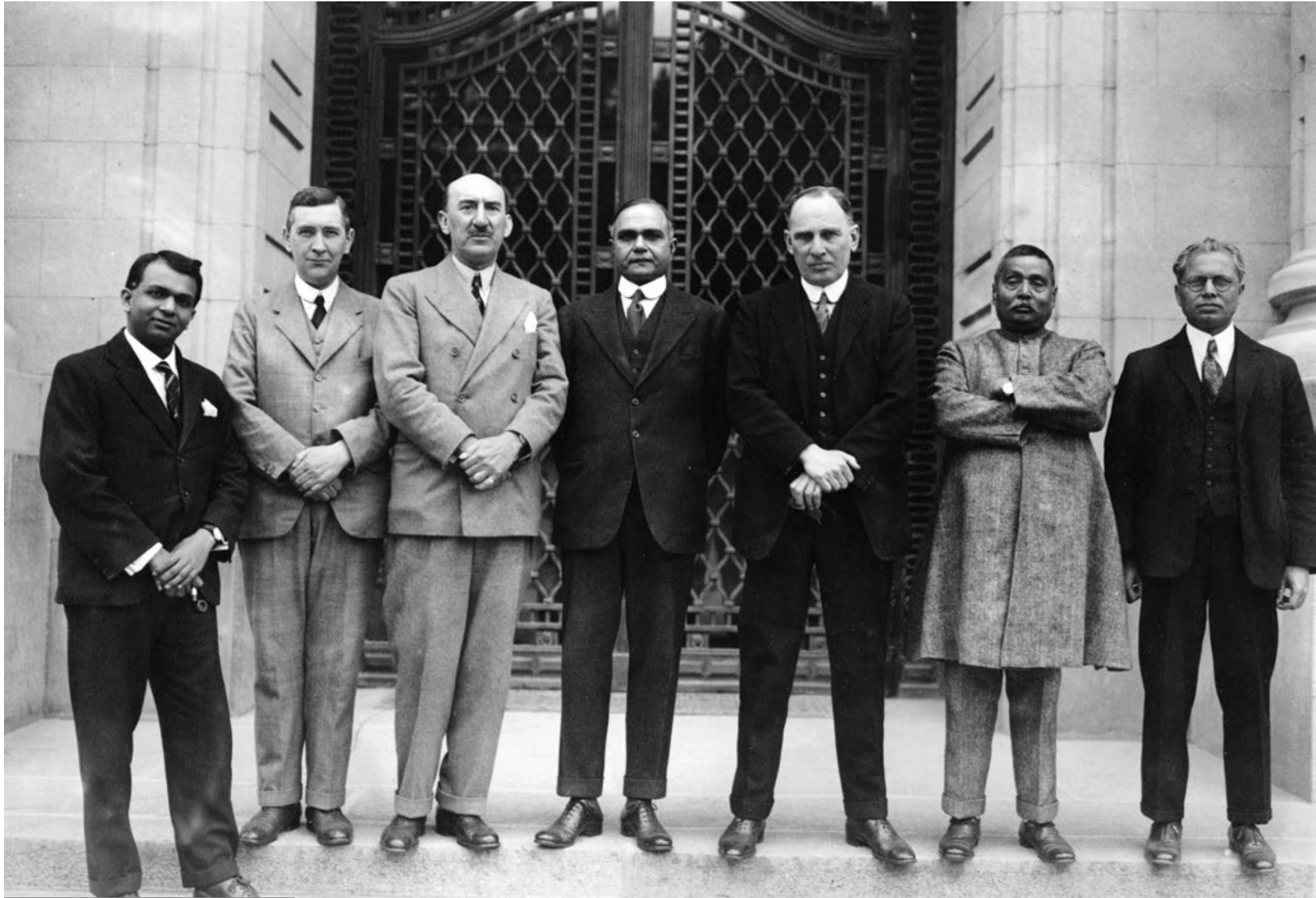


In the initial years of the ILO, the main objective of the organization was to set labour standards for the world. In doing so, the ILC adopted a series of Conventions and Recommendations. However, while the ILO undertook this mission, it remained quite eurocentric in its focus during the period, a criticism raised time and again by Indian delegates to the ILC. But towards the end of the 1920s, the world entered a tumultuous period with the onset of the Great Depression, and the consequent social and economic upheaval. Then in 1939, the world stepped into yet another World War, with no assurance of what would emerge at the end of it and who would survive.

Meanwhile in India, a spate of labour legislations were enacted in the 1920s. In 1929, the Royal Commission on Labour in India, was set up which released its report in 1931. In 1930, the Civil Disobedience Movement started (withdrawn in 1934). A new constitution was introduced in India, by way of the Government of India Act, 1935 which established provincial autonomy and made labour a provincial subject. Under the new Act of 1935, first elections to the provincial governments were held and popular ministries established. Many of the popular ministries such as Bihar and United Provinces set up Commissions of enquiry into labour conditions and undertook important provincial labour legislations. However, the major Legislative activities remained in the hand of the Federal Government and in 1939 India entered the Second World War.

“...we, the representatives of the workers, cannot allow Governments to take shelter behind that plea ad infinitum; we cannot allow them to make a fetish of it. No doubt sometimes special circumstances and special industries do require consideration; but the considerations of humanity and the considerations of the welfare of the workers must supersede the considerations of power which may be gained by injustice. We therefore require the full sympathy and cooperation of the workers of the West in the struggle that we have to carry on in the East, to improve conditions of labour in Eastern countries. You know very well that, particularly in those countries which do not have self-government, and which are under the mandate or government of foreign people, the conditions of labour among the native population and coloured people do require special attention.”

– Lala Lajpat Rai,
Workers’ delegate to eighth Session of ILC, 1926



Pic 8: Indian delegation to 8th Session of ILC, 1926 with Lala Lajpat Rai (second from R)



Pic 9: Indian delegation to the ninth Session of ILC, 1927

Pic 10: Atul Chatterjee, President of 1927 ILC



A. THE TRADE UNION ACT, 1926

From the 1920s, labour legislations in India started expanding – starting from the 1922 Factories Act and the Trade Union Act, 1926, which has been hailed as one of the most crucial pieces of legislation.

The formation of the ILO and India's membership in the organization, played a major role in these developments. Moreover, at that time, there were widespread labour disputes, several strikes and rapid growth of trade unions across the country. It is important to point out, that most industrial conflicts ended with prominent labour leaders being arrested. It was B.P. Wadia (he went as advisor to the Workers' Delegate to the ILC in 1919 and 1921) who first raised the issue of trade union legislation. Under his leadership of the Madras Labour Union, the case against the Buckingham and Carnatic Mills was taken up by obtaining an interim injunction and restraining the leaders from interfering with the mill owners' business. Though the case was withdrawn after settlement, the event brought out the need for necessary legislation to protect leaders and legitimate trade union activities. Thus, in 1921, N. M. Joshi moved a resolution in the Legislative Assembly to the effect that efforts should be made to introduce necessary legislation to protect trade unions.

A direct fall-out of these events was the passing of the Trade Union Act of 1926. The Act provided for "registration of Trade Unions and in certain respects, defining the law relating to registered Trade Unions". Any trade union, willing to be

registered could be entitled to do so if they complied with provisions of the Act, which included, among others, agreeing to inspection of their accounts. The significance of this Act, however lay in the granting of immunity from criminal proceedings for carrying out legitimate trade union activities provided to the office bearers of the registered union.

B. ILO INDIA BRANCH, NEW DELHI, 1928

From the initial years itself, there was a demand to have a National Correspondent's Office of the ILO in India, as was the norm in many other countries. Indian delegates were vociferous in their demand. It was during the eighth Session of the ILC, in 1926, that the conference adopted a draft resolution, submitted by Lala Lajpat Rai (Workers' delegate) that stated:

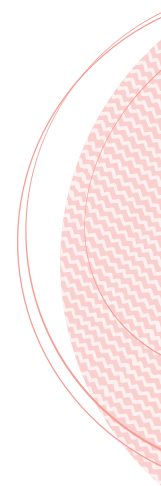
This Conference draws attention of the Governing Body to the Resolution referred to it by the Conference in 1922 regarding appointment of a National Correspondent in India and requests the Governing Body to decide on the matter as soon as possible.

By the following year, the Governing Body had decided that in 1928, a National Correspondent's Office would be set up in Delhi, India. The branch in Delhi became functional in November of that year, with Dr P. P. Pillai as its first Director. Through this office, which acted as an adjunct, the ILO

expressed its intent to have close correspondence with Indian organizations of employers and workers and also other bodies, institutions and individuals interested in study of social and economic problems. The central organization thus could be up-to-date with developments in various countries and have a channel for dialogue and exchange of ideas. The National Correspondent's Office was also integral in spreading awareness about ILO's work in other countries.

As was required of the various National Correspondents' Offices of the ILO, under Pillai, the India branch started sending monthly reports to the ILO. These reports recorded the happenings in India for each month, covering the political, economic developments along with labour conditions and disputes in different industries and regions, labour legislations and matters directly related to the ILO. These periodical reports were indispensable for the functioning of the main office of the organization creating a repository of information about member countries besides also guiding its work.

The Governing Body had decided that in 1928, a National Correspondent's Office would be set up in Delhi, India. The branch in Delhi became functional in November of that year.



DR PURUSHOTTAMA PADMANABHA PILLAI (1894–1977)



Pic 11: Dr P. P. Pillai (second from L) with Hai Fong Cheng (Director Regional Office China), Edward Phelan (ILO, Director-General), unknown woman, M. Rubbins (ILO representative in London) at the 26th Session, Philadelphia, 1944.

Mr P. P. Pillai was an eminent economist and League of Nations official who served as the first director of the ILO's India Office (1928). He was also the first Indian to join the League of Nations secretariat. He played a crucial role within the ILO, serving as an important bridge between the organization and India, until his retirement in 1954. As the head of the India Office, his major contribution was the institution of a system of sending monthly reports from the Delhi office, covering different aspects of the labour scene and the national movement. Serving as an important liaison between workers, employers and Government officials, Pillai was instrumental in organizing ILO Director-General, Harold Butler's visit to India in 1937–38. A close friend of N. M. Joshi, Pillai delicately negotiated

functioning of the Royal Commission of Labour in 1930. He played an important role in drafting the Philadelphia Declaration in 1944, a crucial ILO milestone. A prolific author, Pillai produced two books on the functioning of labour in India and a series of lectures titled, *India and the International Labour Organization and Economic Conditions in India*. Before his retirement, he served as India's first ambassador and permanent ambassador to the United Nations in 1947. A signifier of his influence in ILO was the tribute which ILO Director-General, F Blanchard gave to Pillai's wife on his death in 1977. Blanchard said that Pillai played an important role, as director of ILO's India office in orienting the work of the ILO towards developing countries.

C. EMPLOYERS' ORGANIZATIONS AND THE ILO

Representation of employers' organizations was a flashpoint throughout the first half of the 20th century, generally and in the ILO, specifically. A crucial issue was the domination of European industrialists and employers and the backlash which was received from the rapidly rising Indian business groups. In the first few years of the ILO, employer's delegates were sent from the Associated Chambers of Commerce of India and Ceylon that was formed in 1920. This organization, however, was dominated by Europeans and in 1926 after FICCI was established, it began sending employer delegates to the ILC.

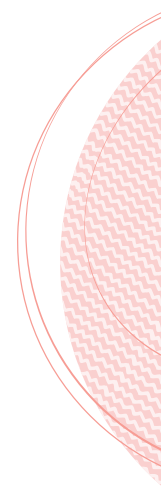
This became the principal organization, comprising chambers of commerce, trade associations, and industrial organizations with a total of over 75 organizations. In 1931, the colonial government informed FICCI, that since it was not solely the organization of industrial employers, it was not eligible for sending representatives to the ILC. A new organization called the All India Organization of Industrial Employers (AIOIE) was set up specifically for representing Indian industrial employers, in 1931. The following year, the Employers Federation of India (EFI) was set up largely representing the Southern and Western Indian Industrial employers. The AIOIE was later renamed as the All India Organization of Employers (AIOE). The AIOE and EFI came under the umbrella of a new organization called the Council of Indian Employers (CIE) which

together with SCOPE became a member of IOE and represented Indian employers in ILO. All these organizations were registered under the new Trade Union Act of 1926. A vocal proponent of the Indian Employer's representation was G.D Birla, an eminent Industrialist who was the first Indian Employer's delegate to the ILC in 1927.

D. ROYAL COMMISSION ON LABOUR IN INDIA, 1929–1931

In 1929 the Royal Commission on Labour in India (Whitley Commission) was set up to investigate and report upon the conditions of labour in industries and plantations in India, which submitted its report in 1931. It was chaired by Mr John H. Whitley and its other members were Shankar Narayana Srinivasa Sastri, Ellice Victor Sassoon, Ibrahim Rahimtoola, Alexander Robertson Murray, Andrew Gourlay Clow, Kabeer-ud-Din Ahmed, Ghanshyam Das Birla, John Cliff, Narayan Malhar Joshi, Diwan Chaman Lal and Beryl Millicent le Poer Power. The Commission reported on conditions of employment and work

In 1929 the Royal Commission on Labour in India (Whitley Commission) was set up to investigate and report upon the conditions of labour in industries and plantations in India,



in factories, mines, railways and plantations, the standard of living of industrial workers, questions of workmen's compensation, trade unions and trade disputes. It looked into the questions of labour and the constitution and administration and made suggestions on the same.

An important source for India's labour history, the Report of the Royal Commission on Labour makes references to the ILO in some parts regarding ILO's role in raising interest in labour matters and stimulating investigation. Its influence was palpable in the spate of labour legislations adopted by the government. In its discussion on labour legislation and future constitution, the Commission argued against complete provincialization of labour, with the Centre retaining authority (along with provinces) in legislating on labour. It argued for a more uniform labour code with close coordination between Central Legislature and the Provincial Administrations. The Commission recognized the relevance of international opinion on labour and specially the ILO, when it presented its arguments, and observed:

...recently, indeed, the world has awakened to the fact that lack of progress in one country constitutes an obstacle to progress in others, and the need for dealing with labour questions on a scale transcending national boundaries resulted in the formation of the ILO. To divide India, at this stage, into a series of units which could only progress independently would be a definitely retrograde step.... The position of India in respect of international labour relations has been urged

as another ground for keeping labour legislation as a central subject. We do not think that India's treaty obligations involve any insuperable obstacle to the constitutional changes which would result in transferring labour legislation to the provinces; but it is certainly true that India's relations to the world of international labour make it desirable that she should preserve her unity in this matter.⁶

It would be important to remember that a few years later, the Government of India Act, 1935 made labour a provincial subject. Furthermore, the Commission argued for more representation for labour in the legislatures. The most interesting of proposals of the Commission was perhaps the recommendation for setting up a tripartite 'Industrial Council', which the Commission argued the future constitution should provide for. The Commission was influenced by the ILO in this regard. *"Our proposals are inspired partly by the example of that organization, and we hope that the conference will be able to meet on the smaller stage of India, the needs which the organization was created to supply in the international world."⁷*

The Council was envisaged as a body that would examine the legislative proposals (which could be referred to it by the government or initiated by the conference itself) and deliberate on them; act as a platform for interaction and cooperation between potentially different positions, and for exchange of ideas and experiences from across sectors and regions; the Council could advise on the framing of labour legislations' rules and regulations; and it could help coordinate and develop economic research.

The Commission argued that in a situation where the new constitution decentralized labour legislation, a council of this kind would become integral and the only way it could conserve “the unity of purpose and method which denoted vital progress.” This body would also deliberate on the Draft Conventions and Recommendations adopted by the International Labour Conference. While such a body did not come into existence for another decade with the establishment of the Indian Labour Conference (discussed in a later section), nevertheless, the Royal Commission was perhaps the first in India to recommend establishing such an organization, inspired by the ILO.

E. FORCED LABOUR CONVENTION (1930)

The relationship of the ILO and India intensified at the beginning of the 1930s. The year marked the passing of the first fundamental Conventions of the organization, namely the Forced Labour Convention (No. 29.) This fundamental Convention prohibited all forms of forced or compulsory labour, with certain exceptions such as compulsory military service, normal civic obligations, consequence of conviction (convict labour), emergencies and minor communal services performed by members of a community.

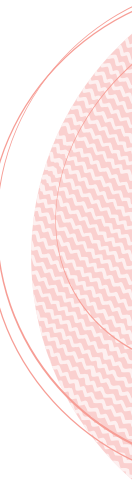
“For the purpose of this Convention, the term forced or compulsory labour shall mean all work or service which is exacted from any person under

the menace of any penalty and for which the said person has not offered himself voluntarily.”

The Convention also importantly made forced labour a penal offence by all countries which ratified it. *“The Convention also requires that the illegal extraction of forced or compulsory labour be punishable as a penal offence, and that ratifying states ensure that the relevant penalties imposed by law are adequate and strictly enforced.”*

The Forced Labour Convention highlights a peculiar tug of war between the colonial Indian Government and the ILO. In the 14th Session of the International Labour Conference the Government delegate, Atul Chatterjee proposed two amendments to the Convention. The first was to include convict labour used by private individuals or companies as an exception to the convention. While the second one was to include criminally listed tribes under the aegis of convict labour, thus exempt from being categorised as forced labour.

Mr Benegal Shiva Rao, Worker’s Advisor from the Madras Labour Union strongly supported the terms of the Forced Labour convention in its entirety and directly refuted the claims of the Indian Government’s delegates.





Pic 12: Mr Benegal Shiva Rao, Workers' Advisor to 14th Session of ILC, 1930

“If this amendment is carried, it will have the effect of removing all those guarantees which are provided in the text that convict labour shall not be used as forced labour. In other words, what the Government of India wants, under the cover of this amendment, is to utilize prisons as potential sources for the supply of blackleg labour. I can assure the Conference that I am not drawing upon my imagination. I have the authority of Mr Joshi, who is the Indian Workers' delegate to this year's Session, to say that three months ago, in a big railway strike in India on the Great Indian Peninsula Railway, the Government used convict labour, at least at one big station, for the purpose of breaking that strike.”

“I want to ask the Conference whether it is going to permit, under the cover of a Draft Convention of this Organization, the forging of a new weapon to be used against the free workers of India, who are struggling against great forces in asserting their elementary rights.”

— Speech of Mr B. Shiva Rao, Workers' Adviser, India, in *Proceedings of the International Labour Conference*, Session Fourteen, Volume 1, ILO. Geneva, 1930

The most important contribution however, was of Mr Benegal Shiva Rao, Worker's Advisor from the Madras Labour Union. He strongly supported the terms of the Forced Labour convention in its entirety and directly refuted the claims of the Indian Government's delegates. In speaking out against the two amendments proposed, Rao asserted that they were designed to further exploit the Indian people, by removing the provision that convict labour cannot be used by private individuals and enterprises. Rao asserted that the colonial Government aimed to use such convict labour as a manoeuvre to break strikes. Moreover, Rao also opposed the addition of another clause to the Convention which would have included criminally listed tribes under the aegis of convict labour and thus exempt as forced labour. Both amendments proposed were overwhelmingly rejected by the conference. The importance of Shiva Rao's speeches highlighted a tradition within the ILO, of Labour delegates and occasionally Indian employers' delegates directly contradicting the colonial Government's claim.

The tripartite nature of the ILO was particularly important, for delegates to directly or indirectly oppose the British Indian government and thus strengthen the national movement.

DIWAN CHAMAN LALL (1892–1973)



Pic 13: Indian delegation to 14th Session of ILC, 1930

Mr Diwan Chaman Lall was a former member of the Constituent Assembly of India and eminent Unionist. Chaman Lall was one of the founding members of the All India Trade Union Congress (AITUC) in 1920 and was its first General Secretary. He was also President of several Unions such as the All India Telegraph Workmen's Union, All India Press Worker's Union and the All India Postal and R.M.S Union as well as several Railway Unions. He played a crucial role in the early years of the Trade Union movement in its collaboration with the ILO. Lall was the Worker's delegate in the 1928 and 1932 ILCs while serving as an advisor to the 1925 delegation. Lall also led India's delegation in the 1946 ILC in Montreal, an important event which marked the drafting of the new constitution of the ILO. He was an influential parliamentarian in India, serving as member of the Central Legislative Assembly from 1924–1931 and 1944–1946.

Lall served as member of the Constituent Assembly of India in 1946 for two years, assisting in the drafting of the Indian Constitution. He played an important role in the Royal Commission of Labour (Whitley Commission) in the years 1929–30 and testified in front of the Whitley Commission, recommending a reduction in the working hours of industrial workers while also raising the minimum age for employment at factories to 13 years of age. Along with N.M. Joshi, Chaman Lall asserted that the minimum age for employment, under the Factory Act, should be raised immediately to 13 years. Together, they asserted that while the International Convention (ILO) passed at the Washington Conference in 1919 allowed an age of 12 for India (Article 6), due to climatic conditions, this should be temporary. Moreover, after a period of 10 years, the minimum age should be raised to meet the International Standard of 14.

F. ALBERT THOMAS AND MAHATMA GANDHI

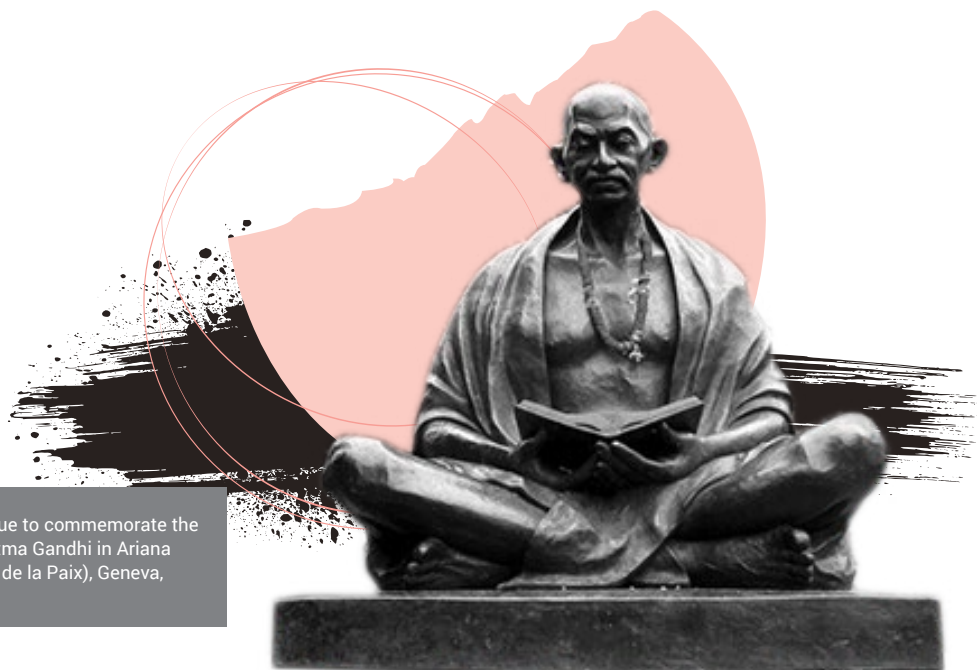
Mahatma Gandhi's connection with the ILO was in his meetings with the legendary Director General, Albert Thomas. While the meetings were brief, they were historic. Thomas had previously expressed great respect and admiration for Gandhi as well as an immense desire to meet him. They met twice while Gandhi was attending the second Round Table Conference, on 28 November, 1931 in London and when Gandhi visited Geneva in December, 1931 where he held an address at the request of the International Women's League for Peace and Liberty.

G. ILO AND THE ANTI-COLONIAL MOVEMENT

While India was one of the founding members of the ILO, it was also the only non-independent country to be accorded a place in the Governing Body. It has been argued that India received this privilege to get Britain an additional vote. However,

ILO also became a forum where the colonial labour question was repeatedly raised and was linked to popular opposition to colonialism. The colonial question was expressed through the colonial government advocacy of lower labour standards in non-metropolitan territories, such as longer working hours in the Washington Convention as well as exceptions to the Forced Labour Convention.

However, in this European dominated body (the US joined in 1934), the voice of anti-colonialism was present. In the 1920s, India's mass freedom movement had taken root and was only growing, and the Indian National Congress made the labour movement a part of the national freedom struggle, having close relations with AITUC as well. Important leaders of the freedom movement played crucial roles in the labour movement, as well as representatives to the ILC. Lajpat Rai, Bal Gangadhar Tilak, Jawaharlal Nehru and even Mahatma Gandhi had at one time or another been associated with the labour movement. Prominent workers and employers' delegates from India were committed nationalists with strong anti-colonial positions. They included N.M. Joshi, Diwan Chamanlal, Jamandas Mehta, B. Shiva Rao and G.D. Birla who was a staunch follower of Gandhi.



Pic 14: A statue to commemorate the visit of Mahatma Gandhi in Ariana Park (Avenue de la Paix), Geneva, Switzerland

The phase through which India is passing at the moment is essentially radical in its character. It is an effort on a nation-wide scale to assert the right of the people to shape their destinies according to their own will, against the domination of a Western Power. Splendid sacrifices have been made in the cause of national freedom, and thousands, not only of the educated people but of the workers, have been moved to them in the hope of emancipation. There is today, all over India, a feeling of hostility, bordering even on bitterness, against the British Power, and the conviction is gaining ground that what will not be yielded to demands based on considerations of justice, will have to be conceded to the force of non-violent, passive resistance. I refer to this point because it has deep significance for every one of the nations represented at Geneva. What is happening in India today may happen 'tomorrow in the colonial possession of all Western Powers, and the blaze of the present movement may spread far beyond my own country.

Secondly, it is impossible that the workers of India should remain unaffected by the political struggle, led by a man of

the personality of Mahatma Gandhi. Also, it will be unnatural if they fail to perceive the possibility of applying the same method for the solution of their own problems."

Closely associated with the problems of Asia are those of colonial labour. The conditions in this respect are deplorable. In many parts of Africa, workers are fast sinking to the level of a landless proletariat....Effective steps must be taken to secure improvement and the only way is to provide for the direct representation of colonial labour at the conference. It is a step repeatedly urged by my distinguished predecessors, like the late Lala Lajpat Rai, Giri and others. To us who come from India it is a matter of direct concern because of the Indian population in Africa. I am aware that the Dutch and French Governments have given some attention to this subject, but I feel that so long as the representation of colonial labour is not free and direct, it will still continue to be unsatisfactory and inadequate. I am surprised that Great Britain should be so far behind as to refrain from taking even those elementary measures to which the French and Dutch Governments have given effect.

— **Speech of S. C. Joshi, worker delegate India to 14th session of ILC, in *Proceedings of the International Labour Conference, Session Sixteen, Volume 1, ILO, Geneva, pp 50-52***

LETTER FROM ALBERT THOMAS, DIRECTOR GENERAL, ILO (1919 – 1932) TO MAHATMA GANDHI

AAE/NS

22.10.31.

Dear Mahatma,

Perhaps some of my Indian friends, for instance, that good leader Joshi or Mr. Erulkar, who represents Indian employers on our Governing Body, may have talked to you about the International Labour Organisation and myself.

The International Labour Organisation, as you know, was set up by the Treaty of Versailles. Its object is to raise the standard of living and improve the conditions of work of all those who earn their daily bread by their labour and, more especially, the wage-earner. It has now been working for ten years. All the Indians who have shared in the Organisation firmly believe in it, and though political circumstances may sometimes have prevented the Organisation from being as fully useful as it might be, its good intentions and its will to succeed have been universally recognised.

I do not want to speak about myself. My friends, both those mentioned above and Mr. Sastri, will tell you how firmly I believe in the principle of the independence of all peoples and my earnest desire to see them live in

The Mahatma Gandhi,
Indian Round Table Conference,
St. James' Palace,
L O N D O N . S. W.

3.

peace and fraternity on the basis of each respecting the independence of others.

It has been one of my greatest desires to meet you, to talk with you about the future of India, especially from the point of view of the protection of the worker. In all sincerity and earnestness I ask you to accept my invitation to come to Geneva and to visit the International Labour Organisation. No doubt our friends at the League of Nations will also have much pleasure in meeting you. In any case, I can send you this pressing invitation on behalf of the Office, as well as in my own name.

Should you not find it possible to come to Geneva, I should not hesitate to go to London, if you will state the period during which my visit might be made.

I wish in conclusion to express the high esteem in which I hold you and my most sincere admiration.

a k.

(Source: Courtesy ILO Archives, Geneva)



Pic 15: G.D Birla, an eminent Industrialist who was the first Indian Employer's delegate to the ILC in 1927

At the ILCs, the non-governmental delegates were critical of the British government and Eurocentric tendency of the ILO. The delegates often raised their voice on several issues directly affecting colonies such as uniform labour standards, establishing ILO's National Correspondent in India, translating documents and reports in vernacular languages, holding regional conferences in Asia, and more representation in the ILO, by individuals from the non-metropolitan countries.

While the ILO was not directly advocating decolonization, by virtue of its tripartite structure, anti-British and pro-freedom sentiments could be articulated in the ILCs by non-governmental delegates while exposing the anti-labour policies of the British Indian government. Critics of British colonialism thus made ILO their platform. And as the Second World War was ending, the ILO was also changing with more countries being decolonized and its membership increasing. The 1944 Philadelphia Declaration epitomised ILO's commitment to global social justice as it laid grounds for universal human rights. Even as India achieved its independence in 1947, barely a few months later, ILO's First (Preparatory) Asian Regional Conference was held in New Delhi, India, thus reflecting a shared vision of the world.

During the 1930s, at the height of the Civil Disobedience movement in India, voices of the Indian freedom movement resonated in the ILC sessions.

HAROLD BUTLER'S VISIT TO INDIA

While it may be common now for the Director General to visit India, the first was the visit of Mr Harold Butler, the second ILO Director, from December 1937 to January 1938 as part of his three-month long tour of Middle Asia. He visited many major industrial centres and met several leading individuals including, Pandit Jawaharlal Nehru, Mr Tej Bahadur Sapru, Ms Sarojini Naidu, Mr C. Y. Chinthamani, Mr P. N. Sapru and others. Dr P. P. Pillai, (Director, Delhi Branch Office and Mr Raghunath Rao (of ILO, who later became the first Indian Assistant Director-General of the ILO) accompanied Mr Butler on this tour.

Butler's visit came at a tumultuous time in International Relations, with the League of Nations in crisis. However, as this cartoon shows, Butler's leadership was perceived in India as fundamental in stabilising the ILO and its functioning.



"The ILO has done very good work in India, educating the public on the one hand and stimulating the Government to undertake legislation and reform on the other. It is good that Mr Butler has gone to the provinces first and made the acquaintance of popular Ministers and learnt their views before coming to the Government of India, for that I think, is the proper way to study the Indian problem." (The Hindustan Times, 1937)

Butler undertook this tour with the objective of gaining first-hand information about different parts of the world, which according to him was indispensable for an international institution like the ILO. Therefore, in 1938, Butler published a report based on his visit titled

Problems of industry in the East: With special reference to India, French India, Ceylon, Malaya and the Netherlands Indies.

As the title of the report mentions, Butler highlighted the problems in the countries he visited. However, it was his impression that while India was overwhelmingly agricultural, and several industries remained unregulated, it was "an industrial country of great importance and had greater potentialities." Also, that "the conditions prevailing in large-scale industry in India do not compare unfavourably with those in many European countries." Moreover, there was desire for betterment among Indians.



Pic 16: ILO Director-General Harold Butler visit to India, 1937





**MOMENT OF DEPARTURE:
INDEPENDENCE AND ILO –
1940–1960**

“Labour
is not a
commodity.”

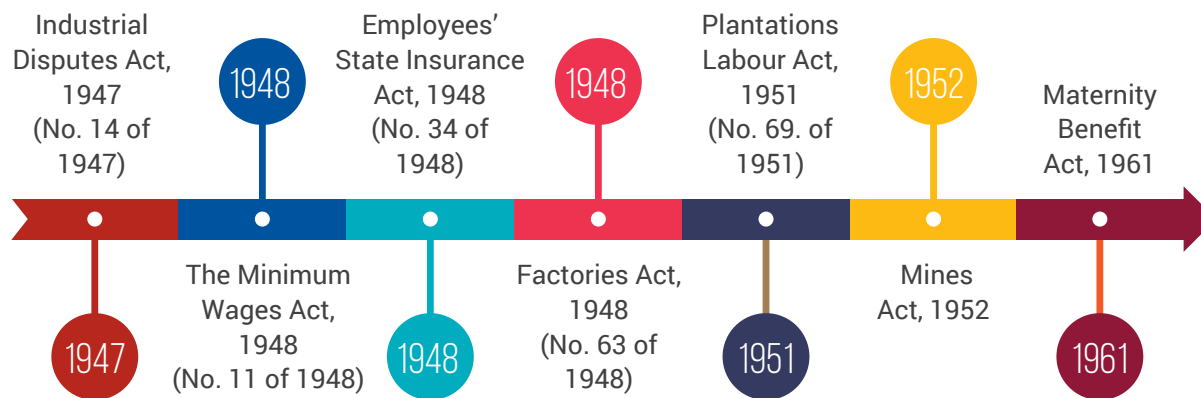
“Poverty
anywhere
constitutes
a danger to
prosperity
everywhere.”

“All human beings,
irrespective of
race, creed or sex,
have the right to
pursue both their
material well-being
and their spiritual
development
in conditions of
freedom and
dignity, of economic
security and equal
opportunity.”

– DECLARATION OF PHILADELPHIA, 1944



CENTRAL LABOUR LEGISLATIONS PASSED IN THE PERIOD



The 1940s were marred by the Second World War and the political and economic upheaval that it brought along with it, as it came to a close in 1945. The League of Nations, created in the aftermath of one World War was dissolved in the aftermath of another, in 1946. Meanwhile, another inter-governmental organization came into being in 1945 as a successor to the League. The United Nations Organization was tasked with the mission to maintain world peace and to avoid yet another world catastrophe.

While the League did not survive the War, the ILO endured and pushed through and continued with its activities, while it was temporarily moved to Montreal, Canada in 1940 as Switzerland was surrounded by German troops. In 1946, ILO came to an agreement with the UN and became a specialized agency under the latter.

In the meantime, in India, the freedom struggle gathered force with Mahatma Gandhi giving a call for the British to Quit India in 1942. In 1946, the interim government was formed, and the

Constituent Assembly met for the first time. India won its freedom and became an independent nation in 1947. However, with independence also came the violence and mass displacement of the Partition.

This was the time when there was large-scale decolonization across the world, with several regions acquiring independence. Simultaneously, the world entered into another phase of hostility with the beginning of the Cold War and world politics was marked by bipolarity. In the 1950s, the Non-Aligned Movement (NAM) was born, with India at the forefront, under the leadership of Prime Minister Jawaharlal Nehru.

While the League did not survive the War, the ILO endured and pushed through and continued with its activities.



A. TRIPARTISM IN INDIA, THE INDIAN LABOUR CONFERENCE OF 1942

India had been associated with the ILO since its very inception. A reflection of India's faith in the ILO and its nature and method of work was the creation of the Indian Labour Conference by the Government of India in 1942. A forum to discuss labour issues, it was structured along the lines of the ILO, in that it was a tripartite conference with representatives of governments, employers and workers.

Its origin can be traced back to the Royal Commission of Labour. In its report it recommended, for the first time the need to establish by statute an Industrial Council, which could be based on tripartism. A few years later, a need was felt for a uniform labour policy when the Government of India Act, 1935, introduced the federal form of government and labour was made a concurrent subject. The final push came with the World War II and the need for industrial peace. The first few conferences, i.e., 1940, 1941 and January 1942, were not tripartite conferences but rather conferences of labour ministers. From 7 August, 1942 onwards, the series of conferences that followed were based on the principle of tripartism. These were to be permanent and regular, unlike the three conferences held before.

The first tripartite conference was held under the chairpersonship of Dr B.R. Ambedkar at New Delhi. The three main aims and objectives of the conference were:

- 1) To promote uniformity in labour legislation.
- 2) Lay down a procedure for settlement of industrial disputes.
- 3) Discuss matters of all-India importance amongst employers and employees.

This conference constituted the Plenary Conference and Standing Advisory Committee, which were renamed in 1945 as the Indian Labour Conference and the Standing Labour Committee, respectively. While the composition of the bodies changed over time, initially, the Plenary Conference consisted of 44 members, of which 22 represented the Government with 11 each for employees and workers.

The awareness and hence the influence of ILO's character and values showed in the composition of the body. Dr Ambedkar, in his 1942 address, mentioned: "*In suggesting this constitution for the Standing Advisory Committee, we have followed as closely as we can, the principles underlying the constitution of the Governing Body of the ILO, which was set up under the auspices of the League of Nations.*" These were:

- 1) Equality of representation between government and non-government representatives.
- 2) Equality of representation between employers and employees.
- 3) Nomination by government of the representatives of those classes of employers and employees who were not otherwise represented.

DR B. R. AMBEDKAR (14 April 1891 – 6 December 1956)

For dignified existence:

“We, in India, cannot fail to recognize these problems or bypass them. We must be prepared for the revaluation of values. It will not be enough to make industrial development of India as our goal. We shall have to agree that any such industrial development shall be maintained at a socially desirable level. It will not be enough to bend our energies for the production of more wealth in India. We shall have to agree not merely to recognize the basic right of all Indians to share in that wealth as a means for a decent and dignified existence but to devise ways and means to insure him against insecurity.”

Dr Bhimrao Ambedkar was an eminent scholar, economist, politician and jurist of international repute. He belonged to the Dalit community in India and led a lifelong struggle against the abolition of the caste system and to create conditions of dignified existence for people all over India.

In 1936, Dr Ambedkar formed the Independent Labour Party. This was followed by his appointment as a Labour member of the Viceroy's Council in 1942 and presided over by the first tripartite Plenary Labour Conference (later named, the Indian Labour Conference). In his address to the conference in 1943, he acknowledged the critical need for the existence of a platform for representatives of the government, workers and employers who could deliberate over issues pertaining to labour. He continued as the President of the Conference for four years. Following this, he was invited by the post-independence Congress-led government to be the first Labour Minister of independent India before he became Chairman of the Constitution Drafting Committee. His legacy has left a deep impact on India's past and present.



Pic 17: Dr Ambedkar, First Session of the Plenary Labour Conference 6 September 1943

B. THE PHILADELPHIA DECLARATION 1944

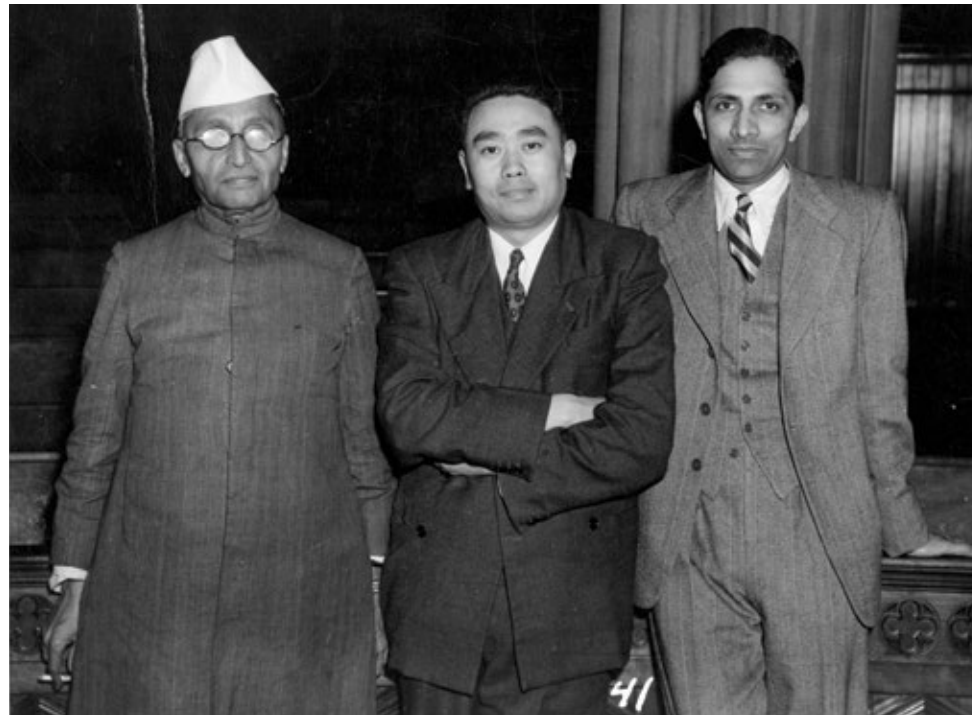
Though the ILO's activities were constrained due to the war, as early as 1941 (New York and Washington Conference), the ILO was contemplating about its role in the post-war reconstruction and its aims and responsibilities. It then held its twenty-sixth Conference in 1944 in Philadelphia, with the agenda to map out the future policy of the organization and also the post-war situation. This Conference is regarded as one of the most important milestones, for the ILO adopted the 'Declaration concerning the aims

and purposes of the ILO, usually known as the Philadelphia Declaration.

- The Philadelphia Declaration reasserted the objectives of the ILO with which it had been set up back at the end of the First World War. But, it also expanded them and reinforced the need for international cooperation for social justice. In 1946, the Declaration was incorporated into the Constitution of the ILO.
- The Declaration importantly asserted universal equality, and so it formed the base for the future UN Charter and the Universal Declaration of Human Rights.

“the essential basis of world peace must be, as the Philadelphia Declaration stated, social security or social justice in every country.”

– Prime Minister Jawaharlal Nehru's first inaugural speech, Preparatory Asian Regional Conference 1947, New Delhi. *The I.L.O. in India*, Selected Works of Jawaharlal Nehru, Second Series: Volume 4, Jawaharlal Nehru Memorial Fund. New Delhi, p552.



Pic 18: Indian Workers delegates with the Chinese workers delegate at Philadelphia Conference 1944

Indian Delegates at the Philadelphia Conference, 1944

Government's delegates

- » Sir Samuel Runganadhan, High Commissioner India, London; Representative of the Government of India on the Governing Body of the International Labour Office.
- » Mr Henry Carlos Prior, C.S.I., C.L.E., I.C.S., Secretary to the Government of India in Department of Labour.

Advisers

- » Mr Mulk Raj Ahuja, M.B.E., India Government Trade Commissioner, Toronto and New York.
- » Mr Walter Brassington England, Secretary to the High Commissioner for India, London.

Employers' delegates

- » Mr J. C. Mahindra

Adviser

- » Mr D. G. Mulherkar, Secretary, Federation of Indian Chambers of Commerce and Industry; Secretary, All-India Organization of Industrial Employers.

Workers' delegate

- » Mr Jamnadas Mehta, President, Indian Federation of Labour; President, All-India Railwaymen's Federation.

Adviser

- » Mr Aftab Ali, Vice-President, Indian Federation of Labour; President, Indian Seamen's Union.

- » It marked a shift in the labour standard setting. While earlier there were differential labour standards in the West and the East, with the latter regions allowed to have lower standards on account of their special conditions, the ILO now marked a definitive break with the Colonial past to a universal acceptance of rights.
- » This conference also adopted an important resolution with respect to the Asian countries, including India. In its resolution concerning social security in Asiatic countries, the ILC recommended: *"that an Asiatic regional conference be held at as early a date as possible and that the question of the organization of social security be included in the agenda of that conference."*

On Indian independence

"Although attention has been mainly concentrated on developments in Europe and their wider implications, there have been political events elsewhere of great importance, and of potentially greater importance in the future. These developments, of historic and far-reaching significance though they may be, do not, however, present the same acute and immediate international issues as those dealt with above. For this reason they need not here be discussed in detail, but a few instances may give a brief indication of their magnitude and scope. India, Pakistan and Ceylon have entered into full statehood as Dominions, Burma has become an independent Republic, and a new Malayan Federal Constitution has come into force."

— Report of the Director-General to the International Labour Conference, Session 31 Geneva. ILO, 1948 p 4.

“In the Director’s Report it is stressed that the standard of living in all countries should be improved. India wants to do it; it is in any case necessary for ensuring world prosperity. A poor India, wallowing in want, squalor and poverty, will ever remain a danger to peace and prosperity elsewhere. For prosperity, like peace, is indivisible. In fact, the Conference held at Philadelphia last year recognised the truth of this statement and reaffirmed the fundamental principle that “poverty anywhere constitutes a danger to prosperity everywhere,” and that “the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort”. Only this principle needs to be implemented in the spirit in which it was laid down....For the purpose of comprehensive planning intended substantially to improve the lot of the people it is also essential that India should have a national Government responsible to and truly representative of the people. Such a Government can alone inspire the confidence of the people and instil a new life into them. The economic regeneration of the country can best be brought about by such a Government. The failure of the Simla Conference has therefore been a setback. There is a feeling in India that had the sponsors of that conference taken a bolder attitude and decided to go forward with their scheme, perhaps things would have worked out well ultimately. However, we can rest with the hope that, as a result of the further steps that might be taken in the future, the aspirations of India will be realised.”

— Mr Lakshminivas Birla, Employers’ Delegate to 27th Session of ILC, 1945 in Proceedings of the International Labour Conference, Session Twentyseven, Volume 1, ILO, Geneva, (p 4244)

C. THE FIRST (PREPARATORY) ASIAN REGIONAL CONFERENCE 1947, NEW DELHI

The ILO was the first international organization to start a system of regional conferences. While today the ILO has regional conferences for Asia, America, Europe, Africa and the Middle-East, this system did not exist in the beginning. The first regional conference was the American Regional Conference of 1936 that took place in Santiago, Chile. The idea behind the regional conferences was for the ILO to have more information and understanding about the problems and peculiarities of the different regions, and by decentralizing some of its activities, enable better working of the ILO.

India had the honour to host the First (Preparatory) Asian Regional Conference at New Delhi in 1947. The demands for more Asian representation in the ILO, for regional offices had been voiced from the beginning, with the Indian delegates to the ILO at the forefront. The demand for an Asian regional conference was in fact first made in 1930 by the Indian worker’s delegate and was approved in a resolution in the subsequent year. In 1944, the ILC adopted a resolution to hold an Asian Regional Conference. Soon after the end of the War, the government members of India and China sent invitations to the Governing Body to hold the Preparatory Asian Regional Conference in India and the First Asian Regional Conference in China, which the Governing Body accepted and

so, the Preparatory Asian Regional Conference was held at New Delhi, India from 27 October, 1947 to 8 November, 1947, under the presidency of Mr Jagjivan Ram, Minister of Labour in the Government of India.

The agenda of the New Delhi Conference determined by the Governing Body at its 98th Session (Montreal, 1946) was as follows:

1) Problems of social security

- 2) Labour policy in general, including enforcement of labour measures
- 3) Programme of action over a period of years for enforcement of social standards embodied in the conventions and recommendations adopted by the ILC but not yet ratified or accepted by the countries concerned. The general economic background of social policy, including problems of industrialization.

" A first-hand study of the conditions in the countries visited by the mission, brief and hurried as it had to be, because of the limits of time and personnel, will, I am sure, have convinced the Director-General that if the Office is to make an effective contribution to the amelioration of labour conditions in these countries, it is necessary to adopt a different approach...What is required is a patient and careful study of local conditions and the formulation of detailed laws and regulations for the protection of the workers. This task can be attempted only on a regional basis.

I should like to sound a note of warning to this Conference. Asian countries are now passing through an intensive phase of popular awakening. Not one of them will now agree to be a mere vassal of a foreign power...Indeed, it is this burning passion for social advancement that has been the mainspring of freedom movements in Asia.

— Mr Jagjivan Ram, Government's Delegate, India to the 30th Session of ILC, 1947 in Proceedings of the International Labour Conference, Session Thirty, ILO, Geneva 1948. pp 75-76

...On the contrary, the Conference seeks to explore ways and means of cooperating with other parts of the world in the promotion of peace and social justice, in complete conformity with the aims and purposes of the United Nations and of the ILO...It is noteworthy that this Conference has decided to set up a permanent organization to study socio-economic problems in Asian countries in their proper context. In this task, we expect a great deal of assistance and guidance from well-established international organizations, and I am sure it will be forthcoming in abundant measure....

In suggesting a regional approach, it is certainly not my intention to seek to detract from the universal character of the ILO. My present visit to the Conference, at a time when pressing national affairs rendered this most difficult, should be a sufficiently convincing testimony



Pic 19: Prime Minister Jawaharlal Nehru opens the Preparatory Asian Region Conference (with Mr Jef Rens), 1947

Excerpts from Prime Minister Jawaharlal Nehru's inaugural speech at the first Preparatory Asian Regional Conference

"The importance of bringing about a tremendous raising of the standard of living in Asia, which is very low at present, is not a question of rich and powerful countries being generous, though generosity is always good. Poverty at any place is a danger to prosperity everywhere, just as any infectious disease somewhere might be a danger to healthy conditions elsewhere. I commend the ILO's famous Declaration of Philadelphia in 1944. If only the world was governed by the principles laid down in that declaration, there would hardly be any major trouble in the world."

"Most countries of Asia still, or are likely to continue to be, predominantly agricultural. The approach to labour problems in India must primarily take into consideration agricultural conditions.... In other countries of Asia, too, agricultural and land tenure problems will have to be tackled rapidly so as to create that basis on which they can build better living conditions."

"The ILO in the past had dealt with living conditions of industrial workers. Nevertheless, if I might say so, it had paid somewhat more attention to industrial labour than to agricultural labour. I do not wish to pay any less attention to industrial labour, because that is very important and even in India, it is a very important and vital element. Nevertheless, India and most countries of Asia are still or are likely to continue to be predominantly agricultural countries. The approach to their problems must, therefore, primarily take into consideration agricultural conditions.... Therefore, the agricultural and industrial aspects of the question cannot be separated. Again, we have to think of the development of social services, sanitation, education, transport and so many other things. In other words, the whole problem becomes interrelated and we have to advance all along the line. And when we arrive at a stage of imminent crisis, as we have done today, not only in India, but all over the world, we will have to act quickly."

— "The ILO in India", Selected Works of Jawaharlal Nehru, Second Series: Volume 4, Jawaharlal Nehru Memorial Fund. OUP, New Delhi, pp 550-553

Indian Constitution and principles of socio-economic justice

After nearly three years of preparation, The Indian Constitution was promulgated in 1950 in a period of great ferment in India and the world. The Constituent Assembly entrusted with the task was not only responsible for the Constitution but also functioned as a Parliament of the country. The text that was produced, therefore embodied the vision of a democratic and egalitarian India.

The parts on Fundamental Rights and Directive Principles of State Policy are often referred to as the core of the constitution, laying down roots for the country's social transformation.

The Fundamental Rights enshrined in the political and civil rights and which are enforceable through law include:

- Equality before law.
- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- Equality of opportunity in matters of public employment, abolition of untouchability.
- Freedom of speech and expression.
- Freedom of assembly and of forming associations or unions.
- Freedom of movement.
- Right of property.



Pic 20: Mr Jagjivan Ram, President of the 33rd International Labour Conference, 1950

- Personal liberty.
- Prohibition of traffic in human beings and forced labour.
- Prohibition of employment of children under the age of 14 in factories or mines or in any hazardous employment.

On the other hand, the Directive Principles that contain the social and economic rights which were to be the principles in governance and law making, were non-enforceable by the courts. It was in this part, that the aim of social transformation really expresses itself. The provisions in this section include, among others:

- “That the citizens, men and women equally, have the right to an adequate means of livelihood.”
- “That the operation of the economic system does not result in concentration of wealth and means of production to the common detriment.”
- “That there is equal pay for equal work for both men and women.”

“India’s association with the ILO has been of as long as that of any country, as she is one of the founder Members of this institution. Though she became independent only in the recent past, she was a Member of the Organization in her own right. India’s keen loyalty to the ILO is natural, as the basic ideals of the Indian National Congress and of the Government of India of today are the same as those of the ILO. The Constitution of India provides for several measures which are the basic principles of social justice, and if one makes a careful study of one, it will be found that most of the Conventions and Recommendations adopted by the ILO have evolved as developments of these basic principles. The Constitution Act of India provides for certain fundamental rights, including equality of opportunity in matters of public employment and right to freedom of speech and association. The Constitution also lays down directive principles of State policy, including the rights of all citizens to an adequate means of livelihood, equal pay for equal work for both men and women, and protection of children and young persons. These, of course, are in addition to the large number of legal enactments on various labour matters in force or pending. No more positive proof is, therefore, needed of the Government of India’s earnest endeavour to fulfil the aims and ideals of the ILO. Complete fulfilment may be a matter of time, but the earnest will to do is the main factor.”

— Mr Jagjivan Ram, Presidential Address at the 33rd ILC, 1950, in Proceedings of the International Labour Conference, Thirtythird Session, ILO, Geneva, 1951 p10.

- “That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.”
- “The State shall make provision for securing just and humane conditions of work and for maternity relief.”
- “The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities. In particular, the State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.”

Beyond the anti-colonial struggle, the formation of the constitution was also rooted in the discussion on human rights which in the 1940s did not bypass the Constituent Assembly members. The Atlantic Charter, the United Nations Charter and the United Nations Human Rights Commission provided the backdrop to the discussions in the Constitution Assembly.

The basic principle of the ILO, namely, social justice for all resonated with the fundamental principles enshrined in the Indian Constitution.

NAVAL HORMUSJI TATA

(30 August 1904 – 5 May 1989)



Pic 21: Naval Tata, Employer's Vice-President at the 39th session of the ILC, 1956

Naval H. Tata was a noted industrialist and head of one of the most important business groups, namely, the Tata Group. He joined the Tata Group in 1930, and in 1939 he became the managing director of the group's textile companies, and in 1941 was appointed director of Tata Sons. He also served as chairman of Tata Electric Companies (1961).

Tata had a very close relationship with the ILO. He went as an Indian employers' delegate in 1947 to the ILC as many as 17 times between 1947 and 1987. From 1952, he was also elected as a member of ILO's Governing Body until 1987. He was the founder of ILO's family planning programme. Additionally, as member of

the International Organization of Employers for 38 years, he was also President of the Employers' Federation of India from 1959 to 1985. Tata was influential in the formation of the National Institute of Labour Management, serving as president from 1951 to 1980. In 1966, he was appointed as member of the Labour Panel of the Planning Commission. In 1969, he was awarded the Padma Bhushan, and later, the Sir Jehangir Ghandy Medal as recognition of his role in industrial peace.

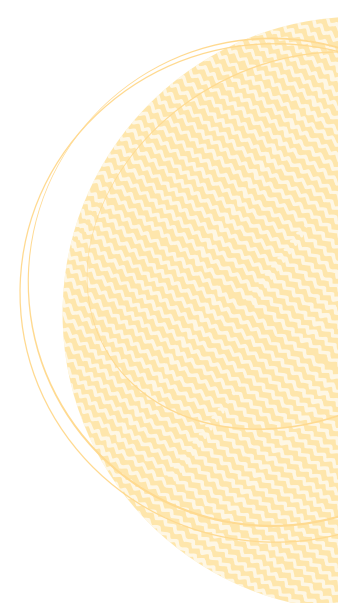
"His was the first insistent voice in the ILO to urge that effective social policy cannot be divorced from a courageous approach to the immediate urgency of the pressure of the population. He was among the first to urge us to embark on an active programme of management development. These are the qualities which have left their impression on Indian industry and which have given him his distinctive stature in the ILO."

— Wilfred Jenks, Director-General of ILO on the contribution of Naval Tata to the ILO

D. FOURTH ASIAN REGIONAL CONFERENCE, 1957

The Fourth Asian Regional Conference took place from November 13–25, in New Delhi. The inaugural address was given by Prime Minister Jawaharlal Nehru. The agenda of this conference was-

- 1) Labour and social problems of small-scale and handicraft industries.
- 2) Conditions of life and work of share-croppers, tenant farmers, and similar categories of semi-independent and independent workers in agriculture.
- 3) Labour Management Relations.



Excerpts from Prime Minister Nehru's Inaugural Address at the Fourth Asian Regional Conference 1957

"So you get this political revolution, but the economic revolution takes a much longer time in coming. There is a gap between the political revolution, which has come, and the economic revolution, which ought to take place to fulfil the needs of the political revolution. In Western countries, the economic revolution in effect laid the grounds for political advance and created the resources for it. The two revolutions went on more or less hand in hand. We have this tremendous difficulty that, without having created adequate resources through an economic revolution, we have to face the demands of a successful political revolution. This applies not only to us in India, but by and large to many countries of the East which are economically underdeveloped. In India and in the nearby countries of Asia or in Africa, we are trying to catch up and to enter into the industrial revolution and get the advantages which accrue from it, at a moment when the old style industrial revolution is itself being left behind by tremendous advances. The result is that we have to face this problem in a variety of ways, and that a number of revolutionary aspects of it come before us simultaneously."

"the primary problem is to satisfy the primary needs of the people. It is no good our talking about big things when the primary needs of the people are not satisfied in every country. The first things are food, clothing, housing and the like—education, health, work and so on. We struggle for these primary needs...I do not presume to suggest an answer to these problems, but the more I think of them the more I feel that I can perhaps suggest a negative answer. This answer is that most of our old ways of thinking are no good today. I say, with all respect to traditions because I do respect them, that we cannot continue in the

same ruts. I have a feeling sometimes, as regards economists and other leaders in various departments of society, that events have gone ahead of their thinking. They still think in the terms employed by the last or even earlier generations, while the very basis of their thinking is changing.... in a changing world like this, it does not help very much just to repeat old lessons or old slogans or to label yourself a conservative or a revolutionary or anything. What are required are new appraisals, new thinking. But whatever the new appraisal or the new thinking may be, the fact remains that we can and must aim at the raising of the masses of the people of this world....So, how do we approach these problems? Obviously, we must be fairly clear about our social ideals, there must be clear thinking in regard to the social approach to these problems. In India, we are very much concerned with increasing our production, because unless we produce wealth we shall not have any means for the betterment of man. But in the production of wealth we can never forget the social or the human aspect of the process; even if we should forget, conditions will remind us, because the people are politically conscious and will not put up with many things that they might have put up with in the past. In saying that it is necessary to be clear about our social ideals, I am not talking about a particular structure of society, but of basic needs. I feel that these needs may be divided in two parts: the material part....and the non-material part....We have, therefore, to seek some approach which is not one of bitterness and hatred and of conflict but a cooperative approach. Unless one thinks of industry in all fields in future as a cooperative enterprise, there is not much hope of great progress because there will be conflicts all the time."

— **"Labour Relations in Asian Countries", *Selected Works of Jawaharlal Nehru, Second Series: Volume 40, Jawaharlal Nehru Memorial Fund. New Delhi, pp 681-689***



Pic 22: Indian delegation at the Fourth Asial Regional Conference, 1957

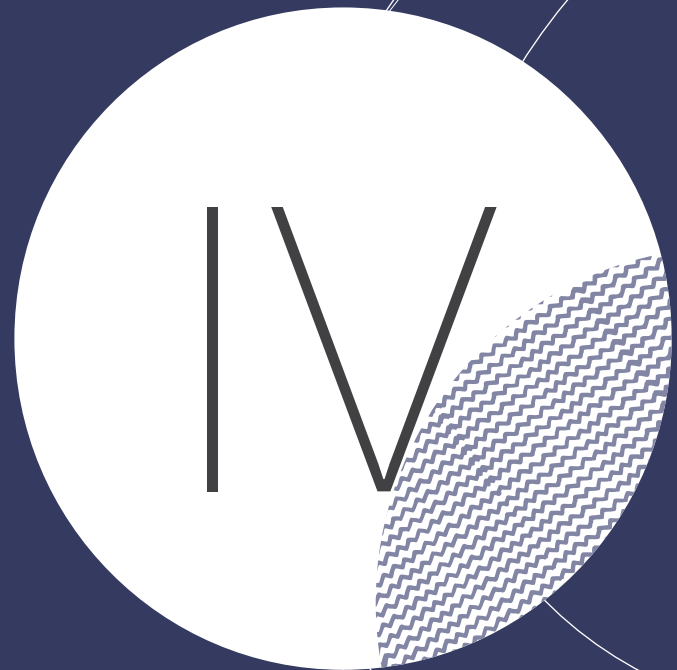
“In closing, I commend all participants in this ILC to be guided by a spirit of objectivity and humanity. The lives of persons like Gandhi, Abraham Lincoln, Patrice Lumumba, Eleanor Roosevelt and John Kennedy should serve as a source of inspiration to enable us to develop a clear vision of what is good for mankind and give us the courage to stand by our convictions without a taint of deceit or duplicity. Nehru was once quoted as saying that his decisions were never based on preconceived prejudices or alliances, as he judged every challenge on the basis of its own merit. Let us therefore take courage from the lives of these great persons and open our minds to the concept that we also should make our lives sublime and leave footprints in the sands of time.”

— Mr Sawyerr, Workers’ delegate, Liberia, 1964

On the death of Indian Prime Minister, Jawaharlal Nehru, dignitaries from across the world paid their tribute to him and his contribution to decolonization and human rights at the 48th Session of the ILC, 1964

“Unfortunately, not all the events which have occurred in the past 12 months are positive. In some parts of the world, the subsistence of colonial régimes, racial discrimination, and ideological conflict, among other things, have maintained a danger of war and are not the less dangerous to world peace because they are carried on with conventional arms. Apart from these disputes in which so many human lives are lost and so much suffering and misery are caused, we have to deplore the loss of the President of the United States, John F. Kennedy, and the Prime Minister of India, Mr Nehru. The deaths of these two men, which followed the death of Pope John XXIII, fell within a single short period, and the best tribute which we can pay is to renew our efforts to carry their work forward and seek to come a step nearer to the ideals for which they fought.”

— Mr Aguilar, Government delegate, Venezuela, Presidential Address, 1964 (International Labour Conference 48th Session Geneva, 1964: Record of Proceedings, International Labour Office, Geneva, 1965, Pg 8.)





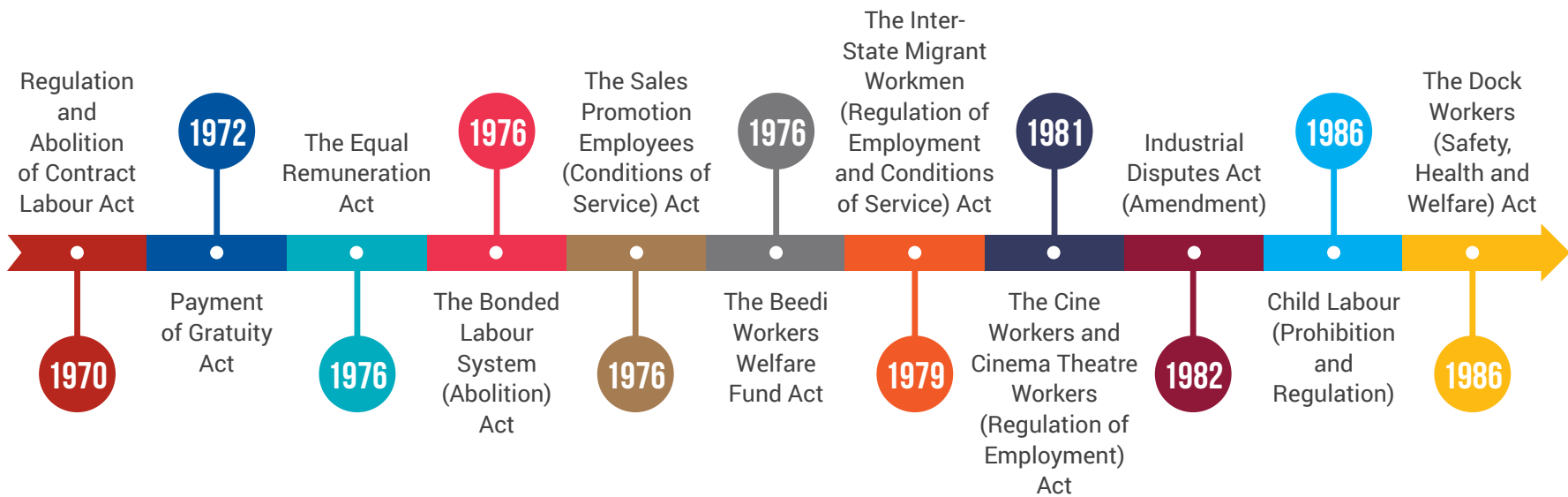
**CRISIS, RENEWAL AND
REORIENTATION: 1970–1990**





Pic 23: 1969-10-10, ILO Director-General David A. Morse receives the 1969 Nobel Peace Prize on behalf of the ILO from Aase Lionaes, Chairman of the Nobel Committee of the Norwegian Parliament, in the Aula of the Universit

CENTRAL LABOUR LEGISLATION PASSED IN THIS PERIOD



A. CHALLENGES OF GLOBALIZATION AND DISCOVERY OF THE INFORMAL SECTOR

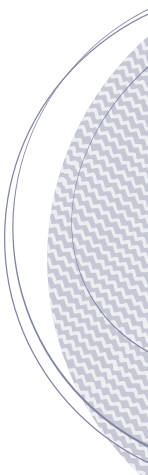
The 1970s inaugurated a period of crisis across the globe marked by the decline of Post War prosperity, a global stagnation in employment and an upheaval of existing economic, social and political orders. India too faced similar circumstances. As a result of this, the ILO began to include employment as a developmental goal and launched the World Employment Programme (WEP) in 1969. Two key themes that emerge in this period are the effects of globalization on labour legislation and protection and the discovery of the informal sector.

The discovery of the informal sector with the WEP Mission to Kenya in 1972 was a significant turning point in studying the informal sector as one which was not a stagnating one or was a burden but rather represented a key to resolving the current employment crisis. Similarly, the 1969 First National Commission on Labour set up in India did hint at how smaller enterprises and business owners did face genuine difficulties due to legislation but focused instead on the protection that unorganized labour required.

Throughout the 1970s, one could witness a shift in policy in India from hesitation to complete support of the unorganized sector. The Janata Government Economic plan in 1977 and the two subsequent five-year plans (1980-1985 and 1985-90) were particularly important in giving significant boost to the smaller businesses and the unorganized sector under the ambit of 'small is beautiful'. During this period, ILO's policy was to give significant backing to the idea of the informal sector through the setting up independent studies, pushing policy through ARTEP and lobbying in the ILC.

While examining how the relationship between the ILO and India developed in this crucial period as well as analysing the development and approach to the informal sector, the prism of globalization is a crucial one. The 1980s and 1990s in particular have been known for a dramatic shift in the economic order,

Similarly, the 1969 First National Commission on Labour set up in India did hint at how smaller enterprises and business owners did face genuine difficulties due to legislation



FIRST NATIONAL COMMISSION ON LABOUR 1967–69

An overview of the First National Labour Commission of India and its relationship with the ILO.

The first National Commission on Labour was appointed with the terms of reference to study the changes in conditions of labour since independence, to review existing labour legislations and make recommendations, and study issues surrounding wages, living standard, health, housing, training and education, relations between workers and employers, role of unions and employers' organizations.

Throughout the report, the Commission made several references to the ILO, its labour standards and its impact on legislation. The discussions on labour welfare, housing, wage fixation take the ILO's stand on them into consideration. The report also dedicated an entire chapter to the ILO.

"In the fifty years of its existence, the ILO has worked consistently for the achievement of "universal and lasting peace", which in the words of the Preamble to the ILO's Constitution, "can be established only if it is based upon social justice". The Preamble to our own Constitution also lays down the objective of establishing Justice— Social, Economic and Political', 'Social Justice' eludes definition and is ambivalent of description in the international context. The principal function of the ILO in its quest for social justice has been to safeguard the rights and promote the well-being of working people all over the world. With the ILO, well-being is not a paternalistic concept; it has to be secured through the upholding of the principles of freedom, individual dignity and liberty without which social justice tends to become charity. The Fundamental Rights guaranteed in our Constitution and the Directive Principles of State Policy, to which we have made reference earlier, between them explain the influence which the ILO's Charter has exercised on this country."

— Report of the National Commission on Labour, Ministry of Labour, Employment and Rehabilitation, New Delhi, 1969 p 474.

with the abandoning of the welfare provisions that existed for labour and the opening up of the economy. This can be seen in ILO's support for structural adjustment programmes in the 1980s.

Similarly, in India, the 1980s and 1990s were a period of huge economic upheaval with the opening up of the economy, culminating in the economic reforms of 1991, but with a build-up from the early 1980s with the sixth and seventh Five-year plans, paving the way. The thread of globalization is particularly important, since it directly impacts labour legislation and protection since the global movement of capital at an unprecedented rate was regarded as one directly antagonistic to the interests of labour, nationally and internationally.

However, the trajectory of the informal sector and indeed of globalization wasn't as clean as it initially appears. Therefore, while the 1980s and early 1990s did witness a diminishing impact of the ILO in the field of labour, as did the protection of the Indian State to the workers. The 1990s however, did show a difference in the trajectory of both parties, to check the rate of globalization and its detrimental impact on the workers, culminating in the 1998 Declaration of Fundamental Rights at Work. Similarly, the period witnessed a shift in the lens of understanding the informal sector, as one from mere size of establishments and productivity to the impact of rural work and examination of casualization of work.

Excerpt from a speech given by V. V. Giri, President of India, at the 54th session of the ILO in 1970. His speech recognized the close cooperation between the ILO and India in their common pursuit of social justice.

“.....Economic development is no doubt necessary, but it is not the end in itself. There should be an absolute assurance that social justice is built into it. At no time in the history of international relations has the concept of the Declaration of Philadelphia, “poverty anywhere constitutes a danger to prosperity everywhere”, been more appropriate than it is today. No longer is the isolationist policy of competing nationalisms considered to be an ideal. Political or economic disturbances in one area are bound to create far-reaching repercussions in other parts of the world. The developed countries have realized that if they are to enjoy the fruits of progress it is essential for the world to unite and work in close co-operation with one another. It has now been recognized that nations do not and cannot live alone by themselves but only as parts of one world. It is universal peace achieved through the contentment of the masses that has come to be the ideal.

It is significant that whereas the League of Nations and other international agencies either failed to bring positive results or could not stand the onslaught of the Second World War, the ILO alone has survived and in spite of many vicissitudes has achieved remarkable results. This is mainly due to its tripartite character— the democratic arrangement of having employers, workers and the representatives of the governments sitting at a common table, engaged continuously in a dialogue, trying to sort out problems and difficulties through mutual discussion. This is the basis of the organization that has contributed to its strength and continues to sustain it.

National governments should accept the rule of morality and the stronger ones should give up all attempts to dominate and exploit weaker nations. Equality among human beings should be finally recognized and no special privileges or superiority should be assumed by or attached to any race or nation. But the cry of the poor should not remain unheeded. Advising political and social workers, Mahatma Gandhi said: “Whenever you are in doubt, or when the self becomes too much with you, apply the following test: Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him control over his own life and destiny? In other words, will it lead to Swaraj for the hungry and spiritually starving millions? Then you will find your doubts and self-melting away.....”

— *Proceedings of the International Labour Conference 54th Session, Vol 1, ILO, Geneva 1970 p*



Pic 24: V. V. Giri, President of India at the 54th Session of the ILC, 1970

Discovery of the informal sector

A crucial role was played by the ILO in publicizing the understanding of the working of the informal/unorganized sector and the concept that unorganized labour was parasitic to productivity, especially in developing countries. A World Employment Programme mission to Kenya in 1972 was credited with the discovery of a dimension of the informal sector as one that held immense potential to resolve the current employment crisis through decreased regulation and smaller enterprises. Throughout the 1970s, the informal/unorganized sector became a major theme in the ILO's debates and conceptions and in turn significantly impacted India's policy since the mid-1970s. The Janta Government's Economic Plan in 1977, as well as the subsequent Congress plans in 1980 lent support to smaller businesses and the unorganized sector, under the credo of 'small is beautiful'.

Ravindra Varma, India's Minister of Labour significantly focused on the unorganized sector in his address to the ILC in 1979. His speech in the same year was significant in this regard. Similarly, when Rajiv Gandhi, the Indian Prime Minister, visited the ILC in 1985, his speech gave significant emphasis on the regulations and policies surrounding the unorganized sector. This was seen as crucial for globalization as well as boosting employment.

In the early 1970s, the informal/unorganized sector was promoted as one which could boost employment opportunities based on small

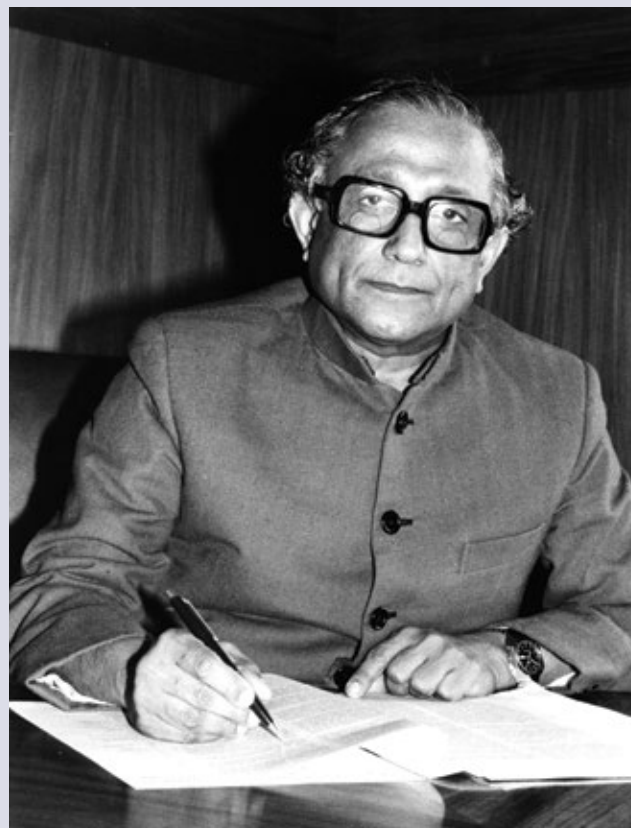


Pic 25: Mr Kanti Mehta, Workers' Vice-President, at 59th Session of ILC, 1974

informal enterprises. At that time, this was seen as the solution. However, in India there was a strengthening of labour legislation with relation to informal labour and work contract. The First National Labour Commission of 1969, while pointing out the struggle of small business owners, mentioned the need for more legislative protection for workers by the State and emphasised a better enforcement machinery. The 1970 Contract Labour (Regulation and Abolition) Act, 1970 can be seen as a result of such recommendations.

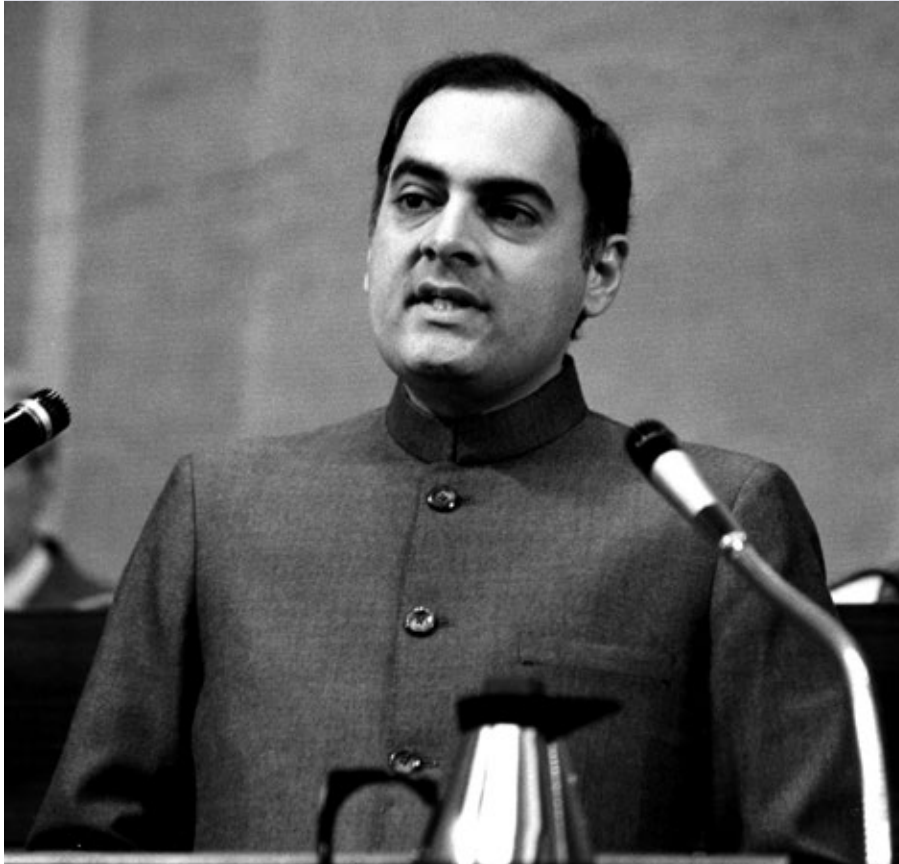
“In any system that depends on the growth of self-employment and small-scale industries, one may also have to assess the effect that uniformity in standards and labour legislation might have on the growth of industry and employment; and one may have to evaluate the case for balancing the requirements of ensuring a fair minimum wage, security of employment and healthy conditions of work and safety with the conditions necessary to promote the growth of small-scale industries and self-employment.”

“It must unequivocally focus its attention on the working poor in the rural areas and in the urban informal sector. It should improve its qualitative contribution at the micro-level, identify new modes to reconcile growth with equity and increase in incomes with asset creation, identify industrial relations systems best geared to development, improve delivery systems for training and social services, improve conditions of work and safety in rural areas.”



Pic 26: M. Ravindra Varma, Minister of Labour at 65th Session of ILC, 1979

– **Speech of Mr Ravindra Varma, Proceedings of the International Labour Conference, 65th Session, ILO, Geneva, 1979 p.**



Pic 27: Mr Rajiv Gandhi, Prime Minister of India at the 71st session of the ILC (1985)

“India, which is a founder Member of the ILO, has pursued these objectives in its national policies. We won our independence through a mass movement in which industrial labour and rural workers played a notable part.

The pioneering work of the ILO in the field of labour legislation has certainly produced impressive results. The basic questions behind the ILO standards are unquestionable and universally shared. The living and working conditions of labour have improved significantly. But are we only talking about those who are employed? And only those among the employed who are organized? What about the unemployed? What about those who are unorganized, as the vast majority of workers in developing countries are?

Protectionism in the developed world is growing just when developing countries are being enjoined to liberalize their trade regimes. Sometimes the concept of fair labour standards is invoked for perpetuating protectionism.”

— Speech of Mr Rajiv Gandhi, Prime Minister of India at the 71st Session of the ILC (1985) in *Proceedings of the International Labour Conference, 71st Session, Volume 1 ILO, Geneva, 1985*

However, the perspective on the informal sector varied throughout the 1980s and 1990s. The 1987 Director-General's report emphasized the need for protection and adequate legislation in this sector. This was followed by significant debate around the concept of Informal sector, its potential to generate employment and the impact of globalization on this sector. This was discussed specially in the 1991 ILC.

This apprehension was evident in India too. In 1988 the Report on Self Employed Women (Shram Shakti) pointed out the precarious conditions of self-employed women in the unorganised sector:¹⁰

"The unorganized sector is characterized by a high incidence of casual labour mostly doing intermittent jobs at extremely low wages or doing their own account work at very uneconomical returns. There is a total lack of job security and social security benefits. The areas of exploitation are high, resulting in long hours, unsatisfactory work conditions, and occupational health hazards."

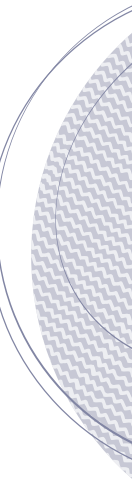
The Report also importantly included a crucial focus on gender and the informal sector within India, an issue which has become increasingly important to the ILO. The relationship of rural workers with the informal sector too is a crucial theme and one that was a recurring topic of discussion in the ILO, between 1919-22, regarding definitions of work and relating to questions of Industrial importance vis-à-vis agricultural labour. Similarly, the initial focus of informal labour was only in urban sector, but the 1991 National Commission on Rural Labour in India expanded this scope to include rural workers. The Director General's Report of 1991 and

the subsequent ILC discussed the occurrence of informality both in the rural and urban sector. Some of the recommendations of the National Rural Commission on Labour were related to the distinction between the informal sector and informal labour:

*"(a) The number of rural labour both in agricultural and non-agricultural operations was increasing at a faster rate than the rate of growth of the rural population, and (b) a number of factors like the uneven and declining labour absorption in agriculture, declining land base, and scarcity of non-farm employment opportunities had led to large scale migration and casualization of rural labour."*¹¹

Moreover, this can be seen even in the distinction that arose in measuring the informal sector in a workshop conducted by The National Council for Applied Economic Research (NCAER) and Self-Employed Women's Association (SEWA) in March 1997. A feature that emerged was how the enterprise driven definition of the informal sector would leave out contractual labour since the employment relationship was ignored.

The unorganized sector is characterized by a high incidence of casual labour mostly doing intermittent jobs at extremely low wages or doing their own account work at very uneconomical returns. There is a total lack of job security and social security benefits. The areas of exploitation are high, resulting in long hours, unsatisfactory work conditions, and occupational health hazards.



B. CHALLENGE OF GLOBALIZATION

The 1980s and 1990s were crucial periods of economic churn, with the fall of the Soviet Union and dismantling of the Welfare State that came into existence in the post-war boom. The globalization of the economy was a crucial transformation which seemed to limit the role of the state in legislative protections for labour. In India, globalization was a process of upheaval which began in the 1980s, culminating in the economic reform of the 1990s. However, the process of globalization wasn't unidirectional, and both India and the ILO played a significant role in negotiating and transforming the nature of this process.

Fundamental rights under globalization

The ILO asserted its renewed commitment to labour in the 1998 Declaration on Fundamental Principles and Rights at work and its follow-up. The Declaration committed all ILO Member

The use of contract labour is synonymous with the changing forms of work which are a reflection of the changes being brought about by new technologies

States to respect principles and rights in four areas, irrespective of ratification of specific Conventions. The conceptual difference of this declaration, which was a direct follow up of the Philadelphia (1944) one was to focus not on specific Conventions and their national ratification individually but through the ambit of these four rights. This conceptual shift marked the move towards a rights-based approach, exemplified in Juan Somavia's Decent Work report in 1999. These four principles and rights were:

- Freedom of association and collective bargaining.
- Forced labour.
- Child labour.
- Discrimination at work.

The Declaration marked the beginning of a series of seminal interventions in the world of work including the Decent Work Report and the worst forms of Child Labour Convention. Protection under globalization was a theme that remained close to the ILO, especially in the late 1990s. Mr Laxmidhar Mishra, Secretary of Labour, served as the Chairperson of the Committee on Contract Labour in the 1998 ILC. He asserted a significant desire to address this issue and said that they (contract labourers) are, '*a vulnerable part of the workforce, who are denied social security and other benefits and are in need of protection*'.¹² He further asserted that legislation in India was more stringent than the ILO's approach to contract labour with the 1970 Abolition of Contract Labour Act providing strong protection to workers, but

acknowledged that the implementation of the Act remained an issue. His speech mentioned a direct link between informalization of labour and globalization *“The use of contract labour is synonymous with the changing forms of work which are a reflection of the changes being brought about by new technologies”*.

However, the perspective on globalization wasn't unanimous and there was a voice which emphasized on the productivity and employment opportunities which it created. Mr I.P. Anand, member of the ILO's Governing Body was the Vice President of the ILC held in 1998. Anand, in his closing speech as Vice President of the ILC mentioned the shift to small and medium-sized enterprises in the Director General's Report as one which would facilitate change, *“Liberalism and flexibility are the order of the day and, to ensure progressive growth, we must be imbued with ILO structures, particularly in our educational activities.”*¹³

Similarly, the 2nd National Labour Commission of India in 2002 in its Terms of Reference, unequivocally accepted the policy of globalization and liberalization of the economy. It even mentioned the need to re-evaluate the protective labour legislations in India, including the Abolition of Contract Labour Act.

Social clause debate

One of the challenges which arose with globalization was the question of standards and universality, themes which have been present in

“The attempt to include social clause in multilateral trade is essentially to introduce unilateral non-tariff protectionist barriers to multilateral trade...Being further deprived of free trade and export possibilities, the Third World countries are bound to slip deeper into poverty and unemployment”.

– P. K. Ganguly of the Centre of Indian Trade Unions, affiliated to the CPI(M), (“Labour rights and national interests.” In J John and A Chenoy (eds) Labour, Environment and Globalisation. New Delhi: Centre for Education and Communication. 1996: pg 43-46.)

“The central trade union organizations of India in their appeal to the fifth conference of Labour ministers of non-aligned and other developing countries held at New Delhi, have stated their opposition to linking of the “labour standards” to trade as a non-tariff protectionist measure... The introduction of social clause is to prevent exports from developing countries with a view to protect their own industry at home.”

– K. L. Mahendra of Trade Union Congress (AITUC), affiliated to the Communist Party of India, (“A protectionist measure.” In J John and A Chenoy (eds), Labour, Environment and Globalisation. New Delhi: Centre for Education and Communication. 1996: pp 47–48.)

“With this argument (against the social clause), every struggle by the workers for a better life may be argued as eroding the competitive advantage of our country. Does this not negate the rationale and existence of the trade unions themselves?”

– Labour activist Sujata Gothoskar of Bombay (“The social clause—whose interest is it serving?” In J John and A Chenoy (eds) Labour, Environment and Globalisation. New Delhi: Centre for Education and Communication. 1996: pg 59-66.

the ILO since 1919. In the early years of ILO, the Workers’ delegates from India along with other Worker delegates of the industrialized countries advocated universal standards with regard to questions of child labour, minimum wages and women’s work.

While the colonial government advocated for different/lower standards for India due to “Special conditions” of climate and education. The 1990s witnessed rapid globalization and with it arose a crucial debate on the issue of “International and National Labour Organizations: The social clause to trade.” An initial proposal at the 1994 General Agreement on Tariffs and Trade (GATT) conference added a social clause to trade deals. This social dimension would mean that certain social preconditions would be required for trade deals. Initially proposed by trade unions in developed countries, the social clause was supported by the International Trade Unions (ICFTU). The crucial axis around which it revolved was negotiating workers’ rights in a globalized economy as in the World Trade Organization.

The debate around it, however was particularly heated. The developing countries, led by India argued that tagging of social clause to multilateral trade agreements would act as a protectionist measure and reduce the comparative advantage

of developing countries, hamper national development since it would unfavourably support Multi-National Companies over National ones. The pressure existed throughout the 1990s and resulted in the 1996 Singapore Declaration in which the WTO delegated the question of labour standards to the ILO. An example of this can be seen in the 1998 ILC wherein there was universal opposition to this measure, from the Indian government delegate, employers’ delegate as well as worker’s delegate.

Moreover, throughout the 1990s, all the major federations of labour were strongly opposed to the linking of social clauses to international trade fearing loss of employment and livelihood. Only a small group of trade unions from Bombay supported the social clause, suggesting a distinction between globalization and imperialism and that a social clause would significantly improve the conditions of workers. Similarly, a study conducted by the South Centre on the Labour Standards controversy, namely “Global labour standards: Critical issues for developing countries”, suggested that considering all proposals, the social clause had to be rejected. In other words: *“Opposition not based on the ‘neoliberal argument that core labour standards is a distortion of the labour market, but different standards must apply for developing countries.”*

CHILD LABOUR

Themes of child labour and gendered work intensified during this period and a look at the approach to conventions and legislations shows a significant leap forward.

The 1973 Minimum Age Convention (No. 138) allowed a significant change in the policy of the ILO towards standard setting. This meant that the sector-wise approach was abandoned to focus on children in all forms of employment. The Minimum Age Convention reduced the minimum age for work to 15. A similar approach was taken in India with the Child Labour (Prohibition and Regulation) Act 1986 (Amendment), which did away with the focus on gradualism in the abolishment of child labour. This Act was significant in that it was the first comprehensive legislation which directly addressed child labour while previous legislation focused on implementation of either the Factories Act or the Mines Act.

The Act prohibited the employment of children below 14 in a list of hazardous occupations. One factor which remained however was the link to poverty which was a crucial aspect of India's perspective. The ILO's approach was only further strengthened, by the 1998 Declaration of Rights wherein child labour became one of the core categories of rights as well as the 1999 Convention on Abolition of worst forms of child labour. The Convention defined a child as a person under 18 years of age. It required ratification by states for necessary and appropriate assistance for removal of children from the worst forms of child labour as well as their rehabilitation. The latter became one of the eight fundamental Conventions of the ILO which was ratified by India in 2017.

The implications of the ratification of this Convention should be seen in a broader context of other legislations as well, such as bonded labour system (Abolition) Act 1976, Protection of Children from Sexual Offences Act 2012, Right to Education Act 2009 and Juvenile Justice Act 2015. These would further amplify its effectiveness. The ratification would put India at par with other countries at international forums who ratified the Convention.



This fundamental Convention defines as a 'child' a person under 18 years of age. It requires ratifying states to eliminate the worst forms of child labour, including all forms of slavery or practices similar to slavery [...] The Convention requires ratifying states to provide necessary and appropriate direct assistance for removal of children from worst forms of child labour and for their rehabilitation and social integration. It also requires states to ensure access to free basic education and, wherever possible and appropriate, vocational training for children removed from the worst forms of child labour.

– **Worst Forms of Child Labour
Convention No.182 (1999)**







**NEW MILLENNIUM, TOWARDS
A NEW CENTURY: 2000–2018**



The ILO was reorganized along the lines of the goals of the Decent Work agenda. Its four major programmes were centered around promotion of the following:



Fundamental
principles
and rights at
work



Employment,
enterprise
creation
and human
resource
development



Social
protection



Social
dialogue



A. INCEPTION OF THE DECENT WORK AGENDA

The programme of 'Decent Work' was the brainchild of the Director-General, Juan Somavia. In his report of 1999, he outlined the central thrust of the agenda, which sought to create a tripartite unity of purpose between governments, workers and employers to form an understanding of what constitutes today's economy, namely the intersection of technology, globalization and emerging political concerns. Thus, Decent Work was an attempt to give a human face to the global economy.

The report aimed to discuss how best to adjust to the changing nature of the economy, one that was becoming increasingly global and all pervasive. What was characteristic of this developmental change was that it had a differential impact across the globe that was unprecedented in scale. It was imperative to initiate a discussion on how to navigate the instability and inequality that thus arose while taking cognizance of the diversity of experiences afforded by varying historical,

Decent Work was an attempt to give a human face to the global economy.

cultural, social and economic contexts. In the case of India, it is historical experience as a colony of Great Britain afforded it a unique perspective on globalization and both the opportunities as well as contradictions presented by it.

B. LAUNCH OF THE PROGRAMME ON HIV/AIDS AND THE WORLD OF WORK (2000)

The year 2000 saw the launch of the programme on HIV/AIDS in the world of work to address the global epidemic and its adverse effect on the lives of workers who faced discrimination and social exclusion, as it also led to increased gender inequality, jump in the number of AIDS orphans as well as a surge in child labour. HIV/AIDS as an impediment to Decent Work and socio-economic development. This prompted a response that had to be international and tripartite in its scope to support workers living with HIV/AIDS, to spread awareness and fight stigma. As a result, access to treatment and care increased significantly with availability of antiretroviral (ARV) treatment.

In India, both public and private enterprises like Brinhanmumbai Electric Supply and Transport (BEST) Undertaking in Mumbai, the Mumbai police and Central Coalfield Ltd., Ranchi, and the Gujarat Ambuja Cement Ltd and the SRF Group India Ltd took on the responsibility in newly updated workplace policies to make ARV treatment available for their employees. The

treatment was also made available through the Employees' State Insurance Scheme (ESIS). Treatment of contract workers in enterprises and workers in the informal economy was conducted by the government ARV treatment programmes.

Several major trade unions in India, namely the All India Trade Union Congress (AITUC), Centre of Indian Trade Unions (CITU), Indian National Trade Union Congress (INTUC), Bharatiya Mazdoor Sangh (BMS) and Hind Mazdoor Sabha (HMS) signed a joint statement of commitment towards combating HIV/AIDS at the work place, according to the ILO code of practice.

C. LAUNCH OF THE GLOBAL CAMPAIGN ON SOCIAL SECURITY AND COVERAGE FOR ALL, 2001

In recognition of the adverse effects of globalization and technological changes in industry that leave many societies financially vulnerable, the 89th session of the ILC marked the inception of a global campaign on social security and coverage for all, which was finally launched in 2003. This campaign reaffirmed social security as a basic human right and fundamental for the well-being of the workers and their kin and to address newer demographic challenges. It was a definitive step towards ensuring safety, livelihood, cohesion and a tangible way out of poverty.

In its many years of existence, the ILO had assumed that the burgeoning labour force in developing countries would become part of the formal sector or would be self-employed and thus covered under social security schemes, however, this was not the case. Instead, informalization of the economy is rampant, with increasing number of the work force without social security. According to the NCEUS Report (2007) on unorganized labour in India, a staggering 92 per cent of the total workforce was made up of workers from the unorganized sector.

In recent years various groups of workers in the informal economy have set up their own micro-insurance schemes. The Self-Employed Women's Association (SEWA) attempted to compensate for the protection gap in the informal economy. It has over 300,000 members and is a registered trade union. It has an integrated insurance scheme with as many as 32,000 women workers insured.

The government of India took steps to provide safeguards for workers in the unorganized sector. Some of the measures it adopted are as follows:



D. ESTABLISHMENT OF THE WORLD COMMISSION ON THE SOCIAL DIMENSION OF GLOBALIZATION, 2002

The year 2002 saw the establishment of the World Commission in the Social Dimension of Globalization to address the pressing challenges induced by globalization that the world faced at the time and to find solutions that were safer, fair, ethical and inclusive for the majority.

The committee deliberated on solutions towards making globalization fair and its consequences just across developed and developing countries and highlighting its social dimensions. Towards this end, they emphasized on the development of people through programmes that promoted a democratic and effective State, productive and equitable markets, fair rules, globalization with solidarity, greater accountability to people, deeper international partnerships towards achieving global socio-economic and cultural goals and a stronger and more efficient UN. This was largely because there was consensus on the need for a multilateral system that was crucial to create a democratic, legitimate and coherent framework for globalization.

Their proposals called for a wider and more democratic participation of people and countries in creating policies that affected them. It encouraged bodies with the capacity of power to decide, be it governments, parliaments, business,

labour, civil society or international organizations. Each had to assume their common responsibility to promote a free, equitable and productive global community.

In India, those belonging to the upper strata of society with access to education prospered as a result of globalization. Yet, this was not the case with the majority of people or those who were socially deprived or the rural poor who were severely affected.

MR I. P. ANAND

Mr I. P. Anand was a long-serving employer member of the governing body of the ILO, and delegate to the ILC. Starting out as an economist, Anand joined the Indian Chamber of Commerce in the 1940s. He played a role in the Indian Freedom movement and was even detained as a security prisoner between 1943–1945. He administered the important role of Chairperson of several employer's organizations such as Vice-President of the Employers' Federation of India and Vice-Chairperson of the Council of Indian Employers. Anand's association with the ILO spanned four decades. He served as an Employer's delegate from 1971–2003, as well as an advisor from 1967–1971. Importantly, Anand served four terms as member of the ILO's Governing body, from 1993 to 2006. Anand also served as the Vice-President of the 1999 International Labour Conference, which marked the passing of the Worst Forms of Child Labour Convention, one of the ILO's eight fundamental Conventions. His commitment to social justice was deep and the Government of India conferred on him the Lifetime Golden Award of Indian wing, an award for senior citizens who continue to work for social causes.



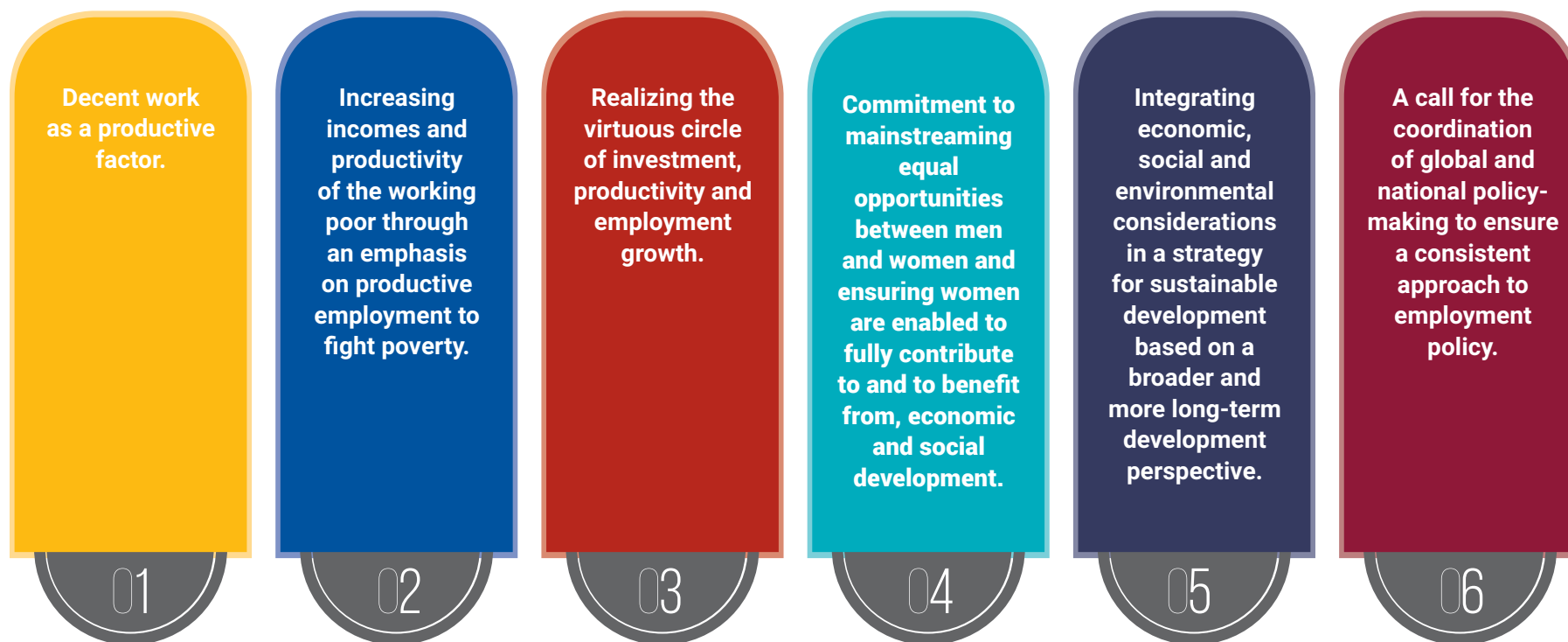
Pic 28: Mr I. P. Anand

E. INCEPTION OF THE GLOBAL EMPLOYMENT AGENDA (2003)

With the idea that employment generation was a solution to endemic poverty, the ILO responded to the UN General Assembly Resolution and the Millennium Development Goals (MDG) by making employment a top priority by building a platform for alliances between the ILO, other specialized UN agencies and the Bretton Woods Institutions.

The Global Employment Agenda is a major strategic dimension of the ILO's Decent Work Agenda where rights at work and productive employment cannot be separated in addressing the needs and aspirations of people.

Through the Global Employment Agenda, the ILO sought to address the dual challenge of not only promoting change but also properly managing it to create better jobs. It rests on the following six interrelated pillars:



A measure taken by India to generate wage employment opportunities, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) was notified on September 5, 2005 and came into force with effect from February 2, 2006. The Act covered 200 districts in its first phase and was extended to all the rural districts of the country in phases. Its aim was to alleviate the livelihood security of those living in rural areas by guaranteeing hundred days of wage employment in a financial year to rural household whose adult members volunteer to do unskilled manual work.

Since 2007, the Ministry of Labour and Employment has been working to formulate an employment policy for India, focused on accelerating the growth of employment in the formal economy and improving the quality of jobs (in terms of productivity, earnings and protection of workers) in the informal economy. The Ministry set up a Health Security Task Force to overlook the implementation issues of the health insurance component of the new Minimal Social Security Programme targeting the unorganized workers. In the same year, the Ministry proposed a health insurance scheme called Rashtriya Swasthya Bima Yojana (RSBY), which specially targeted workers and their families living below the poverty line.

Against this background, in May 2008, a national consultation meeting discussed the basic elements of the employment strategy after which a number of “working groups” were set up to formulate recommendations for employment-focused policies in specific areas. Based on their



Pic 29: Juan Somavia, Director-General of the ILO (left) with Mr N.M. Adyanthaya (India), Vice-President of the ILC representing the workers (R) at the 95th session of the ILC, 2006

reports, as well as the technical document, a draft national employment policy was prepared.

F. GLOBAL JOBS PACT, 2009

After the widespread suffering caused by the global economic recession of 2008, with an acute crisis in jobs and employment, ILO took up the issue in the 98th session of the ILC. It took steps to assist its constituents to build the foundations of a new globalization. A globalization based on sustainable, fair and environmentally sound

economic growth, and social development. The ILO proposed the Global Jobs Pact as a response, on behalf of the Decent Work agenda, to simultaneously acknowledge the magnitude of the crisis at hand with the various social groups that would face vulnerability. Some areas where it laid focus were in:

- Generating employment
- Respecting labour standards
- Extending social protection
- Promoting social dialogue
- Shaping fair globalization
- Gender equality.

There is need for coordinated global policy options in order to strengthen national and international efforts centered around jobs, sustainable enterprises, quality public services, protecting people whilst safeguarding rights and promoting voice and participation. Our response should contribute to a fair globalization, greener economy and development that more effectively creates jobs and sustainable enterprises, respects workers' rights, promotes gender equality, protects vulnerable people, assists countries in the provision of quality public services and enables countries to achieve the Millennium Development Goals.

– The Global Jobs Pact

The Government of India responded positively to safeguard interests of the people through various schemes and policies. Some of these were:

- Adoption of fiscal and monetary measures to enhance the availability of credit at lower cost for financing the economic activities.
- Adoption of several employment generation schemes.
- Adoption of social security schemes.
- Emphasis on skill development.
- In the budget for 2010–11, the government allocated funds for the Mahatma Gandhi National Rural Employment Guarantee Scheme; for rural infrastructure programmes under Bharat Nirman; or Micro, Small & Medium Enterprises sector; National Social Security Fund for unorganized sector workers was to be set up as well.

It resolved to end poverty and hunger, to fight inequality between countries and within countries; and protect human rights, promote gender equality and build a just and peaceful society; and protect the planet and the environment by adopting sustainable, inclusive and sustained economic growth by 2030.

G. ILO AND THE SUSTAINABLE DEVELOPMENT GOALS

The year 2015 saw the end of the period for the implementation of the Millennium Development Goals. The United Nations proposed a new plan of development aided by global partnership

in the form of the Sustainable Development Goals (SDGs). These are integrated in the three dimensions of sustainable development: the economic, social and environmental.



“In 1919, the founders of the ILO stated that they were “moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world”. In 1944, the Declaration of Philadelphia stated that “the war against want requires to be carried on with unrelenting vigour”. The initiative that will culminate in 2019 should give expression to those same sentiments and point the way to how that war can be carried on, with the same vigour, but also performing the tasks and applying the methods required by radically changed circumstances in the world of work.”

– ILO Director-General, Guy Ryder Report of the Director-General, ILO, 102nd Session, 2013

“The goals recognize that economic growth, industrialization, infrastructure, and access to energy provide the foundations of development. We welcome the prominence given to environmental goals, especially climate change and sustainable consumption. The distinct goal on ocean ecosystem reflects the unique character of its challenges and opportunities. Equally important, it focuses our attention on the future of the island states. I speak about Blue Revolution, which includes the prosperity, sustainable use of marine wealth and blue skies. Today, much of India’s development agenda is mirrored in the SDGs. Since Independence, we have pursued the dream of eliminating poverty from India. We have chosen the path of removing poverty by empowering the poor. We have placed priority on education and skill development.”

– **Prime Minister of India, Narendra Modi’s statement at the UN Summit for adoption of Post-2015 Development Agenda**



Pic 30: ILO Director-General Guy Ryder during his visit to India and Indian Prime Minister Narendra Modi, 2016

In this regard, the ILO was already committed to some of the goals listed above, in particular the agenda of Decent Work which was a means and an end to sustainable development. India has been committed to the SDGs as is evidenced by the various policies that have been adopted by the Government of India such as The National Skill Development Mission, Deendayal Upadhaya Antodaya Yojana, Atal Innovation Mission as well as the National Service Scheme and the Mahatma Gandhi National Rural Employment Guarantee Scheme.

Taking into account the soon approaching centenary of the ILO, the then Director-General Guy Ryder outlined seven initiatives centered around:

- 1 The Future of Work Initiative
- 2 The End to Poverty Initiative
- 3 The Women at Work Initiative
- 4 The Green Initiative
- 5 The Standards Initiative
- 6 The Enterprises Initiative
- 7 The Governance Initiative

H. THE FUTURE OF WORK

The centenary gave the ILO a chance to introspect upon and recognize the complexities of the ongoing transformations in the World of Work and its future prospects. It was an occasion to analyse the challenges that presented themselves in the dimensions of the current social, political and economic conditions and above all that the Future of Work must be inspired by considerations of humanity, social justice and peace. Thus, the Future of Work was to be centred around four central conversations, namely work and society; decent jobs for all; the organization of work and production; and the governance of work.

The ILO celebrates its centenary in 2019 and India, as a founding member of the ILO, has a special role to play in the Future of Work conversation. In the coming years, India will continue to be one of the fastest-growing economies in the world. With its youthful working population and a large pool of skilled workforce, India must face challenges posed by ongoing technological transformation. The nexus between growth and prosperity rests on the ability that India will demonstrate over the coming years, to create more and better jobs and in matching the aspirations of the young people entering the labour market. Persistent gender and regional disparities, a large informal labour force and rising social inequality remain major challenges. However, ILO's overall strategy to achieve the objective of "a more decent future of work" and India's quest for "development for all" will provide mutually complementary basis to face the challenges of the future with optimism.



Pic 31: ILO Director-General Guy Ryder and Indian Minister for Labour Santosh Gangwar at the 107th session of the ILC, 2018

Pic 32: In 2017, India deposited with International Labour Office, instruments of ratification of two fundamental ILO conventions concerning elimination of child labour, Minimum Age Convention, 1973 (No. 138) and Worst forms of child labour convention, 1999 (No. 182)



I. CENTENARY DECLARATION

In June 2019, the International Labour Organisation adopted a new Declaration responding to the challenges in the world of work in the twenty first century. A culmination of several years of endeavour within the ILO's Future of Work initiative, the Declaration was adopted by the 108th Session of the International Labour Conference. The Centenary Declaration acknowledged ILO's enduring legacy of Social Justice and Decent work marking also the organisation's path towards the future.

The Declaration noted the enormous advances made towards attaining the goal of social justice and economic and social progress that have led to more humane conditions of work and simultaneously acknowledged the persistence of inequality, poverty and conflict in many regions of the world. Outlining four key issues, the Declaration aimed to address the challenges of climate change, globalization as well technological innovations and shifting demographics. The ILO declared its faith in a human centred conception of work, re-affirming the agenda of Decent Work and indeed the Fundamental Rights at Work Programme.

The ILO Declaration reiterated its firm support for worker's rights in tandem with economic, social and environmental policies. While addressing the challenges the Declaration reaffirmed the

modality of cooperation through dialogue and the ideals of collective bargaining and tripartite organisation as a core of its future policies.

The Declaration addressed the question of employment by re-affirming the ILO's Decent Work policy towards full and decent employment for all. The primary push for doing so however, was thrust onto the private sector, with the public sector serving a supporting role. However, the Declaration supported the centrality of the employment contract in the global transition from informal to formal employment.

By looking to the future of work, the ILO attempted to create employment for younger workers, whilst also supporting skill development, to adapt to the changing nature of work, especially with regards to technology. Moreover, the conference aimed to establish a transformative agenda, by ensuring the implementation of gender equality at work.

The Declaration therefore marked a shift in focus for the Organisation, to adapt to the growing technological and environmental factors altering the nature of work. Simultaneously, however, it marked an acknowledgement of the ILO's significant work in its first century by maintaining the core goals of the Organisation, even in facing future challenges.

CONCLUSION: TURNING TO THE PAST TO FACE THE FUTURE

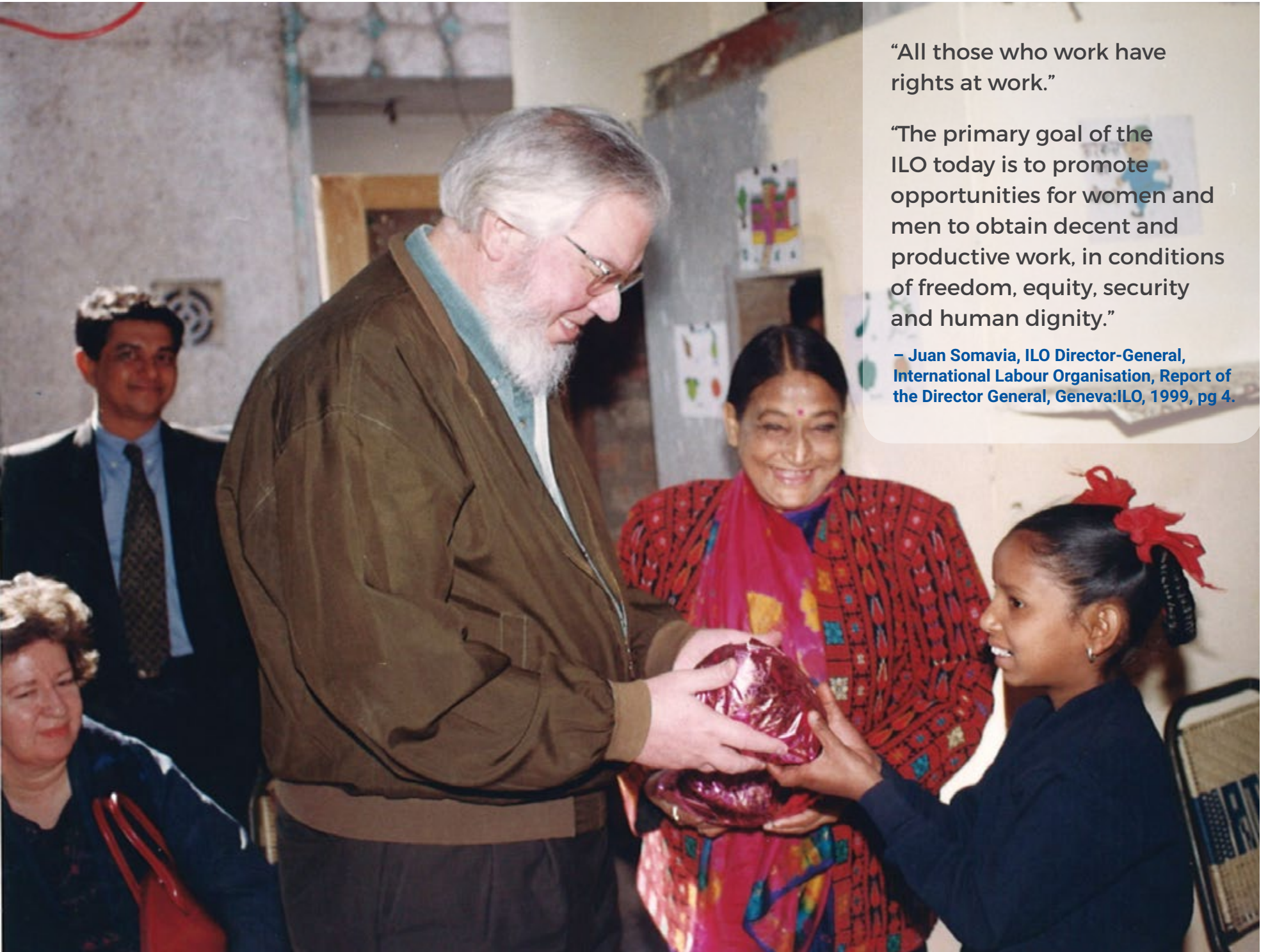


Pic 33: Decent Work Country Programme for 2018-22 launched in India, 2018

The developmental experience of India over the last century holds important lessons for the world and its future. From being a largely agricultural country today nonagricultural production comprises 85% of the GDP. India has moved from being a dependent and stagnant colonial economy plagued by mass poverty to becoming one of the fastest growing economies of the world, thereby moving millions out of abject poverty.

The journey of the ILO too has been significant. While it started with a membership of 44 nations with a shared vision of the world of work, today, its mandate has expanded to include 187 nations. Its scope of activity has gone from simply being a standard setting institution to being an active partner of development in the post-war world to finally becoming a champion of universal social protection in the face of rapid globalization. Despite the massive challenges posed by an ever-changing global socio-political scenario, India and the ILO both have adhered to their core commitment of ensuring social justice for all.

One hundred years is a long time in the life of an individual but a mere fraction in the annals of history. Between the *longé-duree* of human history and the life of an individual, lies the time span of nations and international organizations. The conditions of the past, present and the future of workers is linked to global prosperity, because poverty anywhere is a threat to prosperity everywhere. In this regard the last hundred years have been nothing short of the tumultuous, where we have seen the decline of the old world order and its subsequent irreversible transformation and the impact of this on the life of the worker. The world has been witness to the triumphs and follies of the human race but the unchanging fact remains the shared destiny of all the peoples of the world. Today, while contemplating the future, it is imperative to learn from the lessons of the past, to recognize the evolution of the world of work, comprised of individuals who are not commodities. That is the goal that ILO will continue to work towards and strengthen.



“All those who work have rights at work.”

“The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.”

– Juan Somavia, ILO Director-General, *International Labour Organisation, Report of the Director General, Geneva:ILO, 1999, pg 4.*

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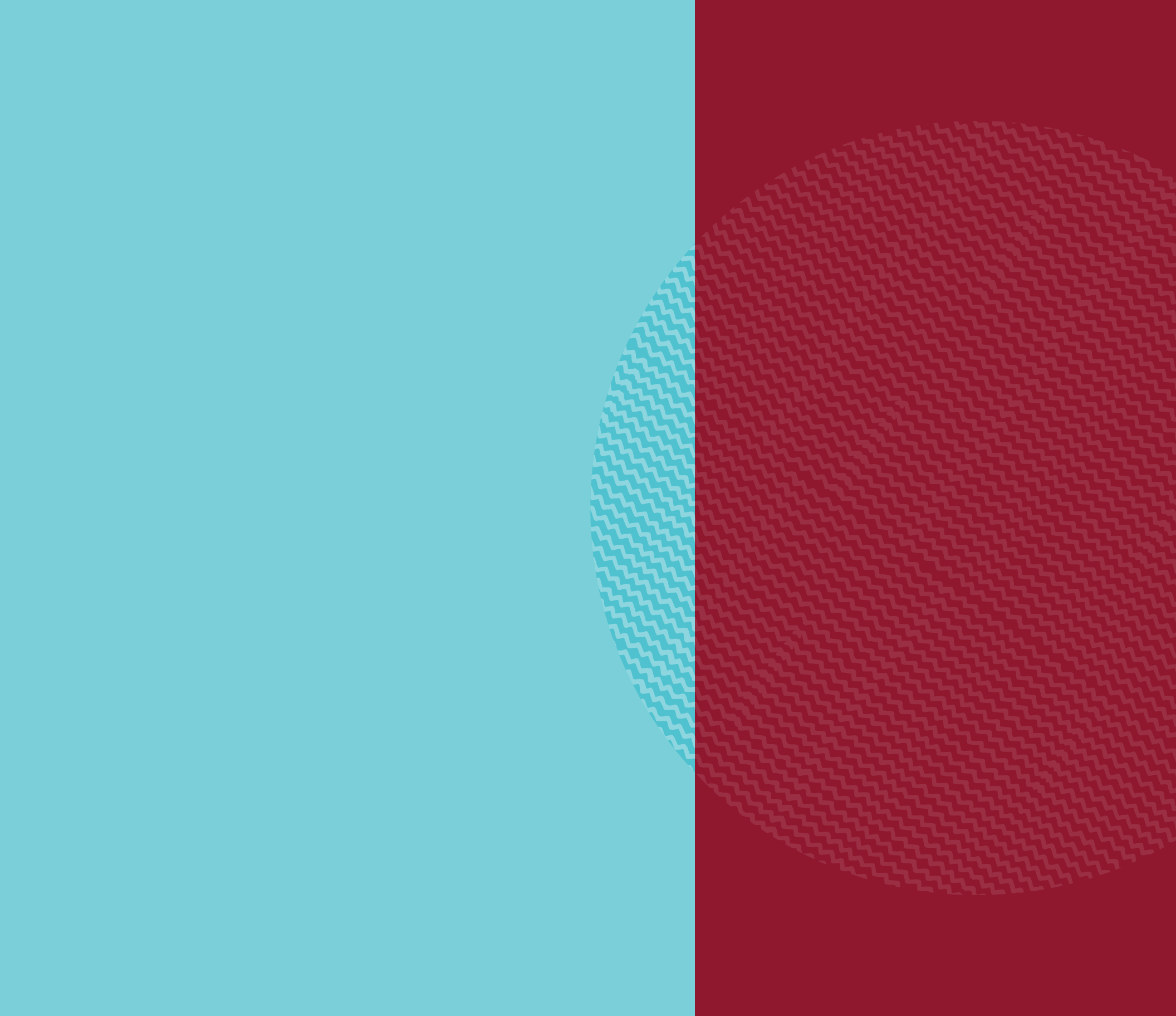
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Pic 34: 1919-10 to 11, ILC 1st Session, Washington DC - Plenary Sitting



Pic 35: 108th (Centenary) Session of the International Labour Conference. Geneva, 10–21 June 2019







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