



GOVERNMENT OF MAHARASHTRA

**REPORT**  
**OF THE MATHADI**  
**LABOUR ENQUIRY COMMITTEE**  
**GREATER BOMBAY—1965**

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**REPORT OF THE MATHADI LABOUR ENQUIRY  
COMMITTEE, GREATER BOMBAY—1965**

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**THE COMMITTEE :**

**Shri K. R. POWAR** ... *Chairman.*  
Industrial Tribunal, Bombay.

**Shri C. L. GHEEVALA** ... *Member.*  
Secretary, Indian Merchants' Chamber,  
Bombay.

**Shri N. S. DESHPANDE** ... *Member.*  
Rashtriya Mill Mazdoor Sangh, Bombay.

**AND**

**Shri G. K. JOSHI** ... *Secretary.*  
Assistant Commissioner of Labour,  
Bombay.

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## CHAPTER I

### INTRODUCTORY

The Government of Maharashtra, by its Resolution, Industries and Labour Department, No. MSC-70263/LAB-II, dated the 22nd October 1963, constituted this Committee and the terms of reference were as follows :—

“The Committee should study the working conditions of Mathadi Labour in Greater Bombay and make recommendations for amelioration thereof; and in particular, examine the quantum and system of remuneration and recommend whether there is a case for giving any relief to Mathadi Labour. The Committee may also examine whether such relief can be given within the ambit of the existing legislation regarding Industrial relations and if not, make recommendations as to how such relief can be given.”

2. A memorandum dated 27th of December 1962 was submitted to the Government by Shri K. M. Rao, General Secretary, New National Dock Workers' Union (Regd.), the Labour Union representing the Mathadi workers. It was mentioned therein that in Greater Bombay there are about 20,000 Mathadi workers engaged by about 900 employers for doing the work of loading, unloading and transport of goods. That the workers were paid on piece rates and their engagement was on contract basis; by adopting such practice the employers were successfully evading the provisions of the Labour Legislation and the workers were deprived of the benefits under the various enactments; their might be aptly described as slave labour. It was prayed that the benefits under the Labour Laws be extended to them, providing regular wage-scales, permanency, earned leave, bonus, provident fund, gratuity, medical benefits, compensation or pension.

3. In view of the representation made on behalf of the workers, the Government requested the Commissioner of Labour and Director of Employment, Bombay to conduct a rapid inquiry into the conditions of work and wages of Mathadi workers in Greater Bombay. The work of conducting the inquiry was entrusted to the Socio Econo-

mic Survey Section. Accordingly a rapid inquiry was made and a report was submitted to the Government in July, 1963.

4. On a consideration of the representation made on behalf of the workers and the said report of the rapid inquiry the Government was pleased to constitute this Committee to study the working conditions of the Mathadi Labour in Greater Bombay and to make recommendations for the amelioration thereof.

5. With a view to collect necessary data and to obtain the views of the various parties concerned the Committee prepared and addressed separate questionnaires to 5 Trade Unions, 3 Co-operative Societies, 12 Associations of Merchants, 25 mills and factories and 143 individual merchants and dealers. The workers as also their Toliwallas or Mukadams being illiterate the questionnaires for them were forwarded to the Commissioner of Labour and Director of Employment, Bombay with a request to cause the workers and Toliwallas to be examined through his subordinates and to elicit the information contemplated by the questionnaires.

6. Replies to the questionnaires were received from 3 Trade Unions, 6 Associations of Merchants, 7 Mills and Factories and 14 individual merchants and dealers. The information collected by examining the Toliwallas and workers was received through the Commissioner of Labour and Director of Employment. With a view to collect further evidence in detail the committee called the said parties for interview. The representatives of one Co-operative Society, 3 Trade Unions, 4 Mills and Factories, 2 Associations of Merchants, a few individual merchants and dealers and some workers and Toliwallas, the Regional Director (Food), Assistant Registrar, Co-operative Societies, and the Chief Inspector of Factories appeared before the Committee, they were examined and evidence was recorded. The Committee visited some of the Centres where Mathadi Labour was engaged observed the actual working, questioned some Toliwallas, workers and employers on the spot and recorded their evidence. The prevailing piece-rates were called for and obtained from the merchants and their Associations.

7. At a very late stage a memorandum was submitted by the Lokhandi Jatha Kamgar Union, Bombay, representing the workers

engaged in the work of loading, unloading, etc. in the Iron and Steel Industry in this City. It was stated that the number of such workers was nearly 5,000, the nature of their work, the conditions of their employment and service as also the system of payment of wages were the same as those of the workers referred to as Mathadi workers and, therefore, the said workers should be included and considered in this inquiry. In view of the said circumstances it was apparent that the said workers were Mathadi workers and it was necessary that they should be covered by this inquiry. In respect of those workers the whole procedure was followed over again and the relevant information was collected from the workmen, the concerned traders, the merchants, the manufacturing concerns and their associations. The representatives of workers, traders, merchants, manufacturers and other concerns and their associations were interviewed, examined and their evidence was recorded. In the course of this fresh inquiry, at the last stage, it was stated by the Honorary Secretary of the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India that the Lokhandi Jatha workmen were outside the scope of the inquiry by this Committee, particularly, in view of the recent agreement between the said Association and the Lokhandi Jatha Kamgar Union which represents the said workers. He submitted a copy of the agreement. The Agreement reads, "the parties agree to approach jointly the Government of Maharashtra for immediately constituting a tripartite Committee consisting of the two representatives of trade, one to be nominated by the Bombay Iron Merchants' Association and one by the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, two of the Toliwallas and one Chairman from the Government side approved jointly by the representatives of the trade and Toliwallas or alternatively by the Government in consultation with all the parties.....". The said Honorary Secretary further informed the Committee that the Hon. Minister for Labour had assured the parties that a Committee would be appointed and that it was agreed that the Chairman of the Committee would be an independent person preferably a retired Judge of the High Court. In view of this position the Committee decided to exclude the said workers from this inquiry.

## CHAPTER II

### PREVAILING CONDITIONS

The word "Mathadi" is a corrupt form of a derivative from the word "Matha" which means "head". A Mathadi is a worker who carries a load on his head, a headload carrier. Oftentimes the load is carried on the back and/or shoulders.

2. Generally, a Mathadi worker is of strong and sturdy constitution; he has the capacity to stand serious physical strain peculiar to the lifting of heavy weights and carrying it to considerable height for stacking. His work involves mainly physical labour, it consists of loading, unloading and stacking of bags of grain and grocery articles and other goods. The places of work are docks, railway stations, markets, godowns of merchants and also mills and factories. There is comparative concentration of majority of these workers in the areas of Wadi Bunder, Carnac Bunder, Dana Bazar, Bhat Bazar and Chinch Bunder.

3. Most of these workers belong to the agriculturist class and they come from the neighbouring districts. Their residence in this city is not permanent. They do not reside here all the year round. Some go to their villages by rotation. Particularly when the business here is slack during the monsoon they go to their villages and attend to their agriculture. Their family members live in their villages. The workers reside in this city single. Most of the workers serving the merchants sleep in their godowns.

4. The wages paid for this labour are on the basis of piece rates.

5. The labourers working for the mills and factories are employed by the contractors. From the labour charges received from the mill or factory on piece rates, it appears, the contractor retains for himself particular amount for his profit and the rest is distributed among the workers.

6. In other cases the workers work in gangs known as "Tolis". All the workers in a Toli come from the same locality or village and oftentimes they are related to each other. According to their



convenience some of them go to their native places, and some others, mostly their near relatives come and take their places in the gang. They work under a head known as "Toliwala" or "Mukadam". But the Toliwala also actually works along with his men. He is responsible to the employer; the employer pays the labour charges to him. He distributes the wages among the workers of his gang, his own share being not greater than that of any worker of his gang.

7. There are instances of particular merchants engaging particular Toli or Tolis and no other; and the particular Toli or Tolis being attached to and working for the particular merchant and no other. There are also instances of particular Toli being attached to and working for particular merchants only and such merchants engaging the particular Toli and no other. There is such attachment between some merchants and their respective tolis for generations. Most of the workers stay and sleep in the godowns. Some merchants expressed their appreciation of the honesty and integrity of the workers. The workers often do the loading and unloading of the goods in the absence of the merchant or his Munim. So also there are many merchants who have no fixed Tolis; many Tolis are not attached to particular merchants. The workers wait at or near about the Naka in the business locality; some of them move about expecting engagement. On receipt of intimation about the engagement the Toli or such of them as may be required go to the particular place and do the work.

8. The work being mostly loading and unloading it necessarily depends on the arrival, availability and departure of ships, trains, goods-trucks or customers. The time of the work cannot be predicted, the volume of work is not certain. There is no regularity in or continuity of work. As and when required the workers are engaged and they do the work. There are no fixed hours of work. Many of them get a weekly off but it is without wages. They have no paid holidays.

9. The workers have no leave as such. There is no agreement, arrangement or any provision of law for permanency, provident fund, gratuity or any such other benefit.

10. These workers are spread over at various places all over in the whole of Greater Bombay. Some of them go to their villages and some others come. The mass of the workers is thus fluctuating. It is difficult to ascertain their exact number. As mentioned in the memorandum dated 27th December 1962 submitted by Shri K. M. Rao, the number was about 20,000. In his evidence before the Committee he stated that the total number was more than 50,000. But when he gave the break-up the total came to about 18,000—Shri Patil, for the Maharashtra Rajya Mathadi Kamgar Union, stated that the total number was 15,000 to 17,000. But a break-up given by him gives a total of 8,693. There is considerable divergence between the figures given by Shri Rao, Shri Patil and the representatives of the Associations of Merchants, Dealers, etc., as regards the number of Mathadi workers engaged in the different industries, sections of business, etc. On a consideration of the material before the Committee broadly it appears that the number of Mathadi workers engaged in the various sections of business is nearly as follows:—

(i) Grain, Rice, Oil Seeds	...	...	1,000
(ii) Sugar	...	...	100
(iii) Modi Bazar	...	...	400
(iv) Kariana, Colour and Chemicals	...	...	800
(v) Cotton	...	...	1,500
(vi) Goods Transport	...	...	5,000
(vii) Mills and Factories	...	...	1,500
(viii) Central Government Food-grains—			
(a) Godowns	...	...	800
(b) Docks	...	...	1,000
(ix) Miscellaneous	...	...	3,000
			<hr/>
		<b>Total</b>	<b>15,100</b>
			<hr/>

11. On 20th September 1962, before Honourable Shri Taleyarkhan, the Minister for Civil Supplies, there was an agreement between the representatives of the Grain and Oil Seeds Merchants' Association

and the New National Dock Workers' Union, representing the Mathadi workers, for an increase of 25 per cent in the wage rates with effect from 21st September 1962. The agreement was accordingly implemented by all the grain, rice and oil seeds merchants. The agreement was also accepted and implemented by the merchants in Sugar, Modi Bazar, and Kariana, Colour and Chemicals.

12. On the implementation of the said agreement the wage rates and the average earnings of an individual Mathadi worker were as follows :—

I. *Grain, Rice, Oil Seeds :*

Rates for loading, unloading, etc. per 100 bags—

	Rs.
Foodgrains ...	7.81
Oil Seeds ...	6.87
Cotton Seeds ...	6.25
Oil Cakes etc. ...	...
Husk ...	3.90

Average Earnings :—

According to employers ...	Rs. 150 to Rs. 200 per month.
According to workers ...	(i) Rs. 125 per month.
	(ii) Minimum. Rs. 125—150 per month.
	Maximum. Rs. 175—200 per month.
	(iii) Rs. 120—150 per month.
	(iv) Rs. 8 to Rs. 10 per day.

II. *Sugar :*

Rates per Quintal—

	Rs.
Loading	15
Unloading	7.50
Waraferi	6.25

## Average Earnings :—

According to employers. Rs. 300 per month,  
 According to workers ... Rs. 125—150 per month.

III. *Modi Bazar* :

## Rates—

Per 100 bags—

	Rs.
Weighing ...	6.71
Waraferi ...	6.09

Per cart-load—

Loading ...	0.78
Unloading ...	0.73

## Average Earnings :—

According to employers. Rs. 200 to Rs. 250 per month.

IV. *Kariano, Colour and Chemicals*—

## Rates—

	Rs
Per 100 bags—	
Weighing ...	9
Waraferi ...	6
Per Truck—	
Loading ...	0.75
Unloading ...	0.75

## Average Earnings :—

According to employers. (i) Rs. 156 per month.  
 (ii) Rs. 5 to Rs. 7 per day.

13. On 4th April 1964 there was a meeting before honourable the Chief Minister; the Hon. Minister for Labour and the Hon. Minister for Civil Supplies attended the meeting; there was an agreement between Shri A. P. Patil, Tushar Pawar and Kolte representing the Mathadi workers and the representatives of the merchant's employing Mathadi Labour that the rates of wages (inclusive of 25 per cent. increase agreed on 20th September 1962) be increased by 12½ per cent with effect from 6th of April 1964.

14. The said agreement was implemented by the Grain, Rice and Oil-seeds Merchants, Merchants dealing in Sugar, Merchants in Modi Bazar and Merchants in Kariana, Colour and Chemicals. The increased rates are :

I. *Grain, rice and oilseeds—*

Rs.

For loading, unloading, etc.—

Per 100 bags—

Foodgrains	...	...	8.79
Oid-seeds	...	...	7.73
Cotton Seeds	...	...	7.03
Oil-cakes	...	...	
Husk	...	...	4.39

II. *Sugar—*

Per bag of quintal—

Loading	...	...	18.00
Unloading	...	...	8.50
Waraferi	...	...	7.00

(Note.—In the rate for loading the increase is 20 per cent.)

III. *Modi Bazar—*

Per 100 bags—

Weighing	...	...	7.55
Waraferi	...	...	6.25

Per cart-load—

Loading, unloading	...	...	0.88
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IV. *Kariana, Colour and Chemicals—*

Per 100 bags—

Weighing	...	...	10.12.
Waraferi	...	...	6.75

Per truck—

Loading, unloading	...	...	0.84
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In view of the increase in the rates it is assumed that there has been a corresponding and proportionate increase in the average earnings of individual worker in said businesses.

15. The said agreement dated 20th September 1962 for an increase of 25 per cent. was not implemented nor accepted by the dealers in cotton, the employers in goods transport as such or the contractors of mills and factories. The wage-rates and the average earnings of an individual Mathadi worker are as follows :—

I. *Cotton*—

		Rs.
Rates per 100 bags—		
Loading	... ..	14
Unloading	... ..	8
There are other rates for piling, up-piling, weighments, rolling etc.		
<i>Average earnings</i> —Rs. 40 to Rs. 225 per month.		

II. *Mills and factories*—

There is no uniformity in, nor proper evidence of the rates of wages paid by the contractors to the labour.

<i>Average earnings</i> —		Rs.
According to workers—		
(i) Hindustan Lever	... ..	228 per month.
(ii) Jai Hind Oil Mills	... ..	190 per month
(iii) V. V. Food	... ..	237·50 per month.
(iv) I. C. I.	... ..	200 per month.
According to mills and factories—		
(i) Swastik	... ..	125 per month.
(ii) Krishna Grain Crushing	... ..	156 per month.
(iii) Rallis (India) Ltd.	... ..	143 per month.

III. *Goods Transport*—

*Rates.*—There is a great diversity of rates of wages paid by different concerns.

*Average earnings*—

According to Union—Rs. 3 to 7 per day

(i) *Dhoble Transport Co.—*

According to employers	...	Rs. 6 per day. Rs. 180 per month.
According to workers	...	Rs. 4 to Rs. 6 per day.

(ii) *Sawani Transport Co.—*

According to workers	...	Rs. 125 to Rs. 150 per month.
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(iii) *Madras-Bangalore Transport Co.—*

According to workers	...	Rs. 400 and more per month.
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(iv) *Jaipur Golden Transport Co.—*

According to workers	...	Rs. 200 to Rs.700 per month.
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16. Mathadi workers are engaged for handling the foodgrains and fertilizers of the Central Government. The employment of the workers is through contractors. Some are employed on the docks and some at the Central Government godowns.

I. *On the docks—*

*Rates.*—There are various rates for various operations; the principal among them are:

*Bulk Cargo*

	Per 100 bags, each of 93 kilograms	
	Wheat Rs.	Sulphate Rs.
(i) From the ground—		
(a) Loading truck	... 4.25	4.75
(b) Loading wagon	... 4.62	5.25
(ii) Direct loading —		
Wagon	... 8.00	8.00
(iii) Waraferi	... 3.87	4.75
(iv) Filling bags. (Standardization).	6.87	7.75

*Bagged Cargo*

	Per 100 bags	
	Rice Rs.	Uria (Big) Rs.
(i) Loading truck—		
(a) from ground	... 2.37	4.75
(b) from Chutes	... 2.62	5.00
(c) from Hoist	... 4.37	9.00
(ii) Loading wagon—		
(a) from ground	... 2.62	5.25
(b) from Chutes	... 2.37	5.50
(c) from Hoist	... 4.87	9.50
(iii) Waraferi	... 2.37	4.75

A worker is to be paid a minimum of Rs. 5.50 per day.

*Average earning*—Rs. 143 per month.

## II. *At the godown—*

*Rates.*—There are various rates for various operations; the material rates are :

	Per 100 bags	
	Small Rs.	Big Rs.
(i) Loading or unloading—		
(a) Truck	... 3.12	4.00
(b) Wagon	... 3.37	4.62
(c) Direct to wagon	... 3.12	4.00
(ii) Weighment with loading or unloading—		
(a) Truck	... 7.00	7.50
(b) Wagon	... 7.25	7.87
(iii) Waraferi	... 3.12	4.00

A worker is guaranteed a minimum wage of Rs. 5.50 per shift.

*Average earnings*—Rs. 300 to Rs. 350 per month.



## CHAPTER III

### REASONS

#### Wages

In this inquiry a material question to be considered is in respect of the quantum of wages.

2. In arriving at a conclusion about a reasonable and fair wage an important point to be considered is the paying capacity, the financial position of the employer. But the peculiarity in this case is that there is no employer as such. Even if the merchant or concern for whose benefit the workers work whether continuously, intermittently or casually were deemed to be the employer there is such a great diversity in the financial position of the individual merchants or concerns that it is impossible to ascertain and impracticable to generalise on their financial position. Hence it is inevitable that the question of wages has to be considered independently of the financial position of the employer.

3. Most of the workers who do the work of merchants sleep and reside in the merchants' godowns; they do not pay any rent for residential premises. Even other workers do not reside in premises held on lease. They take meals in hotels. Their work is hard, involving strenuous manual labour. Necessarily they have to take substantial food. Some take three meals a day and the monthly charges are Rs. 45; some take two meals a day and the monthly charges are Rs. 35. Those who take two meals a day take a breakfast in the morning at about 9-00 a.m. and the cost is about Re. 0-75. Some take half a seer of milk in the morning and the cost is Re. 0-50. The expenses of sundry articles like oil, soap, pan-supari, etc. come to Rs. 15 per month. The cost of clothes is Rs. 50 to Rs. 70 per annum. Thus the cost of maintenance of an individual worker is about Rs. 90 per month. That is the cost of the worker's mere maintenance, bare subsistence. Some allowance has to be made for medical charges and travelling expenses. It should be recognised or assumed that he has to maintain his family. But the members of the family admittedly live

in the native villages and the cost of their maintenance is comparatively low.

4. Under the Minimum Wages Act, minimum wages have been fixed for employees in various industries in Greater Bombay. For an unskilled workman, the minimum wages so fixed in some industries are Rs. 70 per month, in some industries Rs. 80 and in some others recently fixed are Rs. 85.80.

5. In the case of Crown Aluminium Works (1958 Labour Law Journal, Vol. I, Page 1, S. C.) Their Lordships have observed, "There is, however, one principle which admits of no exceptions. No industry has a right to exist unless it is able to pay its workmen at least a bare minimum wage. If an employer cannot maintain his enterprise without cutting down the wages of his employees below even a bare subsistence or minimum wage, he would have no right to conduct his enterprise on such terms." Awards made in 13 cases were considered in the case of Messrs. Kondivita Paper and Board Mills (Private) Ltd., Bombay, (*Maharashtra Government Gazette*, dated 14th November 1963, page 3750). With reference to the said observations made by Their Lordships of the Supreme Court the Tribunals have consistently found in all those cases that the Minimum Wages that may be paid to a workman of the lowest category in any industry in Greater Bombay should be Rs. 3.10 per day or Rs. 80.76 for a month of 26 working days irrespective of the financial position of the employer concern. Accordingly wages were fixed at the said rates even in cases where the employer concerns were suffering losses. Some of those awards were made in 1962. And the said findings have been adopted and followed in the Awards made during the subsequent period also.

6. In this connection it is significant to note that the above noted wages at Rs. 70 to Rs. 85.80 under the Minimum Wages Act and at Rs. 80.76 as awarded by the Tribunals are being paid to employees as such and they are also entitled to various other benefits under the provisions of the different Labour Laws. Now, the demands are made for the Mathadi workers that all those benefits under the various labour laws be extended and made applicable to the Mathadi workers also. If that be achieved it may not be necessary to consider the earnings of the Mathadi workers on a different basis. But be it assumed for the time being that it is not practicable to extend any of such benefits

to the Mathadi workers. Normally, such benefits in the aggregate are deemed to be equivalent to 20 per cent. of the immediate wages. For the workers who are not provided with any of such benefits, the amounts corresponding to the said figures of Rs. 70, Rs. 80-76 and Rs. 85-80 should, therefore, be deemed to be respectively Rs. 84, Rs. 97 and Rs. 103.

7. In this context it is relevant to note that the "employees" covered by the Minimum Wages Act and the Awards, as noted above, are persons who reside in this city permanently or continuously and serve for all the 12 months in a year. The wages so earned are their only sources of livelihood; they have no other occupation, no other income. The residence of Mathadi workers in this city is neither permanent nor continuous. They go to their native villages at their convenience for months at a time. It is stated by Shri Hoshing for Maharashtra Rajya Mathadi Kamgar Union, representing the workers that the Mathadi workers work in this city for only 8 months in a year. For the remaining four months they live in their villages. It is found that majority of them go to and reside in their villages for periods of months, in some instances continuously and in some others intermittently. They come from the class of agriculturists; during the said period they attend to agriculture. Some of them are agricultural workers, some are petty land holders; under the Tenancy Act, some who held lands on lease have become occupants of the lands. While in their native villages these workers cultivate their lands and it is also their occupation. It is in the fair season, the agricultural slack season, when they are not required to perform active major agricultural operations, that many of the workers work in this city.

8. In his statement dated 26th December 1963 it is submitted by Shri Rao that a minimum wage of Rs. 225 per month be assured to each workman for a prescribed fixed quota of work and over and above that quota he should be paid at piece rate for additional work. In substance it was his contention that the minimum wage should be Rs. 225 per month. He did not, however, make any serious effort to support the demand by proper and substantial basis or grounds. On behalf of the Maharashtra Rajya Mathadi Kamgar Union it was submitted that the monthly earnings should be not less than Rs. 300. Representing the said Union, Shri Hoshing further stated that on the

basis of the said rate the annual earnings should be Rs. 3,600, but in view of the fact that the Mathadi workers work for only 8 months in a year, in order to obtain for them annual earnings of Rs. 3,600 he urged that their minimum wages per month should be not less than Rs. 450. In support of the demand for the minimum monthly earnings of Rs. 300 he has submitted a chart showing the quantities and the prevailing prices of the food stuffs and other necessities of life as required for a worker. The quantities are mentioned on the basis of three "consumptive units"; the quantities of food stuffs are calculated on a requirement of 3,600 calories for one unit and 2,700 calories for the other two units. In this connection, attention was invited to the constitution and the proceedings of the Fifteenth Session of the Tripartite Indian Labour Conference convened at New Delhi in July 1957 and its unanimous recommendations that the minimum wage should be "need based", it should be on the basis of three consumptive units, the minimum food requirements should be calculated on the basis of a net intake of calories as recommended by Dr. Aykroyd, etc. The said recommendations that the minimum wage should be "need based" was not followed by the Pay Commission or any Wage Board; they were not followed in the fixation of wages under the Minimum Wages Act or under the Awards, noted above. It is not seen that the said recommendations were implemented by anybody or followed at any time by any Committee, Board or Tribunal. The recommendations were passingly referred to and discussed in the award in the case of Greaves Cotton & Co. Ltd., Bombay. (*Maharashtra Government Gazette*, dated 23rd June 1960, page 541). And mainly on that ground the award was assailed by the employers in the appeal in the Supreme Court (1964 I.C.R. 221). Their Lordships observed, "It is however clear from the award that though the Tribunal discussed the recommendations of the Tripartite Conference at some length when it actually came to make the award it did not follow those recommendations. The reason why it referred to those recommendations was that the respondents workmen based their claim on them..... We are therefore not prepared to say that the reference to the recommendations of the Tripartite conference in the opening part of the award was irrelevant and therefore, the rest of the award must be held to be vitiated on that ground alone" It would not be competent and proper to follow the said

recommendations. It was submitted on behalf of the employers, particularly the merchants and businessmen, that a rise in the labour wages would lead to a corresponding rise in the prices of commodities in the City and as a result there would be not only a further increase in the burden on the consumer but there is very grave risk of the trade and business being diverted away from this City.

9. Referring to the trade in a particular commodity, Shri Hoshing submitted that the merchants' margin of profits was substantial and on that basis he argued that the increase in the Labour Wages need not necessarily result in the rise in the prices. That may be true to some extent as regards the trade in the particular commodity and even in case of some merchants dealing in some other commodities also. But that cannot be accepted as correct as regards all the merchants, nor as regards all the industries concerned. This inquiry should cover not only the traders and the merchants but all the industries in which Mathadi workers are engaged. Many traders do business as Commission agents only. As submitted on behalf of the merchants the majority of the traders transact business on small margins; that may be the position as regards other industries also. A general increase in the labour charges will certainly result in the corresponding general rise in the prices of goods. There will be a rise in the cost of living, which will affect also these workers themselves. Bombay is the prime port for import and export; it is also a very important centre of inland distribution of indigenous goods. The huge volume of business activity in the City is mostly due to the said circumstances also. As expressed by the merchants, there is good ground for a reasonable apprehension that if there were an inordinate increase in the cost of handling the goods in the City the foreign trade may be diverted to some other cheaper port and the distributions of inland goods may be shifted to some other interior centres. In such an eventuality a good number of Mathadi workers may be thrown out of employment. And passingly it may be also observed that the raising of the wages for these workers to a very high level is apt to affect and disturb the wage structures for the operatives and other employees in the various industries in this City.

10. The workmen contemplated under the Minimum Wages Act, and those covered by the Awards of the Tribunals and normally work

for 8 hours a day. The wages earned by them cannot be a standard for comparison if the Mathadi workers earnings are for work for more hours per day. It is the general grievance of these workers that they work for 12 hours a day and some times even for 14 hours, 16 hours a day. But the material question is whether the said hours are of continuous and actual work or whether it is a spread over. Shri Rao stated in the first instance that those were not the hours of spread over but hours of actual and continuous work. But at a later stage he voluntarily stated that his previous statement was a mistake, that the hours were of spread over and the hours of actual work were about 6 hours a day. Considering the nature and circumstances of the work the statement is accepted as correct. In effect it means that the average earnings of Mathadi workers, noted earlier (Chapter II) are their wages for work for about 6 hours a day.

11. The prevailing average monthly earnings of an individual Mathadi workers are noted in Chapter II above :—

- |                                   |     |                        |
|-----------------------------------|-----|------------------------|
| I. Grain, Rice and Oil Seeds      | ... | Not less than Rs. 120. |
| II. Sugar                         | ... | Not less than Rs. 120. |
| III. Modi Bazar                   | ... | Not less than Rs. 120. |
| IV. Kariana, Colour and Chemicals | ... | Not less than Rs. 120. |

(In the above earnings in each of the above four Industries there has been a further increase of 12½ per cent. from April 1964).

- |                                      |     |                        |
|--------------------------------------|-----|------------------------|
| V. Mills and Factories               | ..  | Not less than Rs. 120. |
| VI. Goods Transport                  | ... | Not less than Rs. 120. |
| VII. Central Government Food-grains— |     |                        |
| (a) On the docks.                    | ... | Not less than Rs. 130. |
| (b) At the godowns.                  | ..  | Not less than Rs. 300. |

In all the above industries the average monthly earnings are not less than Rs. 120.

12. The business of "Cotton" is apparently an exception. Therein the average monthly earnings vary from Rs. 40 to Rs. 225. The employment is through a Co-operative Society of the Mathadi workers but the Mukadam system prevails. The selection of Mukadam with his Toli is in the discretion of the merchants. The Toli selected by

and working for a big merchant gets more work and consequently they earn more wages ; the Toli selected by and working for a small merchant gets less work and hence their earnings are poor. In substance the poor wages are due to lack of sufficient volume of work. That is not due to low rate of wages. The rates are common to all. With the same rates the average monthly earnings of some workers are Rs. 225. That means, the prevailing piece rates are quite fair. Even if the average monthly earnings of some workers be very low there is no case for increasing the piece rates.

13. In conclusion having regard to all the facts considered above the committee is unanimously of the view that there is no case for recommending a general increase in the prevailing piece-rates of wages in any industry or trade.

14. This is a conclusion irrespective of the financial capacity of the employer merchant or concern. However, there may be some merchants and concerns whose financial capacity is such that they can afford to pay and they should pay higher rates of wages. Such cases cannot be dealt with in this general inquiry. Those cases may have to be decided on individual merits. In that connection steps are proposed and recommendations made in the later part of this report.

15. A serious grievance was made on behalf of the Mathadi Workers that the said agreements for the increase at 25 per cent. and 12½ per cent. were not implemented by some of the merchants and other concerns engaging Mathadi workers. It is for the Government to see that such agreements are implemented uniformly by all concerned.

## CHAPTER IV

### REASONS (contd.)

#### Hours of Work

A grievance made by the Trade Unions representing the workers is that the workers have no fixed hours of work, they are required to work for 12 hours a day—some times even for 14 or 16 hours a day it is urged that they should fixed hours of work not exceeding 8 hours a day with recess for meals etc.

2. It is noted above that the actual and continuous work done is for about 6 hours a day. The 12 hours a day—some times even extending upto 14, or 16 hours a day is the spread over. In substance, therefore, the question arising for consideration is whether the spread over be reduced to 8 hours a day?

3. The merchants and traders have their shops and establishments. They are governed by the Shops and Establishments Act. The regular employees have fixed hours of work. It appears that the hours of work are from about 9 a.m. to about 6 p.m. Normally these Mathadi workers also work during the said hours, but depending on the arrival or departure of consignments of goods sometimes they work beyond the said hours. Almost similar is the case in connection with the goods transport work. The mills and factories work for all the 24 hours of day; the regular employees work in three shifts each of 8 hours. It appears that in connection with the mills and factories the Mathadi workers work irrespective of the shifts and beyond the hours of particular shifts. In this context, it is material to note that on the part of the workers their working beyond particular shifts, beyond particular hours in a day or after particular hours of the day is absolutely voluntary. They are not the regular "employees" of the merchants or the concerns for whose benefit they work. The workers are therefore not "bound" to work beyond particular hours. The merchants or other concerns cannot compel them to work beyond the hours they may choose. Hence no intervention on the part of the Government, no legislation is necessary to restrict the hours of work for these workers.



4. The present earnings of the workers are according to the piece-rates. If their hours of work, even the spread over were restricted it is bound to affect their earnings adversely. Any innovation that may adversely affect their earnings is not acceptable to them and it is also not desirable. The demand for the restriction of the working hours has significance only in case these workers were made time rated or daily rated. Secondly, they can be converted into time rated workmen only in case they can be made "regular employees" either in fact or in law. The question whether they can be made regular employees will be discussed in details in the next chapter. On the part of the workers or the Unions representing them, there is no request for converting them into daily-rated workmen. The merchants and other employers are unwilling to make these workers time-rated or daily-rated. At present being piece-rated the workers are enthusiastic and anxious to finish the job as early as possible. If they were made time rated or daily rated the difficulty expressed on behalf of the merchants and other employers is that it would entail additional work of supervision on their part and they also apprehend that the workers will not do the work as dexterously as they are doing now. But the real and genuine difficulty is as regards the availability of the work. The occasion for the work is uncertain. It may be that during all the fixed working hours of the day there is no work, the workers sit idle and after the close of the working hours there arises an occasion for the work. The major part of the work of these workers consists of loading and unloading the goods. The occasion for such work depends on the arrival, availability or departure of ship, railway wagon, goods truck or other means of transport or the customers. The timings thereof are uncertain and cannot be reasonably anticipated. There may be many instances where the occasion for loading or unloading would be outside the fixed hours of work for the day. In the circumstances if working hours for these workers were fixed it may create one more hurdle and add to the difficulties in the transport of goods which already constitutes a bottleneck in the expansion of trade and industry, as the development of the means of transport have lagged much behind the Plan Target.

5. The Committee is therefore of the opinion that it is not advisable to fix working hours for these workers.

## CHAPTER V

### REASONS (contd.)

#### **Weekly Off**

The Mathadi Labour Unions have made a demand that the workers should get a weekly off.

2. The regular employees of the merchants and traders as also the workmen employed by the Mills and Factories get a weekly off. Normally, most of the Mathadi workers working for the merchants and for the mills and factories also get a weekly off. But in certain exigencies, for example, sudden arrival of railway wagons, urgent loading of trucks, etc. they do not get a weekly off. The trains and trucks run on Sundays also ; they do not take any weekly off. In the circumstances if the weekly off for these workers were made compulsory, irrespective of any exigency as contemplated above, it may cause some delay in the transport.

3. As observed above, in the prevailing conditions, the Mathadi workers being not the "employees" of the merchants or the Mills, nobody can compel them to work on any day ; they are not bound to work. If they choose, they can take a weekly off at their pleasure. It is not necessary to make any rule or regulation on the point.

4. It is not the express demand that the weekly off should be with wages. But, be it assumed that by implication the demand is for weekly off with wages. One aspect of the question would be as to who should pay these wages. That aspect would be properly considered along with the other demands involving monetary benefits other than direct wages. But the material aspect of the question is whether these workers should get a weekly off with wages. The textile industry employs the major part of the labour in this City and it is organised labour. The textile employees get a weekly off but it is without wages. The regular employees of the mills and factories get a weekly off, the employees are organised and yet the weekly off is without wages. On these analogies these workers may not get a weekly off with wages. There is no special circumstance, no sufficient justification to provide these Mathadi workers a weekly off with wages.

## CHAPTER VI

### REASONS (contd.)

#### **Leave with Wages, Paid Holidays, Provident Fund, Gratuity, Pension, Medical Relief, etc.**

These benefits for the workmen are considered to be normal in the advanced countries. The workmen are provided with most of these benefits in majority of the countries which are industrially developed. In this country, the Government has declared its policy of progress towards the socialistic pattern of society; that is also the ideal of the leading parties in opposition. Some progress has been made in the industrial development; much more is yet to be done. The Five-Year Plans are being implemented; there has been some increase in the wealth of the nation; there is a corresponding rise in the general standard of living. It is proper and it is also necessary that some of the advantages thus achieved should percolate to the masses, the lowest strata of the Society, the manual workers. The "workmen" are already provided with some of the benefits under the Labour Laws in force. The Factories Act and the Shops and Establishments Act provide for the earned leave with wages. The Provident Funds Act is made applicable to the workmen in various industries. The Employees' State Insurance Act provides for sick leave and medical relief. Under the Industrial Disputes Act, the Tribunals have framed Gratuity Schemes for workmen employed in various concerns. It is reasonable and fair that the said benefits, at least some of them, should be extended to the Mathadi workers. For that purpose it is necessary to explore and devise ways and means.

#### **Employer and Employee relationship**

2. The material question to be considered is as to from what source should the benefits flow? A plausible and reasonable answer would be, of course, from the employer. The real difficulty is that there is no "employer" as such.

3. The Mills and Factories enter into a contract with a person designated as a "contractor". The contractor employs these workers

and pays their wages to them. In substance, the employment of the workers is through the contractor. Technically there is no direct relationship of employer and employee as between the Mills or Factories and the Mathadi workers. Similar is the case with the merchants, traders and other concerns. They engage the Mukadam or the Toliwalla. The Mukadam or Toliwalla engages his men, the workers and pays wages to them. Hence technically there is no direct relationship of employer and employee as between the merchants or concerns and the workers.

4. All the benefits under the existing Labour Laws would flow to these Mathadi workers if there were established between the said Mills, Factories, Merchants or concerns and the Mathadi workers a direct relationship of employer and employee either in fact or in law.

The establishment of such direct relationship of employer and employee is possible in the cases of the merchants who engage a particular Toli or Tolis and the particular Toli or Tolies work for the particular merchants only; it is also possible in the case of the mills and factories who engage the Mathadi workers through their respective "contractors". The relationship of employer and employee would be established in fact if the merchants or the concerns made appointments of their respective Mathadi workers and on their part the Mathadi workers accepted the appointments as direct employees. That entirely depends on the violation on both sides.

o. On the part of the mills and factories as also the merchants in general there is a positive reluctance to appoint these workers as direct employees. On a persuasive discussion by the Committee, only a few of the merchants expressed their willingness to accept the workers as their direct employees. On the part of the workers generally there was a similar reluctance to be appointed as direct employees. From the statement of Shri Rao it would appear that he has now succeeded in persuading some of the workers, particularly those working for the mills and factories, to be appointed direct employees. The replies of most of the workers who were questioned, particularly those working for the merchants, clearly show their definite unwillingness for appointment as direct employees. On this point, the representatives of the mills and factories, the merchants and the workers themselves urged

before the Committee their respective "difficulties". An examination of the merits of the said "difficulties" will not serve any purpose. As observed above, it is a matter of violation on both the sides. If there were willingness on both sides, there would have been appointments as direct employees and the workers concerned would have ceased to be Mathadi workers as such. It appears that there is unwillingness on the part of the employers in some sections, there is unwillingness on the part of the workers in some other sections and there is unwillingness on both sides in the rest. There is no prospect of the Mathadi workers being absorbed and converted into direct employees in fact.

7. The only alternative is to make the workers employees in law. The material question for consideration, therefore, is as to how to make these workers employees in law.

8. As noted earlier, the system followed by the mills and the factories is that the mill or factory enters into a contract with a person, known as a "contractor" and the contractor employs these workers for doing the work of the particular mill or factory. From the amount received as charges from the mill or factory the "contractor" appropriates for himself a part as his commission or profit and only the balance is paid to the workers as their wages. There is thus the exploitation of the labour by the middleman. It is a system of contract labour, which deserves to be abolished. The Provident Funds Act is made applicable to some of the workers thus employed. In this connection a worker made a grievance before this Committee that a particular "contractor" has been deducting from the workers' wages not only the amount of the contribution from the workers but also the amount of the employers' contribution to the Provident Fund. It is a malpractice of a very serious nature. Such and other malpractices of similar nature are additional circumstances which lend support to the view that it is high time that the system of contract labour should be abolished.

9. The direct employees of any of the mills and factories could have made a demand and raised an industrial dispute for the abolition of the contract labour in relation to the particular mill or factory. The direct employees have their respective trade unions. But the Mathadi

workers are not members of those unions ; the Mathadi workers have formed their own trade unions. In the circumstances, the trade unions of the direct employees are indifferent to the hardships of these workers ; those trade unions are unwilling to raise an industrial dispute for the abolition of the prevailing system of contract labour.

10. Some of the Mathadi workers employed by the "contractors" to do the work of the mills and factories, actually do work which is "incidental to, or connected with" the manufacturing process and within the precincts of the mill or factory. But their employment is through the "contractors". The Factories Act, 1948, section 2(1) defines—

“ ‘worker’ means a person employed directly or through any agency.....”.

As interpreted by the Supreme Court the said definition does not include a worker employed through a contractor or rather by a contractor. To meet the ends of social justice it is necessary to amend the said definition so as to include the workers employed through or by the "contractors".

11. A very large number of these Mathadi workers work for the merchants, businessmen, and Goods Transport Concerns which may be generally described as "shops" and "commercial establishments" as contemplated by the Bombay Shops and Establishments Act, 1948. The provisions of the said Act are applicable to the regular employees in the "shops" and "commercial establishments". In the Act, section 2(6) defines—

“ ‘Employee’ means a person wholly or principally employed in, and in connection with any establishment”.

The merchant, businessman or the Transport concern engages the Mukadam or Toliwala and pays the labour charges to him ; the Mukadam or Toliwala does the work by himself and through the men of his Toli and pays wages to them. The men of the Toli, the Mathadi workers, cannot be said to be "employed" in the technical sense of the term, by the merchant, businessman or the transport concerned hence they are not covered by the said definition. It is just and proper that the benefits under the said Act be extended to the Mathadi

workers, working for the merchants, businessmen and the transport concerns. It is therefore, necessary to amend the definition of "employee" so as to include the Mathadi workers viz., the Mukadam or Toliwala and the men of his Toli.

12. The amendments as suggested above would make some Mathadi workers "workers" under the Factories Act and some others "employees" under the Shops and Establishments Act and consequently there would be conferred on such Mathadi workers the benefits provided under the Factories Act or the Shops and Establishments Act as the case may be. But as regards the other benefits it is necessary that the workers should be provided with a remedy to obtain the same.

### **Adjudication**

13. The Labour Laws in force are not applicable to the Mathadi workers and thus they are without any remedy at law. To obtain amelioration of the conditions of their work and wages, they are inevitably led to organise "Morchas" or stage "Strikes". To avoid such exigencies as also to enable them to obtain the other benefits, it is necessary to provide for them a remedy at law.

14. While providing an employee or a worker with benefits of the nature of leave with wages, paid holidays and particularly, benefits like Provident Fund, Gratuity, etc., one of the factors to be necessarily considered is the stability and the financial capacity of the employer. It is also observed above that there may be merchants or concerns whose financial capacity is such that they can afford to pay higher rates of wages. The questions about these benefits have to be considered in relation to the stability and financial capacity of the particular merchant, businessman, concern, mill or factory as the case may be. It is necessary to consider each individual case on merits. That is possible and practicable if there be an "adjudication" in each case.

15. In view of the variety in the nature of the business of the merchants and the concerns which engage the services of the Mathadi workers it seems proper that the "Adjudication" in connection with any benefits for them should be governed by the Industrial Disputes Act, 1947. Under the said Act a Reference can be made in respect

of an "Industrial dispute"; and an industrial dispute may be raised by "workmen". Section 2(s) defines—

“‘Workman’ means any person (including an apprentice) employed in any industry.....”.

It is only an "employee" who would be a "workman" under the Act. It is noted above that the Mathadi workers being not "employed" by any "employer" as such, technically they cannot be said to be "employees". The amendments of the definition of "workers" and "employee" respectively, in the Factories Act, and the Shops and Establishments Act may not be sufficient to serve the purpose and may not cover all cases of Mathadi workers. In order to enable the Mathadi workers to raise an industrial dispute and to empower the State Government to make a Reference, it is necessary to amend the Industrial Disputes Act, in its application to the State of Maharashtra; the definition of "workman" in section 2(s) be amended so as to include a Mathadi worker.

16. However, with a view to avoid any possible technical complications arising from the amendments of the definitions of "worker" "employee" and "workman" respectively in the Factories Act, Shops and Establishments Act and the Industrial Disputes Act it is suggested and strongly urged that the Government may be pleased to undertake independent and separate legislation and cause to be enacted a special Act, "Maharashtra Mathadi Labour Act" providing the workers with the various benefits and also prescribing a remedy for the workers to obtain the same.



## CHAPTER VII

### CO-OPERATIVE SOCIETIES

1. An alternative solution is the formation of Societies. It depends mainly on the co-operation among the workers themselves. It will be certainly important and materially useful in respect of the workers working for the mills and factories as the sure result will be the elimination of the exploitation by the middleman, the "contractor".

2. As observed earlier, though these Mathadi workers are generally spread all over Greater Bombay there is comparative concentration at particular places, such as, Wadi Bunder, Carnac Bunder, Dana Bazar, Bhat Bazar and Chinch Bunder. At those places certain Tolis of workers work for merchants dealing in particular commodity. For example, some workers work for sugar merchants only some other work for the merchants in Modi Bazar, some others for the merchants in grain, rice and oilseeds and so on. The number of workers working for the sugar merchants is about 100. These 100 workers may form one society. Depending on the number of workers, convenience and other conditions, one or more Societies may be formed of the workers working for the merchants in particular commodities at particular places. One Society may be formed of the workers working for each one of the mills and factories.

3. The Society may be of the usual pattern. There will be a President of the general body, a Chairman and Members of the Managing Committee. All the office bearers to be elected from among the members, the workers. The Society shall maintain constant contact with the merchants concerned of the management of the mill or factory as the case may be. Whenever, there be an occasion to engage the workers, the merchant mill or factory as the case may be would intimate to the respective society and thereupon the Society will direct the required number of workers to do the work. The employer merchant or concern shall pay the labour charges to the Society and the amount shall be duly credited in the accounts to be maintained by the Society. Once in a week or such period as may be fixed, the Society will disburse the wages to the member workers according to the quantum of work done by each. But before such disbursement the Society should deduct and retain a particular

percentage of the income. The trading community in Bombay is proverbially known for its charitable desposition. It should not, be difficult for them to organise funds or charities which could be utilised for the welfare of the Mathadi workers engaged in their respective trades. Some of the merchants and representatives of the Association of Merchants who appeared before the Committee expressed their willingness to pay to the Society certain percentage at their own contributions. With the said deductions from the income and the contributions from the employers, should be built up a fund which may be designated as "Mathadi Welfare Fund". From such Fund the member-workers may be provided with leave with wages, paid holiday, medical relief and/or such other benefits as may be deemed fit.

4. At the initial stage, the ignorance and illiteracy of the workers will present particular difficulty in the formation of such Societies. The Government is taking keen interest in the Co-operative Movement. It is encouraging the promotion of Farming Societies, Multipurpose Societies etc. On similar lines it may be pleased to encourage the promotion of these Societies of Mathadi workers. A representative officer of the Co-operative Department assured the Committee that the Department would willingly undertake the task of enlightening the workers and rendering all such assistance as may be necessary in the formation of the Societies. Some of the merchants and representatives of the Merchants Association have agreed to extend their co-operation and to give their help in not only the formation but even in the subsequent working of the Societies.

5. To maintain the record of the Society as also to keep the accounts of the labour charges collected and to supervise the disbursal of the wages to the workers the Secretary of the Society should be a person with requisite training and sufficient experience. He should be a paid servant. It is the desire of the Committee that the remuneration of the Secretary should not be a burden on the hard earned wages of the workers. The Committee therefore recommends that the Government may be pleased to undertake the liability and provide the Secretary from its employees in the Co-operative Department at the initial stage and for a period of at least three years.

6. The formation of a Society of the Mathadi workers is not quite a new idea. Such societies have been formed, they are actually

working and rendering service to the workers. There is the "Wadi Bunder Kamgar Sahakar Society" with a membership of about 438 Mathadi workers. It was formed in 1961. It constitutes a pool of labour. The workers are requisitioned from and supplied by the Society. The labour charges are received by the Society and the Society disburses the wages to the members, the workers. During the period of two years the Society has built up a fund of about Rs. 50,000. It is made up of share capital Rs. 18,000, Reserve Fund Rs. 7,718, other Funds Rs. 14,556 and Profits earned Rs. 13,481. The wages earned by the workers are comparatively low. But that is because the quantum of work available to this Society is insufficient in comparison to the number of the member-workers. There is another Society, "Cotton Kamgar Labour Sahakar Society". At one time the membership had reached 1,400. The deduction from the labour charges was of 2 per cent. in 1962-63; now the deduction is of 1 per cent. The Society has a share capital of Rs. 14,260, Reserve Fund of Rs. 6,745 and the Profits made were Rs. 9,387. Because of the diversion of a part of the Cotton trade there was diminution in the quantum of work available and at present the membership has come down to about 1,000. The Society has retained the functioning of the Mukadams or Toliwalas. The merchants in their discretion choose the Mukadam or Toliwala. The workers of the Tolis of the Toliwalas or Mukadams chosen by big merchants get more work and earn more wages. The workers of the Tolis of the Toliwalas or Mukadams chosen by small merchants get less work and consequently their earnings are comparatively poor. This anomaly should be removed. The Society should take steps to eliminate the functioning through Toliwalas or Mukadams. The merchants should be requested to place orders with the Society and the Society should allot the workers. That will effect an even distribution of work among all the workers, the members of the Society and consequently the wages earned by each member worker will be reasonably fair. The defects noted in the working of the said Societies should be avoided in the forming and working of the new Societies.

7. In conclusion the Committee strongly recommends the formation of Mathadi Labour Societies on the lines indicated at the outset.

## CHAPTER VIII

### RECOMMENDATIONS

1. The Committee strongly recommends that the Government may be pleased to undertake separate and independent legislation and cause to be enacted a special Act. "Maharashtra Mathadi Labour Act," providing the workers with the various benefits and also prescribing a remedy for the workers to obtain the same.

*Or*

(i) The definition of "worker" in section 2(1) of the Factories Act, 1948, be amended so as to include a Mathadi worker employed by a "Contractor" to do the work of a mill or factory ;

(ii) The definition of "employee" in section 2(6) of the Bombay Shops and Establishments Act, 1948, be amended so as to include the Mathadi workers engaged through Mukadams, Toliwalas or other wise to do the work of the merchants, businessmen, transport concerns, etc., and

(iii) The definition of "workman" in section 2(s) of the Industrial Disputes Act, 1947, be amended so as to include all Mathadi workers.

2. The Committee also recommends that the Government may be pleased to encourage the formation of Co-operative Societies of the Mathadi workers ; the Government may be further pleased to give assistance in the working of such Societies.

**CHAPTER IX**  
**ACKNOWLEDGMENTS**

The Committee thanks the representatives of the trade Unions representing the Mathadi workers, the representatives of the Associations of Merchants, the representatives of the Mills and Factories, the representatives of the Co-operative Societies, the individual merchants, the Mukadams or Toliwalas and the Mathadi workers who supplied valuable information, gave their views on various aspects of the questions involved and thus extended their co-operation in this inquiry ; the Committee also thanks the Commissioner of Labour and Director of Employment, the Chief Inspector of Factories, the Assistant Registrar of the Co-operative Societies, the Regional Director (Food), for the assistance, information and opinions given by them. The Committee also places on record its appreciation of the very useful services rendered by the Secretary, Shri G. K. Joshi.

(Signed) K. R. POWAR,  
Chairman.

(Signed) C. L. GHEVALA,  
Member.

(Signed) N. S. DESHPANDE,  
Member.

(Signed) G. K. JOSHI,  
Secretary.

Bombay, 12th January 1965.

## APPENDIX I-A

**MATHADI LABOUR ENQUIRY COMMITTEE, GOVERNMENT OF  
MAHARASHTRA BOMBAY****Questionnaire to Merchants' Associations**

Name and address of the association:—

Nature and place of business of member merchants:—

1. What are the commodities you member merchants deal in?
2. What system is adopted for transport and movement of goods including loading, unloading, and stacking by your member merchants?
3. For the above operations do they employ Mathadi labourers directly? If so, whether the employment is on daily wages or on the basis of the volume of work?
4. What are the rates in connection with different commodities?
5. Why are the labourers not employed as permanent servants of the merchants?
6. If there is no direct employment, are the labourers employed through contractors, Mukadams or Toliwallas?
7. If so, whether the contracts are on daily wages or based on the volume of work?
8. What are the rates of wages paid by the merchants to the contractors, etc, in connection with the different commodities?
9. What are the corresponding rates of wages paid by the contractors, Mukadams or Toliwallas to their respective labourers?

10. Are the labourers given any weekly offs or holidays?
11. Are the weekly offs or holidays with or without pay?
12. Whether there are fixed hours of working? If so, what are they?
13. Is it practicable to fix working hours per day?
14. For the work done beyond the fixed hours whether overtime wages be paid at double the ordinary wages?
15. For the work done on weekly off days or on holidays whether charges be allowed at double the rates?
16. Whether the labourers get any other benefits? If so, what is the nature thereof?
17. Whether the forming of co-operative societies of the Mathadi labourers would be conducive to the improvement of the transaction of business as between the merchants and the Mukadams of labourers?
18. Would the formation of such societies be in the interest and for the betterment of the conditions of the labourers?
19. What suggestion would you make for the amelioration of their conditions?
20. On behalf of the Mathadi labourers there has been a demand for
  - (1) Fixation of regular wage-scales.
  - (2) Earned leave.
  - (3) Bonus.
  - (4) Permanency.
  - (5) Provident Fund.
  - (6) Gratuity.
  - (7) Medical benefits.
  - (8) Compensation.

- (9) Pension,  
 (10) Accident benefit.

What are your views as regards the above demand? You are requested to give your considered reasons for the view on each of the above points separately?

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APPENDIX I-B

**MATHADI LABOUR ENQUIRY COMMITTEE, GOVERNMENT OF  
 MAHARASHTRA, BOMBAY**

Questionnaire for Merchants

Name and address of the merchant :—

Nature and place of business :—

1. What are the commodities you are dealing in?
2. What system you are adopting for transport and movement of your goods including loading, unloading and staking?
3. For the above operations do you employ Mathadi labourers directly? If so, whether the employment is on daily wages or on the basis of the volume of work?
4. What are the rates in connection with different commodities?
5. Why are the labourers not employed by you as your permanent servants?
6. If there is no direct employment, do you employ the labourers through Contractors, Mukadams or Toliwallas?
7. If so, whether the contracts are on daily wages or based on the volume of work?



8. What are the rates of wages paid to the contractors, etc. in connection with the different commodities ?
9. What are the corresponding rates of wages paid by the Contractors, Mukadams or Tollwallas to their respective labourers ?
10. Are the labourers given any weekly offs or holidays ?
11. Are the weekly offs or holidays with or without pay ?
12. Whether there are fixed hours of working ? If so, what are they ?
13. Is it practicable to fix working hours per day ?
14. For the work done beyond the fixed hours whether overtime wages be paid at double the ordinary wages ?
15. For the work done on weekly off days or on holidays whether charges be allowed at double the rates ?
16. Whether the labourers get any other benefits ? If so, what is the nature thereof ?
17. Whether forming of Co-operative Societies of the Mathadi labourers would be conducive to the improvement of the transaction of business as between the merchants and the Mukadams of labourers ?
18. Would the formation of such Societies be in the interest and for the betterment of the conditions of the labourers ?
19. What suggestion would you make for the amelioration of their conditions ?

20. On behalf of the Mathadi labourers there has been a demand for :

- (1) Fixation of regular wage-scales.
- (2) Earned leave.
- (3) Bonus.
- (4) Permanency.
- (5) Provident Fund.
- (6) Gratuity.
- (7) Medical benefits.
- (8) Compensation.
- (9) Pension.
- (10) Accident benefit.

What are your views as regards the above demand? You are requested to give your considered reasons for the views on each of the above points separately?

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#### APPENDIX I-C

### MATHADI LABOUR ENQUIRY COMMITTEE GOVERNMENT OF MAHARASHTRA, BOMBAY

#### Questionnaire for Mukadams

Name and address :—

Nature and place of work :—

1. For how many years are you working as a Mukadam of Mathadi Labourers?
2. What commodities do you handle?
3. For how many merchants do you and your gang work?
4. How many labourers are working under you?
5. How many of the labourers are permanently attached to you and how many are temporary or casual?

6. What is the method of distribution of work among the labourers ?
7. Do the labourers work for all the year round ? If not, for what months they do not work and why ?
8. What is the average volume of work usually done by each labourer per day ?
9. What are the rates of remuneration :-
  - (a) received from merchants or other employers.
  - (b) Paid to the labourers.
10. What are the average earnings of each labourer per day ?
11. For how many hours a day does a labourer usually work ?
12. What are the usual working hours ?  
Does he get recess for meals, etc ? If so, what is the time and duration ?
13. Are the labourers paid overtime working allowance ?
14. Are they given any weekly offs or holidays ? If so, with or without pay ?
15. Are they given any other benefits ?
16. Whether the formation of co-operative societies of the Mathadi labourers would be conductive :
  - (a) to the improvement of the transaction of business as between the merchants and other employers on one hand and the Mathadi Labourers on the other.

(b) to the betterment of the conditions of employment and remuneration of the labourers ?

17. Whether the formation of such societies would be on the whole in the interest of the labourers ?
18. What suggestions would you make for the amelioration of the conditions of Matadi labourers ?
19. On behalf of the matadi labourers there has been a demand for :
  - (1) Fixation of regular wage-scales.
  - (2) Earned leave.
  - (3) Bonus.
  - (4) Permanency.
  - (5) Provident Fund.
  - (6) Gratuity.
  - (7) Medical benefits.
  - (8) Compensation.
  - (9) Pension.
  - (10) Accident benefit.

What are your views as regards the above demands ? You are requested to give your considered reasons for the view on each of the above points separately ?

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#### APPENDIX I-D

### MATHADI LABOUR ENQUIRY COMMITTEE, GOVERNMENT OF MAHARASHTRA, BOMBAY

#### Questionnaire for Labourers

Name and address :-

Nature and place of work :-

1. For how many years are you working as a Matadi Labourer ?

2. What commodities do you handle ?
3. Do you work under one or more Mukadams ?
4. Who is your Mukadam and how many other labourers are working with you under that Mukadam ?
5. For how many merchants do you and your companions work ?
6. How many labourers are permanently attached to your Mukadam and how many are temporary or casual ?
7. Do the labourers work all the year round ? If not for how many months they do not work and why ?
8. What is the method of distribution of work among the labourers ?
9. What is the average volume of work usually done by each labourer per day ?
10. What are the rates of remuneration—
  - (a) received from merchants or other employers.
  - (b) retained by the Mukadam.
  - (c) paid to the labourers.
11. What are the average earnings of each labourer per day ?
12. For how many hours a day does a labourer usually work ?
13. What are the usual working hours ?  
Does he get recess for meals, etc.? If so, what is the time and duration ?
14. Are the labourers paid overtime working allowance ?
15. Are they give any weekly offs or holidays ? If so, with or without pay ?

16. Are they given any other benefits ?
17. Whether the formation of co-operative societies of the Matadi labourers would be conducive—
- (a) to the improvement of the transaction of business as between the merchants and other employers on one hand and the Matadi labourers on the other.
  - (b) to the betterment of the conditions of employment and recommendation of the labourers ?
18. Whether the formation of such societies would be on the whole in the interest of the labourers ?
19. What suggestions would you make for the amelioration of the conditions of Matadi labourers ?
20. On behalf of the Matadi labourers there has been a demand for :—
- (1) Fixation of regular wage-scales.
  - (2) Earned leave.
  - (3) Bonus.
  - (4) Permanency.
  - (5) Provident Fund.
  - (6) Gratuity.
  - (7) Medical benefits.
  - (8) Compensation.
  - (9) Pension.
  - (10) Accident benefit.

What are your views as regards the above demand ? You are requested to give your considered reasons for the view on each of the above points separately ?

## APPENDIX II

Names of Trade Unions, Associations of merchants, Mills and Factories and individual merchants and dealers from whom replies to the questionnaires were received.

*Trade Unions*

1. New National Dock Workers' Union (Regd.), Bombay.
2. Maharashtra Rajya Mathadi Kamgar Union (Regd.), Bombay.
3. Transport and Dock Workers' Union, Bombay.
4. Lokhandi Jatha Kamgar Union, Bombay.

*Association of Merchants*

1. The East India Cotton Association Ltd., Bombay.
2. The Grain Rice & Oil Seeds Merchants' Association, Bombay.
3. The Bombay Mudibazar Kariana Merchants' Association, Bombay.
4. The Bombay Sugar Merchants' Association Ltd., Bombay.
5. The Bombay Kariana, Colour & Chemical Merchants' Association, Bombay.
6. The Bombay Oil Seed Crushers' Association, Bombay.

*Mills and Factories*

1. New India Oil Mills, Bombay-33.
2. Bansiwala Mills Pvt. Ltd., Bombay-11.
3. M/s. New Worli Oil Mills, Bombay-18.
4. The Swastik Oil Mills Ltd., Bombay-31.
5. Shree Krishna Grain Crushing Mill, Bombay-15.
6. Rallis India Ltd., Bombay-9.
7. Hindustan Lever Ltd., Bombay-15.

*Individual Merchants and Dealers*

1. Sun Beam, Bombay-1.
2. Oomedchand Kashiram & Co., Bombay-15.
3. H. R. Brijlal & Co., Bombay-1.
4. Banarasidas Ramgopal, Bombay-2.
5. Damodar Karsondas, Bombay-3.
6. Baxi & Co., Frere Road, Bombay-1.
7. V. Nandlal & Co., Bombay-3.
8. Mahalaxmi Transport Pvt. Ltd., Bombay-3.
9. Hajee Kasam Hajee Essa, Bombay-9.
10. Sha Navinchandra Chimanlal & Co., Bombay-9.
11. Shah Dhanji Chelabhai & Co., Bombay-9.
12. Karsilal Dhanji & Co., Bombay-9.
13. M/s. Gala Trading Co., Bombay-9.
14. Hajee Mhod, Kassam & Co., Bombay.
15. Krishna Steel Industries P. Ltd., Bombay.

## APPENDIX III

## Names of persons who gave evidence before the Committee

Serial No. 1	Name 2	Date of appearance before the Committee. 3
1	Shri K. M. Rao, New National Dock Workers' Union, (Regd), Bombay.	17th February 1964. 18th February 1964. 2nd March 1964.
2	Shri A. P. Patil, Maharashtra Rajya Mathadi Kamgar Union, Bombay.	17th February 1964. 3rd March 1964
3	Shri D. V. Shirke, Cotton Kamgar Labour Co-operative Society Ltd., Bombay.	17th February 1964.
4	Shri Vasantji Lakhamsi and others Grain, Rice and Oil Seeds Merchants.	17th February 1964. 4th March 1964.
5	Shri P. L. Thakkar, Bombay Mudibazar Kariana Merchants' Association, Bombay.	18th February 1964.
6	Shri A. B. Karia, Secretary, Bombay Sugar Merchants' Association, Bombay.	18th February 1964.
7	Shri N. D. Shah, Damodar Karsandas, Bombay.	19th February 1964.
8	Shri Shamrao Haribhau, Worker in Hindustan Lever.	19th February 1964.
9	Shri Shankar Bala, Worker from Kharik Bazar.	19th February 1964.
10.	Shri Madhav Vithal, Worker in Jai Hind Oil Mill.	19th February 1964.
11	Shri Babu Rama, Worker from I.C.I.	19th February 1964.
12.	Shri Genu Dhondiba Mankumbe, a Toliwala at Govindji Padamji Khobrawala.	19th February 1964.
13	Shri Kantilal Shah, Bombay Kariana, Colour and Chemical Merchants Association, Bombay.	19th February 1964.
14	Shri M. G. Kotwal, Transport and Dock Workers' Union, Bombay.	2nd March 1964.
15	Shri M. D. Mirani, Krishna Grain Crushing Mills, Bombay.	3rd March 1964.
16	Shri R. C. Nanavati, Swastik Oil Mills, Bombay.	3rd March 1964.
17	Shri Veghji Baromal Gaba, Kantilal Veghji and Co., Bombay.	3rd March 1964.



Serial No. 1	Name 2	Date of appearance before the Committee 3
18	Shri V. K. Menon, Rallis India Ltd, Bombay.	3rd March 1964.
19	Shri Ratilal Gandhi, Merchant Bombay.	4th March 1964.
20	Shri Devji Rattansey, Grain Rice and Oil Seeds Merchants' Association, Bombay.	4th March 1964.
21	Shri S. G. Bhagwat, Inspector of Factories, Bombay.	18th March 1964.
22	Shri C. N. Hadkyal, Assistant Registrar of Co-operative Societies, Bombay.	18th March 1964.
23	Shri N. L. Gadkari, Chief Inspector of Factories, Bombay.	25th March 1964.
24	Shri V. R. Hoshing, Maharashtra Rajya Mathadi Kamgar Union, Bombay.	7th April 1964 9th July 1964. 23rd July 1964.
25	Shri R. K. Habbu, Imperial Chemical Industries (India) Pvt. Ltd., Bombay.	7th April 1964.
26	Shri S. K. Bedekar, Regional Director (Food), Bombay.	7th April 1964.
27	Sarvashri Umrad Bahadur, R. C. Sheth, and K. N. Mehta, Oilseed Crushers' Association, Bombay.	20th May 1964.
28	Shri C. V. Pawaskar and Shri Gokhale, Krishna Steel Industries Pvt. Ltd., Bombay.	18th September 1964.
29	Shri A. M. Atalia and Shri R. T. Patigara, Gazdar and Co., Bombay.	18th September 1964.
30	Shri Abbas T. Vasi, Bombay Iron Merchants Association, Bombay.	18th September 1964.
31	Shri Manharlal, Dalal Brothers, Bombay.	5th October 1964.
32	Shri B. A. Patil, General Secretary, Shri Yeshwant Koli, Secretary, Shri Shankarrao Shinde, President, Shri Haribhao Tombre, Ex-Member. Lokhandi Jatha Kamgar Union, Bombay.	14th October 1964.
33	Shri R. M. Walia, Hon. Secretary, Iron, Steel and Hardware Merchants' and Manufacturers, Chamber of India, Bombay.	14th October 1964.

## APPENDIX IV

Names of persons whose evidence was recorded by the Committee during its visit to centres where Mathadi Labour was employed

Serial No.	Date of Visit	Names of Establishments	Names of persons whose evidence was recorded
1	2	3	4
1	1st April 1964 ..	Manilal Keshavji & Co., Carnac Bunder.	1 Chanda Tukaram Mane Toliwala & Others.
2	1st April 1964 ..	Khemraj Sakhnuchand & Co. Carnac Bunder.	1 Eknath Sitaram Pawar Toliwala and others.
3	1st April 1964 ..	A Godown, Carnac Bunder.	1 Kisan Tukaram. Toliwala & others.
4	1st April 1964 ..	Kantilal Ramji, Carnac Bunder.	1 Kisan Ramchandra Pawar Toliwala & Others.
5	1st April 1964 ..	Hansraj Hariram, Sugar Merchant.	1 Namdeo Shripati Suphal & Others.
6	15th April 1964.	Damji Khimji & Co. Bhat Bazar.	1 Shri Ganpati Ramchandra worker & Others. 2 Shri Damji, Partner.
7	15th April 1964 ..	Rameshchandra Chotalal, Joggery Merchant.	1 Hanumant Y. More., Toliwala & Others.
8	15th April 1964 ..	Kantilal Chimanlal & Co., Godown.	1 Sone workers. 2 Umarsi Narsi, Partner.
9	15th April 1964 ..	Dhoble Transport Co. ..	1 Janardan, Worker & Others. 2 Shri Chandrakant Dhoble, Partner.
10	22nd April 1964..	Jaipur Golden Transport Co. Pvt. Ltd.	1 One worker.
11	22nd April 1964..	Madras Bangalore Transport Co.	1 One worker.
12	22nd April 1964..	Sawani Transport Co. ..	1 Shri Ganpat Manik Patel.

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