

TRADE UNIONISM AND LABOUR DISPUTES IN INDIA

BY

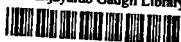
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WITH A FOREWORD BY

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PREFACE

An attempt is made in this book at presenting the recent development, present position and main problems in reference to trade unionism and labour disputes in this country. My association with the conditions of Indian labour dates back to the last fifteen years and I have tried in the following pages to describe faithfully the facts that have come to my notice either through a study of authoritative publications or as a result of personal enquiries. Some readers may perhaps object to the inordinate length of the first chapter on the conflict between Capital and Labour, but I trust that it will, as Mr. Gennings remarks in his Foreword, prove "valuable, not only as history, but as an indication of what to avoid in the future".

I am indebted to my colleague, Professor C. Afonso, for looking through the manuscript and for correcting the proofs. I also wish to express my gratitude to Dr. Gilbert Slater, Dr. (Mrs.) Vera Anstey, Mr. W. Gilligan, Professor C. N. Vakil and Dr. Zakir Husain for reading almost everything that follows and for making useful suggestions. To Mr. J. F. Gennings, my thanks are especially due for his finding time in the midst of the exhausting duties of his office to offer valuable advice and to write the Foreword. It is perhaps hardly necessary for me to add that I alone am responsible for the facts and opinions given in this book and that it has no official authority whatever.

In the end, I acknowledge my indebtedness to the University of Bombay for the substantial help it has granted towards the cost of the publication of this book.

July 1935.

AHMAD MUKHTAR.

widely from those of a leader of a labour party. This has been well-realised in Great Britain and elsewhere and its realization in India would do a great deal of good to every body. A labour leader who endeavours to impart into negotiations for the settlement of a strike, the principle that capitalism must be destroyed and that no good can come to workers from the existing order of society, is doing no good to labour. The task of a trade union leader is to gain as much for labour as he can within the existing order of society and under the existing system. On the political platform and through the working of the constitution he may advocate and perhaps achieve that change in the existing order of things that labour desires. He cannot hope to do it, nor should he try to do it, through the medium of haphazard strikes inordinately prolonged. Nor should the employer take up the attitude, either that there are no grievances or, if there are, that no "outsider" has any right to represent them to him. The attitude of mind that regards any concession as detrimental to "discipline" has got to go. The employer must learn that trade unionism, collective discussion and conciliation are inseparable from industrialism in the modern State. It must also be realised that when, as in India, the State erects tariff walls for the protection of an industry, that protection extends to the worker as well as to the employer. One can have every sympathy with the employers in their failure to recognize these facts when it is realized that, again with few exceptions, the so-called trade unionists with whom they have come in contact have been nothing more than agitators primarily concerned to foment unrest, indifferent alike to the interests of the workers and those of the industry which gives them their livelihood. All this can be changed and must be changed. The exploitation of the workers, by whomsoever attempted, must be stopped. The Bombay Trade Disputes Conciliation Act, which is printed as an appendix to this book, illustrates one way in which the problem may be approached. But the real solution lies with capital and labour

themselves. I am therefore particularly glad to see that Dr. Ahmad Mukhtar has devoted a chapter to the working of the Ahmedabad Textile Labour Association which, with the co-operation of the Ahmedabad Millowners' Association, has set an example of common sense in labour matters which is a shining example to the rest of India. Readers of the chapter will understand the circumstances that have enabled this to be brought about but *mutatis mutandis* there is no reason why something approaching this high standard of sanity in industrial relations may not be attained elsewhere. The other chapters in Dr. Mukhtar's book are no less illuminating because they clearly outline the problems facing capital and labour in India to-day and indicate the lines upon which they may be solved. The historical chapters are valuable, not only as history, but as an indication of what to avoid in the future. I can thoroughly recommend this book as a valuable contribution to the study of a subject which is not only of great interest in itself, but is of great importance to modern India.

J. F. GENNINGS.

A FEW VALUABLE OPINIONS

ON

TRADE UNIONISM & LABOUR DISPUTES IN INDIA

1. MR. C. N. VAKIL, UNIVERSITY PROFESSOR OF ECONOMICS, BOMBAY:

"Dr. Mukhtar has carried further his studies of the problems of labour in this country in his volume on 'Trade Unionism'. At a time when the whole question of the organization of trade unions is engaging public attention, the publication of a systematic study of this nature by Dr. Mukhtar is most opportune. I hope that Dr. Mukhtar will continue his valuable work in this sphere and give us the benefit thereof in the form of such excellent monographs from time to time."

2. MR. W. GILLIGAN, I.C.S., LABOUR OFFICER, BOMBAY:

"Shortly after my appointment as Labour Officer for the city of Bombay and the Bombay Suburban District, I had the opportunity of reading Dr. Ahmad Mukhtar's new book 'Trade Unionism in India' before it went to the press, and its information has considerably helped me in getting to know facts about the textile industry.....Its perusal will be of interest to expert and amateur on matters connected with trade unionism in India."

3. DR. ZAKIR HUSAIN, HEAD OF THE NATIONAL MUSLIM UNIVERSITY (*Jamia Millia*), DELHI:

".....I have gone through your excellent study of 'Trade Unionism in India'. Few people know the subject as well as you do and I do think your book will meet the keenly-felt need for a comprehensive study of this rather nascent subject.....For the book as a whole, I have nothing but praise. I congratulate you on the success with which you have marshalled your material."

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Power to call for further particulars and to require alteration of name.

7. (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 5, or that the Trade Union is entitled to registration under section 6, and may refuse to register the Trade Union until such information is supplied.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resemble such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

8. The Registrar, on being satisfied that the Trade Union has complied with all the requirements of this Act in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

9. The Registrar, on registering a Trade Union under section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Act.

Cancellation of registration. 10. A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar—

- (a) on the application of the Trade Union to be verified in such manner as may be prescribed, or
- (b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 6:

Provided that not less than two months' previous notice in

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writing specifying the ground on which it is proposed to withdraw, or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, **Appeal.** within such period as may be prescribed, appeal to such Judge, not below the grade of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the Local Government may appoint in this behalf.

(2) The Judge may, after such inquiry as he deems necessary, dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of section 9, or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of the inquiry, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court; and he may also direct by whom the whole or any part of the costs of the inquiry shall be paid, and such costs shall be recovered as if they had been awarded in a suit under the Civil Procedure Code, 1908.

(4) In the event of the dismissal of an appeal under subsection (2), the person aggrieved shall have the right of appeal to the High Court.

12. All communications and notices to a registered Trade Union may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in section 8.

13. Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both moveable and immoveable property and to contract, and shall by the said name sue and be sued.

**Registered
office.**

**Incorporation
of
registered
Trade
Unions.**

14. The following Acts, namely:—

- | | |
|--|--|
| Certain
Acts not to
apply to
registered
Trade
Unions. | <p>(a) The Societies Registration Act, 1860,</p> <p>(b) The Co-operative Societies Act, 1912,</p> <p>(c) The Provident Insurance Societies Act, 1912.</p> <p>(d) The Indian Life Assurance Companies Act, 1912, and</p> <p>(e) The Indian Companies Act, 1913,</p> |
|--|--|

shall not apply to any registered Trade Union, and the registration of any such Trade Union under any such Act shall be void.

CHAPTER III.

Rights and Liabilities of registered Trade Unions.

- | | |
|---|---|
| Objects on
which
general
funds may
be spent. | <p>15. The general funds of a registered Trade Union shall not be spent on any other objects than the following, namely:—</p> |
|---|---|

- (a) the payment of salaries, allowances and expenses to officers of the Trade Union;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;
- (d) the conduct of trade disputes on behalf of the Trade Union or any member thereof;
- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;
- (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;

- (j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and
- (k) subject to any conditions contained in the notification, any other object notified by the Governor General in Council in the Gazette of India.

Constitution of a separate fund for political purposes.

16. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2).

(2) The objects referred to in sub-section (1) are:—

- (a) the payment of any expenses incurred, either directly or indirectly by a candidate or prospective candidate for election as a member of any legislative body constituted under the Government of India Act or of any local authority, before, during, or after the election in connection with his candidature or election; or
- (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (c) the maintenance of any person who is a member of any legislative body constituted under the Government of India Act or of any local authority; or
- (d) the registration of electors or the selection of a candidate for any legislative body constituted under the Government of India Act or for any local authority; or
- (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to

the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

Criminal conspiracy in trade disputes. 17. No officer or member of a registered Trade Union shall be liable to punishment under sub-section (2) of section 120B of the Indian Penal Code, in respect of any agreement made between the members for the purpose of furthering any such object of the Trade Union as is specified in section 15, unless the agreement is an agreement to commit an offence.

Immunity from civil suit in certain cases. 18. (1) No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union.

Enforceability of agreements. 19. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreements are in restraint of trade:

Provided that nothing in this section shall enable any Civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of

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any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employ or be employed.

Right to inspect books of Trade Union.

20. The account books of a registered Trade Union and the list of members thereof shall be open to inspection by an officer or member of the Trade Union at such times as may be provided for in the rules of the Trade Union.

Rights of minors to membership of Trade Unions.

21. Any person who has attained the age of fifteen years may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary, and may, subject as aforesaid, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules:

Provided that no person who has not attained the age of eighteen years shall be an officer of any such Trade Union.

Proportion of officers to be connected with the industry.

22. Not less than one-half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected:

Provided that the Local Government may, by special or general order, declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order.

Change of name.

23. Any registered Trade Union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 25, change its name.

Amalgamation of Trade Unions.

24. Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such Trade Unions or either or any of them, provided that the votes of at least one-half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent. of the votes recorded are in favour of the proposal.

25. (1) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name,

by the Secretary and by seven members of the Trade Union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is a party thereto, shall be sent to the Registrar, and where the head office of the amalgamated Trade Union is situated in a different province, to the Registrar of such province.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the province in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under section 6, register the Trade Union in the manner provided in section 8, and the amalgamation shall have effect from the date of such registration.

Effects of change of name and of amalgamation. 26. (1) The change in the name of a registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of any of such Trade Unions or any right of a creditor of any of them.

Dissolution. 27. (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall

be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

28. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union during the year ending on the 31st day of March next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of March. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.

CHAPTER IV

Regulations

Power to make regulations.

29. (1) Subject to the control of the Governor General in Council, the Local Government may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration;

- (b) the transfer of registration in the case of any registered Trade Union which has changed its head office from one province to another;
- (c) the manner in which, and the qualifications of persons by whom, the accounts of registered Trade Unions or of any class of such Unions shall be audited;
- (d) the conditions subject to which inspection of documents kept by Registrars shall be allowed and the fees which shall be chargeable in respect of such inspections; and
- (e) any matter which is to be or may be prescribed.

Publication of regulations. 30. (1) The power to make regulations conferred by section 29 is subject to the condition of the regulations being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of regulations proposed to be made will be taken into consideration shall not be less than three months from the date on which the draft of the proposed regulations was published for general information.

(3) Regulations so made shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Act.

CHAPTER V

Penalties and Procedure

Failure to submit returns. 31. (1) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Act, every officer or other person bound by the rules of the Trade Union to give or send the same, or, if there is no such officer or person, every member of the executive of the Trade Union, shall be punishable with fine which may extend to five rupees and, in the case of a continuing default, with an additional fine which may extend to five rupees for each week after the first during which the default continues:

Provided that the aggregate fine shall not exceed fifty rupees.

(2) Any person who wilfully makes, or causes to be made, any false entry in, or any omission from, the general statement

required by section 28, or in or from any copy of rules or of alterations of rules sent to the Registrar under that section, shall be punishable with fine which may extend to five hundred rupees.

32. Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Trade

**Supplying
false infor-
mation
regarding
Trade
Unions.**

Union any document purporting to be a copy of the rules of the Trade Union or of any alterations to the same which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who, with the like intent, gives a copy

of any rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

**Cognizance
of offences.** **33.** (1) No Court inferior to that of a Presidency Magistrate of the first class shall try any offence under this Act.

(2) No Court shall take cognizance of any offence under this Act, unless complaint thereof has been made by, or with the previous sanction of, the Registrar or, in the case of an offence under section 32, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

Indian Trade Unions (Amendment) Act, 1928

An Act to amend the Indian Trade Unions Act, 1926, for a certain purpose

Whereas it is expedient to amend the Indian Trade Unions Act, 1926, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Indian Trade Unions (Amendment) Act, 1928.

Substitution of new section for section 11. 2. For section 11 of the Indian Trade Unions Act, 1926, the following section shall be substituted, namely:—

- Appeal.** "11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal—
- (a) where the head office of the Trade Union is situated within the limits of a Presidency-town or of Rangoon, to the High Court, or
 - (b) where the head office is situated in any other area, to such Court, not inferior to the Court of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the Local Government may appoint in this behalf for that area.
- (2) The appellate Court may dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of section 9 or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.
- (3) For the purpose of an appeal under sub-section (1) an appellate Court shall, so far as may be, follow the same procedure and have the same powers as it follows and has when trying a suit under the Code of Civil Procedure, 1908, and may direct by whom the whole or any part of the costs of the appeal shall be paid, and such costs shall be recovered as if they had been awarded in suit under the said Code.
- (4) In the event of the dismissal of any appeal by any Court appointed under clause (b) of sub-section (1), the person aggrieved shall have a right of appeal to the High Court, and the High Court shall, for the purpose of such appeal, have all the powers of an appellate Court under sub-sections (2) and (3), and the provisions of those sub-sections shall apply accordingly."

APPENDIX B

Trade Disputes Act, 1929

An Act to make provision for the investigation and settlement of trade disputes, and for certain other purposes.

Whereas it is expedient to make provision for the investigation and settlement of trade disputes, and for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

**Short title,
extent,
commence-
ment and
duration.**

1. (1) This Act may be called the Trade Disputes Act, 1929.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

(4) It shall remain in force for a period of five years only.

**Interpre-
tations.**

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means a Board of Conciliation constituted under this Act;

(b) "Court" means a Court of Inquiry constituted under this Act;

(c) "employer", in the case of any industry, business or undertaking carried on by any department of the Government, means the authority prescribed in this behalf or, where no authority is prescribed, the head of the department;

(d) a person shall be deemed to be "independent" for the purpose of his appointment as the chairman or other member of a Court or a Board if he is unconnected with the dispute with reference to which the Court or the Board is appointed and with any trade or industry directly affected by the dispute;

(e) "lockout" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, where such

- closing, suspension or refusal occurs in consequence of a dispute and is intended for the purpose of compelling those persons, or of aiding another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "public utility service" means—
- (i) any railway service which the Governor General in Council may, by notification in the Gazette of India, declare to be a public utility service for the purposes of this Act; or
 - (ii) any postal, telegraph or telephone service; or
 - (iii) any industry, business or undertaking which supplies light or water to the public; or
 - (iv) any system of public conservancy or sanitation;
- (h) "railway company" means a railway company as defined in section 3 of the Indian Railways Act, 1890;
- (i) "strike" means a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment;
- (j) "trade dispute" means any dispute or difference between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person; and
- (k) "workman" means any person employed in any trade or industry to do any skilled or unskilled manual or clerical work for hire or reward, but does not include any person employed in the naval, military or air service of the Crown or in the Royal Indian Marine Service.

Reference of Disputes to Courts and Boards

- Reference of disputes to Courts or Boards.**
3. If any trade dispute exists or is apprehended between an employer and any of his workmen, the Local Government or, where the employer is the head of a department under the control of the Governor General in Council or is a railway company, the Governor General in Council may, by order in writing,—
- (a) refer any matters appearing to be connected with or relevant to the dispute to a Court of Inquiry to be appointed by the Local Government or the Governor General in Council, as the case may be; or
 - (b) refer the dispute to a Board of Conciliation to be appointed by the Local Government or the Governor General in Council, as the case may be, for promoting a settlement thereof;

Provided that, where both parties to the dispute apply, whether separately or conjointly, for a reference to a Court, or where both parties apply, whether separately or conjointly, for a reference to a Board, and the authority having the power to appoint is satisfied that the persons applying represent the majority of each party, a Court or a Board, as the case may be, shall be appointed accordingly.

Courts of Inquiry

4. (1) A Court shall consist of an independent chairman and such other independent persons as the appointing authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

(2) A Court, having the prescribed quorum, may act notwithstanding any vacancy in the number of its members other than the chairman.

5. (1) A Court shall, either in public or in private, at its discretion, inquire into the matters referred to it and report thereon to the authority by which the Court was appointed.

(2) A Court may, if it thinks fit, make interim reports.

Boards of Conciliation

6. (1) A Board shall consist of a chairman and two or four other members, as the appointing authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

(2) Where the Board consists of more than one person, the chairman shall be an independent person and the other members shall be either independent persons or persons appointed in equal numbers to represent the parties to the dispute; all persons appointed to represent any party shall be appointed on the recommendation of that party:

Provided that, if any party fails to make the necessary recommendation within the prescribed time, the appointing authority shall select and appoint such persons as it thinks fit to represent that party.

(3) A Board, having the prescribed quorum, may act notwithstanding any vacancy in the number of its members other than the chairman:

Provided that, where a Board includes an equal number of persons representing the parties to the dispute and the services of any such person cease to be available before the Board has completed its work, the authority appointing the Board shall appoint, in the manner specified in sub-section (2), another person to take his place, and the proceedings shall be continued before the Board so re-constituted.

Duties of Boards. 7. (1) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same, and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits thereof and the right settlement thereof, and in so doing may do all such things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period sufficient in its opinion to allow the parties to agree upon terms of settlement.

(2) If a settlement of a dispute is arrived at by the parties thereto after it has been referred to a Board and during the course of the investigation thereof, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and the Board shall send a report of the settlement, together with the memorandum, to the authority by which the Board was appointed.

(3) If no such settlement is arrived at during the course of the investigation, the Board shall, as soon as possible after the close thereof, send a full report regarding the dispute to the authority by which the Board was appointed, setting forth the proceedings and steps taken by the Board for the purpose of ascertaining the facts and circumstances relating to the dispute and of bringing about a settlement thereof, together with a full statement of such facts and circumstances and its findings thereon and the recommendation of the Board for the determination of the dispute.

(4) The recommendation of the Board shall deal with each item of the dispute, and shall state in plain language what in the opinion of the Board ought and ought not to be done by the respective parties concerned.

General

Finality of orders constituting a Court or Board.

8. No order of the Governor General in Council or of Local Government appointing any person as a member of a Court or a Board shall be called in question in any manner.

Procedure and powers.

9. (1) Courts and Boards shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

(2) Courts and Boards shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects; and

(c) issuing commissions for the examination of witnesses;

and shall have such further powers as may be prescribed; and every inquiry or investigation by a Court or Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

10. (1) If the services of the chairman or of any other independent member of a Court or Board cease to be available

Filling of vacancies.

at any time for the purposes of the Court or Board, the appointing authority shall in the case of a chairman, and may in the case of any other

member, appoint another independent person to fill the vacancy, and the proceedings shall be continued before the Court or Board so re-constituted.

(2) Where the Court or Board consists of one person only and his services cease to be available as aforesaid, the appointing authority shall appoint another independent person in his place, and the proceedings shall be continued before the person so appointed.

Form of report.

11. The report of a Court or Board shall be in writing and shall be signed by all the members of the Court or Board:

Provided that nothing in this section shall be deemed to prevent any member of a Court or Board from recording a minute of dissent from a report or from any recommendation made therein.

12. (1) The final and any interim report of a Court or

Board, together with any minute of dissent recorded therewith, shall, as soon as possible after its receipts by the authority by which the Court or Board was appointed, be published by that authority in such manner as it thinks fit.

**Publication
of results
of inquiry.**

(2) The said authority may publish or cause to be published from time to time, in such manner as such authority thinks fit, any information obtained, or conclusions arrived at, by the Court or Board as the result or in the course of its inquiry or investigation.

13. (1) Notwithstanding anything contained in section 12, there shall not be included in any report or publication made or authorised by a Court or Board or the authority appointing a Court or Board any information obtained by the Court or Board in the course of its inquiry or investigation as to any Trade Union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through evidence given before the Court or Board, except with the consent in writing of the Secretary of the Trade Union or of the person, firm or company in question; nor shall any individual member of the Court or Board or any person concerned in the proceedings before it disclose any such information without such consent.

**Certain
matters to
be kept
confiden-
tial.**

(2) If any member of a Court or Board or any person present at or concerned in the proceedings before a Court or Board discloses any information in contravention of the provisions of sub-section (1), he shall, on complaint made by or under the authority of the Trade Union or individual business affected, be punishable with fine which may extend to one thousand rupees:

Provided that nothing in this sub-section shall apply to the disclosure of any such information for the purposes of a prosecution under section 193 of the Indian Penal Code.

14. Subject to such conditions and restrictions as may be prescribed, any party to a dispute under inquiry or investigation by a Court or Board shall be entitled to be represented before the Court or Board by a legal practitioner.

**Representa-
tion of
parties.**

Special provision regarding Public Utility Services

Sudden strikes and lockouts in utility services. 15. (1) Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of his intention to go on strike or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer carrying on any public utility service who locks out his workmen in breach of contract without having given them, within one month before such lockout, not less than fourteen days' notice in writing of his intention to lock them out, or, having given such notice, locks them out before the expiry thereof, shall be liable to imprisonment which may extend to one month, or to a fine which may extend to one thousand rupees, or with both.

(3) Where the employer committing an offence under sub-section (2) is a corporation, company or other association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punishable as therein provided unless he proves that the offence was committed without his knowledge or without his consent.

(4) No Court shall take cognisance of any offence under this section or of the abetment of any such offence save on complaint made by, or under authority from, the Governor General in Council or the Local Government.

(5) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

Special provision for Illegal Strikes and Lockouts

Illegal strikes and lockouts. 16. (1) A strike or a lockout shall be illegal which—

- (a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and
- (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action.

(2) It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lockout.

(3) For the purposes of this section—

(a) trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or non-employment or the terms of the employment, with the conditions of labour, of persons in that trade or industry;

(b) without prejudice to the generality of the expression "trade or industry", workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with agreements made with the same employer or group of employers.

(4) A strike or a lockout shall not be deemed to be calculated to compel the Government unless such compulsion might reasonably be expected as a consequence thereof.

17. (1) If any person declares, instigates, incites others to take part in, or otherwise acts in furtherance of, a strike or lockout which is illegal under the provisions of section 16, he shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both:

Penalty. Provided that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or to accept employment.

(2) No Court shall take cognisance of any offence under this section save on complaint made by, or under authority from, the Governor General in Council or the Local Government.

(3) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

18. (1) No person refusing to take part, or to continue to take part, in any strike or lockout which is illegal under the provisions of section 16 shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed in

**Protection
of persons
with-
holding
from illegal
strike or
lockout.**

any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the Civil Court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as that Court thinks just.

Rules

19. (1) The Governor General in Council in respect of industries, businesses and undertakings carried on by him or under his authority, or by a railway company, and the Local Governments in respect of other businesses, industries or undertakings within their respective provinces, may make rules for the purpose of giving effect to the provisions of this Act.

Power to make rules. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the powers and procedure of Courts and Boards, including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry or investigation and the number of members necessary to form a quorum;
- (b) the allowances admissible to members of Courts and Boards and to witnesses;
- (c) the ministerial establishment which may be allotted to a Court or Board and the salaries and allowances payable to members of such establishments;
- (d) the conditions and restrictions subject to which persons may be represented by legal practitioners in proceedings under this Act before a Court or Board;
- (e) any other matter which is to be or may be prescribed.

(3) All rules made under this section shall be published in the Gazette of India or the local official Gazette, as the case may be, and shall, on such publication, have effect as if enacted in this Act.

*Trade Disputes (Extending) Act, 1934.***An Act to extend the operation of the Trade
Disputes Act, 1929.**

Whereas it is expedient to extend the operation of the Trade Disputes Act, 1929; it is hereby enacted as follows:—

1. This Act may be called the Trade Disputes (Extending) Act, 1934.
2. Sub-Section (4) of Section I of the Trade Disputes Act, 1929, shall be omitted.

APPENDIX C

Bombay Trade Disputes Conciliation Act, 1934

An Act to make further provision for the prevention and settlement of trade disputes by conciliation and for certain other purposes.

WHEREAS it is expedient to make further provision for the prevention and settlement of trade disputes by conciliation and for certain other purposes hereinafter appearing;

AND WHEREAS the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Bombay Trade Disputes Conciliation Act, 1934.

Extent, commencement and application. 2. (1) Section 1 and this section extend to the whole of the Bombay Presidency. The remaining provisions of this Act extend to the City of Bombay and the Bombay Suburban District and the Governor in Council may further, by notification in the *Bombay Government Gazette*, direct that the said provisions shall extend to such other area as may be specified in the notification.

(2) Section 1 and this section shall come into force at once. The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that the remaining provisions of this Act shall come into force in any area to which the said provisions extend or may have been extended under sub-section (1), on such date as may be specified in the notification.

(3) This Act shall apply, in the first instance, to the textile trade or industry. The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that the provisions

of this Act shall apply to such other trade or industry and in such area as may be specified in the notification. ,

Definitions. 3. In this Act, unless there is anything repugnant to the subject or context,—

- (a) "Commissioner of Labour" means the officer appointed for the time being to be the Commissioner of Labour;
- (b) "Conciliator" includes the Chief Conciliator or a Special or Assistant Conciliator appointed under this Act;
- (c) "Conciliation proceeding" means a proceeding held by a Conciliator under this Act;
- (d) "Delegate" means a person appointed under section 9 to represent a party to a trade dispute in a conciliation proceeding and includes the Labour Officer acting as a delegate to represent workmen in such proceeding;
- (e) "employer" includes any body of persons, whether incorporated or not and any managing agent of an employer;
- (f) "Labour Officer" means an officer appointed to perform the duties of a Labour Officer under this Act;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "trade dispute" means any dispute or difference between employers and workmen which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person;
- (i) words and expressions not defined in this Act, but defined in the Trade Disputes Act, 1929, shall have the meaning assigned to them in that Act.

**Appoint-
ment of
Concilia-
tors.**

4. (1) The Commissioner of Labour shall be the ex-officio Chief Conciliator.

(2) The Governor in Council may, by notification in the *Bombay Government Gazette*, appoint any person to be a Special Conciliator for such area as may be specified in the said notification.

(3) The Governor in Council may, by notification in the *Bombay Government Gazette*, appoint any person to be an Assistant Conciliator for such area as may be specified in the said notification.

**Labour
Officer.** 5. (1) The Governor in Council may, by notification in the *Bombay Government Gazette*, appoint any person to be a Labour Officer for such area as may be specified in the said notification.

(2) The Labour Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act. It

shall be the duty of the Labour Officer to watch the interests of workmen with a view to promote harmonious relations between employers and workmen and to take steps to represent the grievances of workmen to employers for the purpose of obtaining their redress.

(3) For the purpose of exercising such powers and performing such duties, the Labour Officer may, after giving reasonable notice, enter any place used for the purpose of any trade or industry to which this Act applies and shall be entitled to inspect and call for documents, relevant to the grievances of workmen, in the possession of any employer or workman, as the Labour Officer deems necessary. The Labour Officer may, for the same purpose, enter after giving reasonable notice any premises provided by an employer for the purpose of residence of his workmen.

(4) All particulars contained in or information obtained from any document inspected or called for under sub-section (3) shall, if the person in whose possession the document was so required, be treated as confidential.

Jurisdiction of conciliators. 6. (1) The Chief Conciliator shall exercise powers and perform duties under this Act throughout the Presidency except in the area for which a Special Conciliator has been appointed under this Act.

(2) An Assistant Conciliator shall be subordinate to, and shall exercise such powers and perform such duties as may be delegated to him by, the Chief Conciliator or Special Conciliator, as the case may be.

Application or report for settlement of trade disputes. 7. If any trade dispute exists or is apprehended,—
(a) either or both parties to the dispute may apply, whether separately or conjointly, or
(b) the Labour Officer may make a report
to the Conciliator for a settlement of the dispute.

Conciliator to give notice to parties. 8. (1) If the Conciliator,
(a) in any area for which a Labour Officer is appointed, on receipt of an application or report under section 7, or
(b) elsewhere, on receipt of an application under section 7 or upon his own knowledge or information,

is satisfied that a trade dispute exists or is apprehended, he may cause notice to be given to the parties to the dispute to appear before him at such time and place as may be specified in the notice.

A copy of such notice shall be sent to the Labour Officer.
(2) Notice to the parties shall require them to appoint, within such time as may be specified in the notice, delegates to represent them in the conciliation proceeding.

(3) Notice under this section shall be in the prescribed form and shall be served in the prescribed manner.

9. (1) On receipt of notice under section 8, the parties to a trade dispute shall within the time specified in the notice or within such time as may be fixed by the Conciliator in this behalf appoint delegates in such manner as the Conciliator may direct:

Provided that when a party to the dispute is a single individual, such party may appoint himself as a delegate:

Provided further that the Labour Officer may be appointed as a delegate on behalf of the workmen.

(2) The number of delegates appointed by a party to a trade dispute shall not exceed three:

Provided that when, in the opinion of the Conciliator, such party to the dispute is divided into two or more groups, the Conciliator may allow each of such groups to appoint separate delegates not exceeding three:

Provided, further, that the total number of delegates appointed by all the groups forming the party shall not exceed twelve.

(3) If an employer who is a party to a trade dispute has failed or refused to appoint any delegate within the time specified in the notice or within such further time as may be fixed by the Conciliator, such employer shall, on conviction, be punishable with fine which may extend to Rs. 100 and with further fine which may extend to Rs. 100 for every day on which such failure or refusal continues after the date of the first conviction.

Explanation. Where such employer is a Company registered under the Indian Companies Act, 1913, employer shall mean the managing agent or managing director of such company or any other officer of the company authorized to represent such company in the prescribed manner.

(4) No criminal court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under sub-section (3).

(5) No criminal court shall take cognizance of any offence under sub-section (3) except with the previous sanction of the Governor in Council.

(6) Where workmen who are parties to a trade dispute have failed or refused to appoint any delegate within the time specified in the notice or within such further time as may be fixed by the Conciliator, the Labour Officer shall act as the delegate on behalf of such workmen.

Disquali- 10. (1) A person shall be disqualified from being
fication appointed or acting as a delegate, if such person—
from being (a) is less than twenty-one years of age; or
a delegate. (b) is an uncertificated bankrupt or an undischarged
insolvent.

(2) A person shall be disqualified from acting as a delegate, if such person is not, in the opinion of the conciliator, after the conciliation proceedings have started, a fit and proper person to be a delegate.

(3) The decision of the Chief Conciliator or the Special Conciliator, as the case may be, that a person is disqualified from being appointed or acting as a delegate shall be final.

Concilia- 11. (1) On the date specified in the notice under sub-section
tion pro- (1) of section 8 or on such other date as may be
ceeding. fixed by the Conciliator on his motion or at the
request of any of the parties to a trade dispute, the
Conciliator shall hold the conciliation proceeding in the prescribed
manner.

(2) A party to such trade dispute shall be represented in a conciliation proceeding by delegates. The Labour Officer, even if not appointed or acting as delegate, shall be entitled to be present at such proceeding.

(3) It shall be the duty of the Conciliator to endeavour to bring about a settlement of the trade dispute and for this purpose the Conciliator shall inquire into the dispute, and all matters affecting the merits thereof and the right settlement thereof and in so doing may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute and may adjourn the conciliation proceeding for any period sufficient in his opinion to allow the parties to agree upon the terms of the settlement.

**Procedure
and powers
of concilia-
tor in con-
ciliation
proceed-
ing.**

12. (1) A Conciliator shall, subject to the provisions of this Act, follow in a conciliation proceeding such procedure as may be prescribed.

(2) For the purpose of holding a conciliation proceeding, the Conciliator shall have the same powers as are vested in courts under the Code of Civil Procedure, 1908, in trying a suit in respect

of the following matters, *viz.* :—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects; and

(c) issuing commissions for the examination of witnesses;

(3) If a party to a trade dispute giving any information or producing any document in a conciliation proceeding makes a request in writing to the Conciliator that such information or the contents of such document may be treated as confidential, the Conciliator shall direct that such information or document be treated as confidential.

(4) The Conciliator may, if he thinks fit, permit the information or contents of the document in respect of which a request has been made under sub-section (3) to be disclosed to the other party to the trade dispute:

Provided that the Conciliator shall not permit such information or the contents of such document to be so disclosed to the other party to the trade dispute, if it is shown to his satisfaction that such disclosure is likely to affect the interests of the party making the request under sub-section (3) adversely in any matter not connected with the settlement of the said dispute.

(5) Save as provided in sub-section (4), the Conciliator or any person present at or concerned in the conciliation proceeding shall not disclose any information or the contents of any document directed to be treated as confidential under sub-section (3), without the consent in writing of the party making the request under the said sub-section.

(6) Nothing in this section shall apply to the disclosure of any information or the contents of any document for the purpose of a prosecution for an offence under section 14 or under the Indian Penal Code.

13. (1) If a settlement of a trade dispute is arrived at in a conciliation proceeding, a memorandum of such proceeding and

Settlement and Report. settlement shall be drawn up in the prescribed form by the Conciliator and signed by the delegates. The Conciliator shall send a report of such settlement together with a copy of the memorandum to the Governor in Council.

(2) If no such settlement is arrived at, the Conciliator shall, as soon as possible, after the close of the conciliation proceeding, send a full report regarding the trade dispute to the Governor in Council, setting forth the particulars of the proceeding and the steps taken by him for the purpose of ascertaining the facts and circumstances relating to the dispute and the reasons on account of which, in his opinion, a settlement could not be made.

(3) Notwithstanding anything contained in sub-section (1) or (2), any information or contents of any document shall not be included in the memorandum of proceedings, settlement or report drawn up or made under sub-section (1) or (2), if such information or the contents of such document is not permitted by the Conciliator to be disclosed under sub-section (4) of section 12.

(4) The record of the conciliation proceeding held and settlement made under this section shall be maintained in the prescribed manner.

14. (1) If the Conciliator or any person present at or concerned in a conciliation proceeding wilfully discloses any information or contents of any document in contravention of section 12, he shall, on complaint made by the party who made the request under sub-section (4) of section 12, be punishable with fine which may extend to one thousand rupees.

(2) No criminal court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under this section.

(3) No criminal court shall take cognizance of any offence under this section except with the previous sanction of the Governor in Council.

Exemption of documents from stamp duty, court fee and registration fees. **15.** Any application, document or other instrument made or produced in the course of any proceeding under this Act shall be exempt from stamp duty, court fee or registration fee payable under any law for the time being in force.

16. If any person instigates or incites others, not to take part in a conciliation proceeding, or otherwise obstructs or instigates or incites others to obstruct a Conciliator in the discharge of his duties under this Act or molests or abets the molestation of others, with intent to prevent them from taking part in a conciliation proceeding, such person shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine or with both.

Explanation.—For the purpose of this section, a person is said to molest any person who

(a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or persistently follows him from place to place, or interferes with any property owned or used by him, or deprives him of or hinders him in the use thereof, or

(b) loiters or does any similar act at or near the place where a conciliation proceeding is held, in such a way and with intent that any person may thereby be deterred from entering or approaching such place.

17. It shall be lawful for a Conciliator at any time and from time to time when necessary for the purposes of exercising the powers conferred and performing the duties imposed by or under this Act to enter any premises used for the purpose of any trade or industry to which this Act applies.

Conciliator and Labour Officer to be public servants. **18.** A Conciliator and a Labour Officer shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection to persons acting in good faith. **19.** No suit or proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Rules. **20. (1)** The Governor in Council may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this act.

(2) In particular and without prejudice to the generality

of the foregoing provision, such rules may be made for all or any of the following purposes, namely:—

- (a) prescribing the powers and duties of the Labour Officer;
- (b) prescribing the powers and duties which may be delegated to Assistant Conciliators;
- (c) prescribing the form and manner in which notice shall be given under section 8;
- (d) prescribing the manner in which the officer of a company shall be authorized to represent the company under section 9;
- (e) regulating the procedure in which a conciliation proceeding shall be held under section 11;
- (f) determining the scale of fees at which witnesses shall be paid for appearance in a conciliation proceeding under section 11;
- (g) specifying the powers which may be exercised by the Conciliator for the purpose of a conciliation proceeding under section 11;
- (h) prescribing the form in which and the particulars which shall be mentioned in the memorandum of a settlement under section 13;
- (i) prescribing the manner in which the record of a conciliation proceeding and settlement shall be maintained under section 13; and
- (j) providing for any other matter for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Governor in Council, necessary for giving effect to the provisions of this Act.

(3) The rules made under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

(4) Rules made under this section shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified and rescinded by a resolution of the said Council and such rule shall after notification in the *Bombay Government Gazette* be deemed to have been modified or rescinded accordingly:

Provided that when in the opinion of the Governor in Council such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the Governor in Council may by notification in the *Bombay Government Gazette* declare that the modification or rescission shall have no effect and thereupon the rules shall remain in force as if they had not been modified or rescinded.

**Saving of
the provi-
sions of the
Trade Dis-
putes Act,
1929.**

21. Nothing in this Act shall affect any of the provisions of the Trade Disputes Act, 1929, and no conciliation proceeding shall be held relating to any matter or trade dispute which is referred to and is pending before, the Court of Inquiry or Board of Conciliation under the said Act.

By the Same Author

FACTORY LABOUR IN THE PUNJAB

(Published by the Huxley Press, Madras)

With a Foreword by

SIR EDWARD MACLAGAN, K.C.S.I., K.C.I.E.,

Late Governor of the Punjab.

SOME OPINIONS.

1. PROFESSOR C. N. VAKIL, BOMBAY UNIVERSITY:

"I have read your very informative book on 'Factory Labour in the Punjab' with great interest. It is sure to stimulate work of a similar character in other parts of the country; you have indeed done a service in working out a method which will be useful to future investigators."

2. PROFESSOR GURMUKH N. SINGH, BENARES UNIVERSITY:

"'Factory Labour in the Punjab' is a very welcome addition to the economic literature of India. It is a first-hand study and is careful and systematic. Several of the suggestions made are useful and are worthy of adoption. I recommend the book to all students of economic conditions and problems in India."

3. SIR J. C. COYAJEE, CALCUTTA:

"I am much obliged to you for sending me a copy of your very interesting and timely work on 'Factory Labour in the Punjab.' It is a scholarly book which will be welcomed by all students of labour problems in India."

4. DR. GILBERT SLATER, M.A., D.Sc., LONDON SCHOOL OF ECONOMICS:

"A valuable piece of work."

5. DR. V. ANSTEY, D.Sc. (London), LONDON SCHOOL OF ECONOMICS:

"I am much impressed with the value of the work done and with the spirit in which it has been undertaken."

6. SIR W. H. BEVERIDGE, EX-VICE-CHANCELLOR, LONDON UNIVERSITY & DIRECTOR, LONDON SCHOOL OF ECONOMICS:

"Mr. Mukhtar investigated the subject of 'Factory Labour in the Punjab' under the supervision of Dr. Gilbert Slater. He had completed a good deal of first-hand investigation in India and he carried these investigations further on an intelligent plan and very thoroughly."

7. LADY CHATTERJEE, M.A., D.Sc. (LONDON):

"Most interesting."

8. DR. P. J. THOMAS, MADRAS UNIVERSITY:

"It is a useful contribution to the Indian Literature on practical economic problems."

9. PROFESSOR H. S. JEVS, RANGOON UNIVERSITY:

"I read your book called 'Factory Labour in the Punjab' with much interest and I regard that investigation as a very useful piece of work on your part."

10. 'THE STATESMAN,' CALCUTTA:

"The industrial revolution in the Punjab is of recent growth. Mr. Mukhtar's investigation of its factory conditions indicates real research. Many of the facts and figures that have been used in the book are the outcome of personal investigations carried out as an industrial investigator under the Punjab Government's Board of Economic Inquiry in 1920 and as a University Lecturer in Economics at Aligarh. The book can be recommended to advanced students of industrial reform as a mine of information."

11. 'THE HINDU,' MADRAS:

"Mr. Mukhtar's book is a very useful addition to the growing volume of Indian economic literature. Submitted as a thesis for the Ph. D. degree of the London University in June 1928, the book is the outcome of the labours of the Author as industrial investigator under the auspices of the Punjab Board of Economic Inquiry constituted in 1919 to serve as a centre for economic study and research outside the ordinary official channels.' Much of the material in this book is based on the Author's personal investigations and as such possesses a value which, making every allowance for the Author's generous enthusiasm for suffering labour, must be deemed to be considerable. . . . The book has more than a provincial interest in that the problems it treats of are the same all over the country, differences being only in details. . . ."

12. 'MYSORE ECONOMIC JOURNAL,' MYSORE:

"This is a well-conceived and well-executed work on 'Factory Labour in the Punjab'. . . The Author has produced a work of considerable interest and utility. It is in parts suggestive and informative as well. . . . It is refreshingly plain in its remarks and hits and what is more in the manner in which it shows the way to improve matters . . . India has still to make much leeway if she is to come up to the high standard required of it in regard to factory labour. It is only when what is contained in books of this kind—written with knowledge, care and sympathy—becomes general of both workers and employers that a real advance will be possible. . . The use of books of this kind is primarily to educate the employer and the Government and the general public whose responsibility is no little in this connection. . . Professor Mukhtar deserves praise for the labour and thought he has bestowed on his work."

13. 'SERVANT OF INDIA,' POONA:

"The book furnishes clear evidences of careful study and scientific investigation. . . . The book does not stop with merely pointing out the numerous handicaps under which the Punjab workers are living. The Author maintains that the remedy for the deplorable conditions in the Punjab, as also in other provinces, lies not in piecemeal provincial legislation, but also in the intimation of All-India legislation designed to ensure uniform and simultaneous progress in labour matters in all the Indian provinces. The book is also fertile in practical suggestions capable of immediate local application."

14. PROFESSOR A. C. SEN GUPTA, I.E.S., NAGPUR:

" It is a valuable addition to our knowledge of Factory Labour in India. I shall recommend your book to the Board for adoption as a text-book for the M.A."

15. DR. P. BASU, AGRA UNIVERSITY:

" I got your book from the Publishers and was glad to find it a useful one for students studying factory labour in India. I have already recommended it to my post-graduate students who have taken the paper on Industrial labour."

16. EXTRACT FROM THE FOREWORD:

"The problems dealt with in this treatise are not such as can be settled off-hand. The writer has, however, put forward in a thoroughly scholarly manner the historical basis and the economic data necessary for those who wish to approach the subject and his own experiences and opinions provide food for earnest thought. . . . If the treatise can be utilised as providing the basis for a real advance in factory conditions, there is no reason why the Punjab should not become a model to other areas in the sphere so competently dealt with by the author of the thesis."

By the Same Author

FACTORY LABOUR IN INDIA

(Published by the Annamalai University)

SOME OPINIONS

1. DR. P. P. PILLAI, DIRECTOR, INTERNATIONAL LABOUR OFFICE, INDIAN BRANCH:

"I have now had the advantage of reading your book on 'Factory Labour in India,' and beg to offer you my cordial congratulations on what will be universally considered a very scholarly piece of work, which fully maintains the high standard of excellence usually associated with the writings of research students who have had their training in the London School of Economics.

"Its publication at the present time, coinciding as it does with the work of the Whitley Commission, has been singularly opportune; and I may be permitted to express the hope that we shall soon be having a succession of similar volumes from your pen, all characterised by the same lucidity of thought and clarity of expression and animated by the same earnest desire to arrive at the truth."

2. SIR RICHARD BURN, OXFORD:

".... You have the spirit of the investigator who is prepared to go to the original sources and not take things at second hand. Moreover, you have been able to exhibit the result of your inquiries in an interesting manner...."

3. PROFESSOR V. G. KALE, POONA:

"You have done your work very well indeed and the book will be a substantial contribution to our literature on the subject."

4. SIR EDWARD DOUGLAS MACLAGAN, EX-GOVERNOR, PUNJAB:

".... It seems to me a most comprehensive and well-arranged work which should prove of great use to those interested in the subject. I have found it most interesting reading."

5. PROFESSOR E. R. A. SELIGMAN, COLUMBIA UNIVERSITY:

".... I have received your book on 'Factory Labour in India' and have read it with much interest. The situation as you depict it is deplorable but the work itself seems to be carefully done and presents an interesting picture of the situation."

'INDIAN JOURNAL OF ECONOMICS,' ALLAHABAD:

".... At such a time, the appearance of Dr. Mukhtar's book on the subject is very opportune. In this subject covering over 300 pages, the Author has attempted with much success a systematic and comprehensive discussion of the economic condition of factory labourers in India. To that discussion is prefixed a full and critical account of labour legislation in India. A mass of very valuable statistical and first-hand information is presented to the reader in a forceful style. The book is a very valuable addition to the scanty supply of sound literature on the subject of Indian labour and it is to be hoped that all interested will benefit by its perusal...."

".... The suggestions that Dr. Mukhtar makes regarding the status of unregistered unions and unorganised labour as also his proposals for reform in respect of inspection, sickness benefits, works committees and education deserve favourable consideration. The book will serve as a very valuable piece of literature on a subject of much topical and permanent importance."

PROFESSOR C. N. VAKIL, BOMBAY UNIVERSITY:

"'Factory Labour in India' is a fitting companion to 'Factory Labour in the Punjab' by the same author. In this branch of Indian Economics, systematic studies by Indian economists are few and I hope Professor Mukhtar will pursue his useful work in this subject."

PROFESSOR GURMUKH N. SINGH, BENARES HINDU UNIVERSITY:

"Dr. Mukhtar's book 'Factory Labour in India' is very opportune. It is a comprehensive and systematic study based largely on first-hand information. It will prove very helpful to all students of economic and social problems in India. I recommend it to all students of the subject."

MR. HENRY MARTIN, PRO-VICE-CHANCELLOR, ALIGARH UNIVERSITY:

"Both the books give much evidence of labour and original research. You have the gift of making a subject, which to many would seem dry, interesting; and you have collected a mass of information which must prove most useful to those who labour to improve the condition of factory workers in India. And you go further, and draw your own conclusions and make some interesting suggestions."

DR. V. ANSTEE, LECTURER, LONDON SCHOOL OF ECONOMICS:

"I consider that you have made a valuable and interesting contribution to a subject of vital interest to India at the present day."

'LABOUR GAZETTE,' BOMBAY:

"This is a readable book containing a succinct and interesting account of Factory Labour in India. It is well-documented, carefully printed... The Author deserves the thanks of all interested in the labour problem for producing so well got-up and readable a book."

PROFESSOR EDWIN CANNAN, LONDON UNIVERSITY:

"I am much obliged to you for sending me the book, and I think that your University has made a good start by having it as No. 1 of a series."

13. 'PUBLIC ADMINISTRATION,' LONDON:

"Dr. Mukhtar is an experienced investigator of industrial conditions in India, and his volume provides a timely analysis of the present industrial situation there. The perusal of his work will be worth while, for English as well as Indian readers, both as a preliminary to the pronouncements which will issue from the Royal Commission on Labour in India and as an exercise in comparative history, in the comparative history by early industrialisation. He provides a detailed survey of factory legislation in India and an elaborate account of the economic situation of factory workers. It is all very unpleasant and resembles far too closely the disgusting accounts elaborated in the Blue Books inspired a century ago by Edwin Chadwick, of the first phase of Industrial Revolution in this country. . . . Dr. Mukhtar's exposure of hard facts should help towards improvement."

14. 'AMERICAN ECONOMIC REVIEW,' CAMBRIDGE, MASSACHUSETTS:

"This monograph contains much information on factory legislation and the economic status of factory labour in India. . . . There is considerable new material collected by the Author regarding wages, working conditions and living conditions. *So far as the reviewer is aware, there is no other work which covers the field as thoroughly or competently.*"

15. PROFESSOR HUGH DALTON, LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE:

"It is a most valuable study of an important question and. . . . I feel sure that your work will much assist those who wish to obtain a clearer understanding of the problem."