

TRADE UNIONISM AND LABOUR DISPUTES IN INDIA

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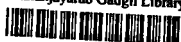
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WITH A FOREWORD BY

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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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CHAPTER I

THE CONFLICT BETWEEN CAPITAL AND LABOUR : AN HISTORICAL RESUME

The Indian cultivators : their poverty and their economic backwardness—*Eka* Movement—*Kisan Sabhas*—Absence of organization among cultivators.

The plantation workers and their difficulties: Unions more likely among them—Reasons for the same—Tea Districts Emigrant Labour Act of 1932—Further proposals to safeguard the interests of unorganized plantation workers—Conflict on plantations—Exodus of 1921—Assam Labour Enquiry Committee Report.

The industrial labourers—Their drawbacks—Industrial unrest between 1884 and 1914—The Great War and its effect on industrial relationships—Post-war situation and industrial disputes year by year—History of important strikes and lockouts along with the Committees of Inquiry formed from time to time—Statistical tables giving a classification of disputes, their causes and results, by provinces and by industries from 1921 to 1933.

INDIA is predominantly an agricultural country. 67 per cent. of the total population is dependent upon agriculture. Industries support 9·7 per cent. Trade and transport account for 5·4 per cent. and 1·5 per cent. respectively. Public administration and liberal arts

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engage 3 per cent. The remaining number of people fall under domestic, miscellaneous and unproductive occupations.

I. THE CULTIVATORS

The Indian cultivator is notoriously poor—a fact which is well borne out by the Government of India's **Poverty of the cultivators.** publication, 'India in 1929-30,' in the following words* :—

"The most characteristic feature of the rural classes of India is, of course, their poverty It is clearly a fact that a large proportion of the inhabitants of India are still beset with poverty of a kind which finds no parallel in Western lands, and are living on the very margin of subsistence."

The cultivators are mostly illiterate. Their low standard of living, their uneconomic holdings, their ever-increasing indebtedness and, to crown all, **Their difficulties.** the present slump, in prices have violently shaken the very foundations of rural economy in India. Added to these is the oppression of the average zemindar who, in several parts of India, does not try to move with the times and mend some of his evil ways. The cultivators have quietly borne all their burdens in a spirit of listless renunciation in the past, but a considerable change appears to have come over them during the last decade or so. Mr. Gandhi's civil disobedience movement brought about a wide consciousness among the masses. **Influence of Gandhi's ideas.** His no-rent campaign, his march to the Dandi coast, and his advice to people to make salt in defiance of the salt laws were all respon-

* Pages 115 and 116.

sible for a number of lawless activities, but he will be a bold man indeed who says that they did not give a rude shaking to the slumbering masses of the country. The Indian cultivators looked round for guidance and they found it willingly forthcoming from an erstwhile unfamiliar quarter. The Congress availed itself of this golden opportunity and exploited it for the furtherance of its political motives. The *Eka* movement, standing for one big anti-landlord union, originated from Malihabad in the Lucknow district in 1922, and spread to other parts of the United Provinces. The resolutions usually passed by the *Eka* associations were:—

Eka
Movement.

- (a) to pay nothing more than the recorded rent,
- (b) to insist on receipts, and
- (c) to refuse the payment of unauthorized cesses, and the doing of forced labour.

With these, there often appeared resolutions of a political nature, generally relating to the non-co-operation movement. The *Eka* movement is no longer heard of in these days. It has probably been replaced by *Kisan*

Sabhas, which deal with the tenants' grievances in some parts of Northern India.

But these are hardly genuine trade unions. The Report of the U. P. Provincial Congress Committee on the 'Agrarian distress in the United Provinces' says*:—

"*Kisan Sabhas* have been organized but without definite programme and, unless properly led, might do more harm than any good."

It is thus a fact, sad though it be, that the agriculturists are not organized. The principal reason for

* Page 87—(Allahabad, 1931).

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this lack of organization is the dispersal of agricultural workers themselves. 'Agriculture is not carried on in factories' and the two natural forces which give birth to trade unionism—association and contiguity—are

No organization among agricultural workers.

largely absent among the rural workers. They are scattered all over, a fact which greatly stands in their way, hence their organization will take a long time to come.

II. THE PLANTATION WORKERS

But there is a far more promising field for organization among plantation workers than in any other form of agriculture. They are placed in a queer position and there is a constant tendency on the part of their employers to resort to harsh restrictions. They reside in lines which are practically closed to the outside public. The planters maintain a watch on visitors; they keep *chowkidars* who observe and report movements to and from the lines. They have also entered into agreements by virtue of which a labourer from one plantation is not engaged on another. This restricts his free movements and prevents him from disposing of his labour in the best possible manner. He is illiterate and poor. He is also largely ignorant of his legal position.

The difficulties of Plantation workers.

The Workmen's Breach of Contract Act, 1859, as amended by Act XII of 1920, was repealed with effect from the 1st April 1926. The Government recognized at the time that, although the Act was not necessary as an all-India measure, Local Governments might

Repeal of Workmen's Breach of Contract Act.

find it necessary to make similar enactments to protect employers and individuals in particular circumstances. It was accordingly left to them to

**Ignorance
of planta-
tion work-
ers about
their legal
position.**

proceed as they liked. The employers of labour in Burma, with only a few exceptions, were in favour of such a local measure. Even the Hon'ble Judges of the Burma High Court considered it necessary,

so that the employers might not be robbed of large sums of money by persons against whom a civil remedy was worthless. A majority of the administrative officers doubted the necessity of such a measure, and the Burma Government decided to take no action in the matter. Although the penal contracts have thus been declared illegal, the plantation workers have a very faint idea of the fact. In spite of all their sufferings, however, there is a likelihood that the movement to-

**Unions
more likely
on planta-
tions.**

wards unionism will spread earlier on the plantations than in any other form of agriculture. The common grievances of the plantation workers must inevitably bring

them on a common platform in spite of all their differences in residence, language and religion.

The Royal Commission on Labour in India were fully conscious of the disabilities of plantation workers.

**Appoint-
ment of
Royal
Labour
Commission.**

They recommended that the Government of India should appoint a Protector of Immigrants in Assam to look after the interests of emigrants from other provinces. They advised the removal of all

barriers against the free movement of labour from one part of India to another and held that steps should be taken to secure public contact with workers' dwellings

on all plantations. Acting on their recommendations, the Government of India passed in October 1932 the Tea Districts Emigrant Labour Act which, by the way, has done more than even the strongest trade union in obtaining good conditions of employment for the emigrant labourers in the tea districts of Assam.

The Act is based on two principles :—

The two-fold basis of the Act. (a) The acceptance, as an ideal policy, of the removal of restrictions on, and impediments to, the free movement of labour.

(b) The securing of the right of repatriation to the emigrant to Assam.

The Act authorises the Governor General in Council to appoint a person to be Controller of Emigrant Labour assisted, if need be, by one or more Deputy Controllers.

The Controller is empowered*—

- His powers.** “(a) to enter
- (i) all open places on a tea estate,
 - (ii) any enclosed place on a tea estate where he knows or has reason to believe emigrant labourers are working or are accommodated,
 - (iii) any office of a tea estate,
 - (iv) any office or depot maintained by a labour recruiting agency, in Assam or in a recruiting province,
 - (v) any train, vessel or vehicle which he knows or has reason to believe is being used for the conveyance of assisted emigrants,
- “(b) to inspect in any office or depot mentioned in sub-clauses (iii) and (iv) of clause (a), any register or other document required to be kept under this Act,

* See The Tea Districts Emigrant Labour Act of 1932.

"(c) to carry out in any place mentioned in clause (a) any inquiry which he may deem to be expedient for carrying out the purposes of this Act, and

"(d) to do any other reasonable act which may be expedient in the discharge of his duties."

Every emigrant labourer, on the expiry of three years from the date of his entry into Assam, is given the right, under the Act, of repatriation against his employer. A similar right is conferred on a labourer who, before the expiry of three years from his entry into Assam, is dismissed by the employer, otherwise than for wilful and serious misconduct. In the event of the non-fulfilment of this obligation by the employer, the emigrant labourer can apply to the Controller for inquiry and final decision. The law further provides for the rights of repatriation :—

Right of
repatria-
tion.

- (a) of the family of a deceased emigrant labourer,
- (b) of a labourer whose state of health makes it imperative that he should leave Assam,
- (c) of a labourer whose employer has failed to provide him with work suited to his capacity at the normal rate of wages for that class of work,
- (d) of a labourer whose wages have been unjustly withheld by the employer,
- (e) of a labourer who has been recruited by coercion, under influence, fraud or misrepresentation, or
- (f) of a labourer who was recruited otherwise than in accordance with the provisions of the Act and the rules made thereunder.

In addition to the removal of unnecessary restrictions on the movement of labour, the Royal Labour Commission recommended the establishment of Boards of Health and Welfare on all plantations and wage-fixing machinery on the Assam plantations. These

measures are important in the interests of plantation workers as they are unorganized. They are all the more important on the Assam tea plantations which employ more than half the number of labourers employed on the plantations in British India and which draw their labour supply from Chota Nagpur, the Santal Parganas, the United Provinces, Bihar and Orissa, the northern districts of Madras and the eastern and northern districts of the Central Provinces. The Tea Districts Emigrant Labour Act is beneficent so far as it goes but it does not provide for a wage-fixing machinery or Boards of Health and Welfare which the plantation workers, if left to themselves in their present unorganized condition, cannot hope to secure.

No precise information regarding the conflict between planters and their employees in the early years of the plantation industry is available. As the Report on Labour Immigration into Assam for the year 1886 states*, "there was a certain amount of harshness and oppression, at times even of downright cruelty on one side, and of turbulence, conspiracies, and maliciously concocted charges on the other." These developed into assaults and riots which were in some cases directly traceable to some economic origin. The labourers could at this time be punished for 'illegal assembly' and the planters took enough precautions to prevent any concerted action on their part. There was however no real awakening among the rank and file, and the consciousness of class interest was conspicuous by its absence.

In the latter half of 1920 and the beginning of 1921, the economic condition of the plantation workers assumed serious proportions. The cost of living rose

**Unrest in
1920.**

very high and there was almost a universal demand for increase of wages. The first signs of unrest appeared on the 6th September 1920 when the labourers at Hansara, a garden of the Doom-Dooma Company, refused to work alleging that the rice supplied was insufficient and bad. Their complaint was later substantiated and the unrest spread and led to Doom-Dooma riots in Lakhimpur district. Early in May 1921, non-co-operation meetings were held at Ratabari in the Chargola valley. The speakers took advantage of the sad economic plight of the plantation labourers.

**Exodus of
1921.**

They worked up their feelings against planters and advised them to cease work if their grievances were not redressed. This resulted in the exodus of 5,668 labourers and dependents from the gardens in the Chargola and Longai valleys. It is no doubt true that the exodus was politico-economic in origin but it is fair to admit that no amount of political propaganda would have been successful with the labourers if their economic position had not been so wretched.

**Assam
Labour
Enquiry
Committee
of 1921.**

The Assam Labour Enquiry Committee* recognize the force of this truth when they say:—

“..... They cannot believe that the Exodus would have taken the form it did, that the coolies would have deserted the estates *en masse*, had it not been for the speeches delivered at the political meetings in the vicinity, which gave the final impetus to discontent engendered by conditions prevailing on the plantations.”

*Report of the Assam Labour Enquiry Committee, 1921-22, Page 15.

There were riots in other gardens in Assam and the unrest in all cases was due to a combination of political and economic causes. "The existence of economic grievances," as the Assam Labour Enquiry Committee Report asserts, "rendered coolies more ready to listen to the exhortations and incitements of non-co-operators and other agitators." *

There has been a general awakening among the masses ever since 1919. The abolition of contract labour, the growing interest evinced in the working population by the Government, the establishment of the International Labour Organization and other causes have led to a class consciousness among the plantation workers. It is therefore only natural that the idea of combination should work its way more rapidly among them than among the agricultural labourers.

III. THE INDUSTRIAL LABOURERS

As we turn from agriculture and plantations to industry, we enter upon the most suitable field for the growth of unionism, though it has again to be frankly confessed that the situation is not free from anxiety. The Indian workers are paid low wages as compared with British and American labourers. They are mostly untrained and are inclined to be irregular in attendance, due mostly, as we think, to bad conditions of work, to unsuitable climate, and to unhealthy accommodation. The labour turnover in India is high and the labourers are prone to periods of rest in their far off villages. In places like Bombay and Calcutta, the workers come

**Drawbacks
of Indus-
trial
workers.**

from different provinces. They speak different languages. Their habits, their customs and their manners are different in various respects. They cannot therefore develop, at least as rapidly as the homogeneous populations of some of the European countries have done, those feelings of fraternity which are so necessary for trade unions. Many labourers are averse to trade union discipline and dislike the idea of regular contributions. To add to these difficulties we have to note, sadly enough, the passing wave of communalism* which has given a peculiar turn to the trade union movement in this country. But all these troubles are transitory in nature and they are bound to sink into nothingness in the presence of stronger, and yet more permanent, forces.

A. INDUSTRIAL UNREST BETWEEN 1884 AND 1914.

Labour unrest in industry dates back to the year 1884 when Mr. Lokhanday organized a conference of the Bombay workers and drew up a memorial signed by 5,500 of them, setting forth their grievances, for presentation to the Bombay Factory Labour Commission of 1884. Another petition for reform in the

Petitions
for
industrial
reform
in Bombay.

*It may be of interest here to note the attitude of the Government in India towards communal unions. Sir Frank Noyce, replying to Mr. Maswood Ahmad on the floor of the Legislative Assembly on the 1st September 1933, said:—

"The Government of India were anxious to encourage healthy trade unionism. They would be sorry, therefore, to see the development of communalism within the trade union movement. It was no part of their policy to attempt to regulate the manner in which membership of trade unions should be composed, but the Government of India did not propose to accord recognition to any trade union which might be formed on a communal basis" (Statesman, Calcutta; 3rd September 1933).

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factory conditions of Bombay was made in 1889, when the labourers employed in the local spinning and weaving mills asked for a Sunday holiday, for regularity in the payment of wages and for adequate compensation in case of accidents.

The agitation for reform, once begun, was bound to continue. In April 1890, more than 10,000 workers gathered together with the main idea of devising proper means for the removal of their common grievances. Two women spoke at the meeting. A memorial was drawn up and special stress was laid on a weekly day of rest. This demand was promptly conceded by the factory-owners. A short time after, the Bombay Millhands' Association came into being with Mr. Lokhanday as president.

Memorial of 1890. This was the first labour association in India, which owed its origin to the zeal and energy of Messrs. Bengalee and Lokhanday. It was later realized that the labourers should have an effective organ of their own and a labour journal—*Dinabandu**—was consequently started.

First Labour Association. These were the preliminary signs of labour unrest. They arose as a result of the activities of a few educated persons and had probably their desired effect on the Government. In the Factory Labour Commission of 1890, due consideration was paid to the claims of labour by the appointment of Mr. Bengalee as a member. He was one of the greatest philanthropists of his day and the Factory Act of 1881 owed its origin mainly to him. The Commission was also assisted in its work by three local members, one each from Bombay, Bengal and the North-West (now United) Provinces.

* This means the "friend of the poor."

The demands of the workers were set forth in an address which the Bombay Millhands' Association presented to the Commission on the 8th November 1890.

The workers as a class were without any genuine organization of their own.* They groaned under several hardships. Two strikes occurred in Bombay in 1894, but they were of little consequence. The first big strike of mill operatives to be officially recorded occurred at Ahmedabad in the first week of February 1895.

**The first
few strikes
in Bombay
and
Ahmedabad.**

The Ahmedabad Millowners' Association decided to substitute a fortnightly wage system for a weekly one, which had been in force ever since 1869. This forced the weavers, over 8,000 in number, to leave work. But the strike was unsuccessful.†

* ".....the Bombay millhands have no organized trade union. It should be explained that although Mr. N. M. Lokhanday, who served on the last Factory Commission, describes himself as president of the Bombay Millhands' Association, that Association has no existence as an organized body, having no roll of membership, no funds and no rules. I understand that Mr. Lokhanday simply acts as Volunteer Adviser to any millhand who may come to him." (Report on the working of the Factory Act in the town and island of Bombay for the year 1892, Page 15.)

Active trade unionism began in this country after the Great War though we have reliable evidence to show that unions existed as early as 1897. For instance, the Amalgamated Society of Railway Servants of India and Burma was formed in April 1897 and registered under the Indian Companies Act. It was registered under the Indian Trade Unions Act of 1926 in August 1928 under the new name of National Union of Railwaymen of India and Burma. Its membership is spread over almost all the railways in India and Burma. The total number of its members after the War stood at 10,000 but, as a result of the growth of unions of a local character, the membership has been declining. It stood at 4,132 in 1934. The activities of this Association are primarily concerned with providing various benefits for its members such as legal defence, sickness insurance, life insurance, etc.

† Annual Provincial Factory Report for Bombay for year 1895, Pages 5 and 6.

A severe plague epidemic occurred in Bombay early in 1897. It took a heavy toll of the lives of workers who, with a shortage in their ranks, felt conscious of their power. They had formerly been paid on a monthly basis and they now put in a plea for daily wages. The acceptance of this demand led to much inconvenience to the employers. The labourers sold their labour to the highest bidder and shifted from factory to factory every day, getting bonus in addition wherever they went. But the plague abated from April 1897. On the 11th May, the Millowners' Association, Bombay, decided to discontinue the daily payment of wages. This led to several strikes which were mostly successful and a partial continuance of daily wages was resumed. Fresh troubles arose on the 1st July 1897. The millowners remained firm and decided to engage labour by contract, the contractor to be paid every month.

There was a strike of the workmen in the Press and Machine section of the Madras Government Press in 1903 against overtime work without payment. It

Madras Government Press strike in 1903. lasted for about six months during which convicts from the Penitentiary were brought and put on work. After much suffering and starvation, the strikers returned to duty.

Calcutta Press strike, 1905. Two years later in September 1905, the employees of the Government of India Press at Calcutta struck work. Their main grievances were:—

- | | |
|--------------------------------|--|
| Grievances of strikers. | (i) Non-payment for Sunday and gazetted holidays. |
| | (ii) Imposition of irregular fines. |
| | (iii) Low rate of overtime pay. |
| | (iv) The refusal of authorities to grant leave on medical certificate. |

The strike continued for over a month, during which period seven ringleaders, who had fomented the whole trouble, were dismissed. The operatives returned to work on the following conditions:—

**Their
gains.**

- (i) The list of Bengal holidays would be incorporated in the Press rules.
- (ii) Reduction in the rate of deduction for pye sorting.
- (iii) Provision of more coolies for carrying compositors' cases.
- (iv) Payment to salaried men for working overtime.
- (v) Fine registers would henceforth be maintained regularly and the dismissed men would not be reinstated.

It should be remembered that the common action of workers at this stage was mainly actuated by ties of caste, kinship or common place of origin.

**Causes
for the
common
action of
workers.**

The millowners tried to upset their designs in several ways. They imported labour from outside as a set-off against strikers, but the newcomers usually joined the rank

and file shortly after their arrival. Failing this, some of the employers hit on the idea of housing their labourers in quarters specially built for the purpose, with a view mainly to secure greater control over them. The number of mills at Ahmedabad was every year on the increase. The supply of labour, on the other hand, did not come up to the demand. The workers naturally

**The spread
of strikes
to other
areas.**

tried for an increase of wages and, as a result, several partial strikes took place.

In 1907, the workmen of the Samastipur Railway Workshop (Bengal) applied for an increase of wages. This request was not granted and they struck work on the 4th December 1907.

On the 10th December, they returned to work, having succeeded in getting a famine allowance. Some petty strikes, chiefly for increased wages, took place in Bombay during this period. In the following two years there was no strike of any importance. A few strikes occurred in Bombay in 1910. In Broach, the labourers of the Normada Mills struck work as a protest against long working hours, night work and alleged personal grievances. The Government intervened and a satisfactory peace was made between the parties. In the same year, the Bombay workers united themselves into an Association known as *Kamgar Hithwardhak Sabha* or Workers' Welfare Society. It was founded by Messrs. B. R. Nare, S. K. Bole and N. A. Talcherkar. It supported the reduction of working hours to 12 per day and urged the claims of workers for industrial compensation and education.

The strikes continued from year to year, chiefly in the Bombay and Bengal Presidencies, and the main determining factor in each case was the abundance or the scarcity of labour. Wherever the millowners found any difficulty in securing enough labourers, they tried to conciliate them and to meet them half-way in their demands, which usually took the form of an increase of wages.

B. THE WAR AND ITS EFFECT ON INDUSTRIAL RELATIONSHIPS (1914-18).

This state of affairs continued up to 1914 when the outbreak of War changed the entire situation. Broadly speaking, the War affected the people of India in two directions.

Effects of
the War.

In the first place, the shortage of freight led to restricted imports of several commodities for which India was dependent on the outside world. Secondly, there was an enormous demand from the Allies and from neutrals for India's own products. The joint effect of these factors was that the prices of salt, cotton, cloth, kerosene, etc., rose very high. The situation was further aggravated by speculation which was fostered by the fact that the normal flow of trade was hampered as the railways were largely engrossed in military requirements.

These conditions gradually grew in acuteness till in 1917 their effects made themselves manifest even in the remotest parts of India. Disturbed economic conditions naturally gave rise to agrarian unrest, especially in Bihar and Orissa, and to industrial strikes in urban centres. Railway operatives, factory labourers, domestic servants, postmen and all underwent the strike infection with the consequence that there was an all-round increase of 10 to 30 per cent. in their wages in 1917.

Later, the disquieting situation was accentuated by the Home Rule movement based on the new doctrine of self-determination, the sufferings of the martial law days and the tragedy of the Jallianwala Bagh. Besides, the Workers' Revolution in Russia held out hopes of a new social order for the man in the street.

The general awakening thus created led to a movement towards the organization of labour. In this respect, the Madras Labour Union stands out very conspicuously. It was

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formally inaugurated on the 27th April 1918 with

**Establish-
ment of
Madras
Labour
Union,
1918.**

Mr. B. P. Wadia as its first chairman.

Shortly after its establishment, Mr. Wadia made a few concrete suggestions to Messrs. Binny & Co. for the improvement of the conditions of their employees. These were:—

**Its
demands.**

- (1) The mid-day recess of 40 minutes should be extended to an hour.
- (2) Wages should be increased by 25 per cent.
- (3) Better treatment should be accorded to labourers by the European officers and all racial feelings should disappear.
- (4) The payment of wages should be made on the 7th of each month instead of on the 22nd.

There was no reply from Messrs. Binny & Co., and a largely signed petition from the workers suggested the alternative of a strike. This Mr. Wadia strongly disapproved of and, in a meeting of the workers held on the 3rd July 1918, he observed:—

“If by going on strike you were affecting the pockets of Messrs. Binny & Co., I would not mind for they are making plenty of money, but by such a step you will injure the cause of the Allies. Our soldiers, who have to be clothed, will be put to inconvenience and we have no right to trouble those who are fighting our King's battles, because a few Europeans connected with the mills and this Government are acting in a bad manner. Therefore, we must have no strikes”.

But Messrs. Binny & Co. declared the first lock-out in October 1918 as there was some objection from the men to obey the rule of being present in the mills at 6 a.m. The workers were however persuaded to give in. On the morning of the 27th November 1918, a second lockout was declared, this

**Lockout by
Binny & Co.**

time on the ground that the manager and a weaving master were assaulted by unknown hands. On the 10th December 1918, Rev. C. F. Andrews arrived on the scene with instructions from Mr. Gandhi who could not be personally present on account of ill health. Rev.

Settlement by Andrews. Andrews intervened on behalf of the work-people and the mills reopened on the 17th December on the following conditions:—

- (1) The management would pay seven days' wages for the lockout period as an act of grace and not as a legal right.
- (2) The management would not refer to arbitration the points on which they were at variance with the workpeople.
- (3) The dismissed persons would not be reinstated.

There was a severe plague in Ahmedabad towards the end of 1917, and the weavers were consequently paid a daily attendance bonus which almost reached the extent of 70 per cent. of their wages. After the epidemic subsided, the Millowners' Association decided to reduce the bonus to 20 per cent. An agitation was engineered and Mr. M. K. Gandhi on their behalf asked for 35

Strike in Ahmedabad in 1918. per cent. When this was not agreed to by the Association, a strike was declared on the 22nd February 1918. At a later stage, Mr. Gandhi declared a vow to fast till the matter was settled. The dispute was ultimately referred by way

Mr. Gandhi's demand. of arbitration to Mr. A. Dhruve, Professor of Sanskrit, Gujarat College, Ahmedabad, who awarded an increase of 35 per cent. in the weavers' rates as demanded. The award was accepted by the Millowners' Association and the strike came to an end on the 20th March 1918.

Award by Dhruve.

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C. POST-WAR SITUATION AND INDUSTRIAL DISPUTES YEAR BY YEAR.

The spirit of revolt among the workers actively manifested itself in the year 1919. Several strikes took place one after another. 16 strikes were recorded in the Madras Presidency and the demands of the workmen related to an increase in wages, grant of bonus, rice allowance, reduction of working hours and extra holidays. There were 8 strikes in Bengal, Bihar and Orissa, and Assam. There was a general strike of workers in Bombay where they gained an increase in wages. In December 1919, a conference of Bombay millhands was held when delegates from about 75 mills were present. An ordered programme was drawn up comprising a shorter working day, an increase in mid-day recess, compulsory primary education for the children of millhands, the establishment of provident fund and co-operative credit societies. They also appealed to the Governor of Bombay and requested him to appoint a Commission to enquire into their economic condition with a view to fixing a minimum wage. A few sectional and isolated stoppages occurred at Ahmedabad but they were one and all very short-lived. The employers' policy was short-sighted throughout. They generally allowed the grievances to accumulate and attended to them usually after the outbreak of strikes. The other provinces of India were not free from this trouble and several strikes occurred here, there and everywhere.

Unrest in
1919.

I. INDUSTRIAL DISPUTES IN 1920.

An epidemic of strikes broke out in 1920 due to the prevalent high prices and poor conditions of living.

Nearly 200 strikes, some of them of a serious character, took place all over the country. The most notable of these were the general mill strike in Bombay which caused a tremendous loss in production, the general spinners' strike in Ahmedabad and a general strike in Broach and Sholapur.

**Strikes in
Broach,
Sholapur
and other
places.**

The strikers wanted increased wages and a shorter working day, both of which were granted. A strike of great magnitude occurred in the Punjab where the railway workers held out and got an increase in wages. Sixty two strikes were recorded in the Madras Presidency in the

**Situation
in Madras.**

same year and the chief causes of disputes were inadequate wages, grain and overtime allowances, additional holidays, and the reinstatement of dismissed persons. These strikes lasted for periods varying from 4 hours to 104 days. The total strength of the factories affected was 43,126, of whom 32,555 actually struck work. The demands of the workers were acceded to in 50 cases whereas, in the remaining 12 strikes, they had to resume their duties unconditionally. A strike took place in the

in Calcutta.

Government of India Press in July 1920. It affected the presses at Calcutta, Simla and Delhi and it was due to the dissatisfaction of operatives with the revised terms of service and emoluments and the insistence of many on fixed salaries instead of piece rates. The strike was a failure. The period of absence was not, however, taken as a break in service and nobody was penalized. Practically all industries in Bengal, Bihar and Orissa were affected by strikes in 1920 due to a demand for higher wages.

// (i) *Jamshedpur strike of 1920.*

There was a serious strike in the Tata Iron and Steel Works, Jamshedpur. The cost of living had been on the increase everywhere in India, and Jamshedpur especially experienced bad conditions. All necessities of life in that industrial city had to be imported from outside. It was further a time of scarcity for the whole province. The workmen clamoured for a 50 per cent. increase in wages. They further asked for liberal compensation in cases of accidents and a prompt payment of the dues of deceased workmen to their dependents. The General Manager promised to enquire into the matter and to make his recommendations to the Directors. As the workers could not wait, they struck work on the 24th February 1920. The situation at Jamshedpur, where 30,000 men were on strike, made it imperative that a strong force should be posted for the protection of life and property. A large body of armed and military force was therefore at once despatched to Jamshedpur.

On the 26th February, several persons, including Mr. Surendra Nath Haldar, arrived from Calcutta and interested themselves in the cause of the strikers. The same day, they met the Company's officials with six of the strike leaders and the following agreement was arrived at subject to ratification by the strikers as a body:—

**Labour
leaders'
consulta-
tions with
Company's
officials.**

**Provisional
agreement.**

- (1) That the men should resume work voluntarily as they had left it.
- (2) That no action should be taken or ill-will borne by the Company against the strikers.

- (3) That the Company would make no reduction from the men's pay on account of the strike days.
- (4) That the Manager would have his statistics ready by the 1st May, and that he would consult the leaders of the men in each department before forwarding his report and recommendations to the Directors.
- (5) That the strike would be treated as if it never existed, and that, as a guarantee of restored good relations, a mass meeting of the strikers should be called that evening, at which the General Manager for the Company, the Deputy Commissioner for Government, and four Calcutta gentlemen for the strikers should address the men and set the seal on the agreement.

The strikers refused to accept these terms in a meeting held in the afternoon with the result that the settlement proved abortive and the strike continued. Intimidation was resorted to by the workers who, on several occasions, had to be dispersed with the use of force. On the 18th March, a committee of Directors including the chairman, Sir Dorabji Tata, arrived at Jamshedpur and, after consultations with the General Manager, a notice was put up to the effect that if the workers returned in sufficient numbers by 10 o'clock the next day, the committee would announce their decision in regard to the demands of strikers.

**Rejection
by strikers.**

**Directors'
announcement.**

On the morning of the 20th, practically all the men resumed work spontaneously and it was announced that workers drawing Rs. 50 or below would receive a permanent increase of 25 per cent. in lieu of 10 per cent. bonus while those

**Strike
terminated.**

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drawing over Rs. 50 would be given a 20 per cent. increment. Other demands including questions of bonus, scale of salaries, accidents and leave were left for future consideration and decision. On the 20th May, a further announcement was made in regard to these subjects. This was not acceptable to the workers who also held that the increase of wages granted at the end of the strike was a temporary arrangement pending examination of figures. Finally, the Company made an announcement to the following effect:—

Workers' gains.

“(i) The following increase in wages was granted:—

Monthly pay or equivalent daily wage.		Percentage granted in March.	Percentage granted in June.	Total percentage of increase.
Rs. 15 to 40	..	25	20	45
Rs. 40 to 50	..	25	15	40
Rs. 50 to 75	..	20	15	35
Rs. 75 to 150	..	20	10	30

“(ii) All employees drawing less than eight annas a day or Rs. 15 a month were to receive two days' additional pay after every four weeks if not absent for more than one day, and one day's additional pay after every four weeks if not absent for more than two days.

“(iii) The Provident Fund Rules were altered so as to require a contribution of half a month's pay only from all employees as a condition of receiving the Company's contribution.

“(iv) The demand for strike pay was refused.

“(v) Bonus on production was to be paid to all employees, irrespective of nationality.

- “(vi) One-third of lapsed deposits in the Provident Fund were to be held as a fund from which gratuities would be paid on retirement to employees who have served the Company continuously for 12 years.
- “(vii) The Company refused to introduce fixed scales of pay in the Works.
- “(viii) Holidays for two religious festivals in each year were to be granted to all employees on full pay.
- “(ix) Employees paid by the day were to be allowed two weeks' leave annually on full pay instead of six months on half pay after seven years.”

It may by the way be mentioned that a Labour Association with Mr. S. N. Haldar as president came into being in the course of the strike, though the Directors refused to recognize it. They promised to reconsider the question if further experience showed that the Association was genuine, representing a large proportion of men, and that it was prepared to work in co-operation with the management.

On the whole, it may be said that short strikes were more prevalent than anything else in 1920. Many strikes were followed by an increase in wages ranging from 10 to 30 per cent. and a reduction of working hours.

(ii) Ahmedabad Situation in 1920.

After the strike of 1918 in Ahmedabad, Mr. Ambalal Sarabhai, President of the Ahmedabad Mill-owners' Association, called a meeting on the 8th December 1919 of the managing committee of the Association and the accredited representatives of labour with a view to explore the possibility of establishing a permanent machinery for the settlement of disputes. On the 12th January 1920, a tentative scheme was drawn up and referred to a sub-committee.

It provided for a board of referees with seven members from each side who were to elect a chairman from among themselves and decide all disputes. In the meantime, Mr. Sarabhai was replaced by Seth Mangaldas as President of the Ahmedabad Millowners' Association. On the 4th April 1920, the Association met and passed the following resolution:—

"If any dispute or difference of opinion arises between the millowners and workpeople and, if they are not able to settle it among themselves, such dispute shall be settled by Mahatma Gandhi and Seth Mangaldas. For doing so, they are invested with such powers as are ordinarily given to arbitrators on such occasions."

The creation of this permanent Arbitration Board² has done much to improve the relations between labour and capital in Ahmedabad. In case of a difference of opinion between the arbitrators, the matter is referred to an umpire whose judgment is final.

2. INDUSTRIAL DISPUTES IN 1921.

There were no fewer than 396 strikes in 1921: of these 211 were unsuccessful. These were mainly economic in character, though it is fair to admit that political issues were mixed up with economic grievances in some cases. A strike occurred at the Khewra Salt Mines in the Punjab and was attributed to the prevalent low wages. The strikers were peaceful throughout but they had to surrender unconditionally. In wages alone, they lost about Rs. 60,000. The Assam tea-garden strike, a reference to which has already been made, led to a sympathetic strike on the Assam Bengal Railway and on the river steamers. The Assam Bengal

Permanent Arbitration Board created.

Strikes in Assam and the Punjab.

Railway strike involved about 11,000 employees. It lasted for 2½ months, and was responsible in the end for the eviction of 4,500 operatives.

In October 1921, 289 *Mukadams* and oilmen from half a dozen cotton mills in Ahmedabad struck work demanding a bonus equal to one month's pay. The managements of the mills concerned promptly paid up Rs. 36 to each striker drawing below Rs. 40 per month, Rs. 40 to those earning Rs. 40 a month and promised to give one month's emoluments to those who received more than Rs. 40 a month. The workmen resumed their work the same day.

**Unrest in
Ahmedabad
mills.**

Encouraged by the success of this strike, the workmen of nine cotton mills in Ahmedabad demanded on the 19th October 1921 a bonus amounting to 1½ month's pay. As this demand was not granted, a strike was declared. The epidemic spread and, by the 26th October, the strike affected as many as 47 mills, of which 31 were completely closed down and 16 remained partially closed. The arbitrators—Mr. M. K. Gandhi and Seth Mangaldas—failed to settle the matter. Pandit Madan Mohan Malaviya was therefore requested to act as an umpire. He published his award on the 28th October 1921, recommending:—

**Strike
declared.**

**Award by
Malaviya.**

- “(1) that to everyone whose salary was below Rs. 75 per month a bonus equal to one month's average salary plus a sum of Rs. 15 should be given; the maximum not to exceed Rs. 75. In calculating the salary or the wages earned by time workers or piece workers, the bonus earned for regular attendance or good work should be included. In the case of half-timers, the bonus should be one month's salary plus Rs. 7-8-0;

- "(2) that to everyone whose salary was Rs. 75 or more a bonus of Rs. 75 should be given;
- "(3) that the method of calculating the period of service of each employee should be the same as was adopted at the time of the settlement of the last bonus dispute;
- "(4) that, in calculating the period of service, absence due to child birth and accidents in the mills should be counted in such period."

Other recommendations included suggestions for the removal of minor grievances. The award was accepted by both the parties and normal working in the mills was resumed on the 29th October 1921.

There was a strike in the Buckingham and Carnatic Mills and about 10,000 workmen were involved in it.

Strikes in Madras and Lucknow. There was an important strike in the railway workshops at Lucknow. About 5,000 men downed tools for an increase of wages.

The strike lasted for two months and twenty days, the train service was dislocated and had to be seriously curtailed. A general strike was also declared by the Jharia Coalfield workers for an increase of wages when the second session of the All-India Trade Union Congress was held locally. The strike terminated after four days' duration and the workers were given a 50 per cent. increase in their wages.

Results of strikes in 1921. The cost of living fell sharply in 1921. In the early months, economic conditions, which were greatly changing, did not allow much scope for the success of strikes. The gap between wages and the cost of living greatly diminished.

In some cases, especially in the latter half of the year, it disappeared altogether. Thus it was that the number of successful strikes, very unlike the preceding year, declined considerably in 1921.

3. INDUSTRIAL DISPUTES IN 1922.

The cost of living showed a general downward trend during the subsequent year. The figures published by the Bombay Labour Office show that the average index for the twelve months of the calendar year 1922 was 164 as compared with the standard of 100 in July 1914 or, further, as compared with the index number 173 for 1921 and 183 for 1920. While the cost of living thus displayed a marked fall, there was no corresponding decline in the wages of workers. Investigations undertaken by the Bombay Labour Office in this direction showed that in May 1921 the wages of men operatives in the cotton textile industry had increased by 90 per cent. while their cost of living had increased only by 67 per cent. over the 1914 standard. It is not surprising therefore that 79 per cent. of the strikes declared in 1922 were a failure compared with 54 per cent. of the preceding year. 278 strikes were recorded for the whole year, and the total number of workpeople involved was 435,434 as against 600,351 in 1921. And it must be remembered that some of the serious strikes during the year were due to racial and political feelings, then so acute and strong in the country. An important strike occurred on the East Indian Railway in February 1922. It commenced at Tundla, where a European engine driver was reported to have assaulted an Indian fireman and it spread all over the railway line. It lasted for 46 days and was ultimately settled with the intervention of Rev. C. F. Andrews, in whom both parties had an implicit confidence. The men employed in the Rohilkhund and Kumaun Railway Workshops

**Decrease in
cost of
living in
1922.**

**Strike on
East Indian
Railway.**

near Bareilly demanded a 50 per cent. increase in wages and fifteen days' leave on full pay for every year of service. Their request was not complied with and the strike that ensued lasted for 20 days. The workers got a 10 per cent. increase of wages.

A strike occurred in October 1922 in the cotton mills of Surat due to a demand for the payment of the usual annual bonus. 2,296 workers, out of a total of 2,765 employed in the four cotton mills in Surat, went on strike on the 3rd October 1922. They elected 20 representatives to negotiate with the millowners on their behalf. The latter offered to give bonuses calculated at varying percentages of the previous year's bonus, with the exception of one mill which was to grant no bonus at all. This was not acceptable to the strikers who asked for a bonus equivalent to 42½ per cent. of the average monthly pay for the last 12 months but agreed to put in one day's work without remuneration for going on strike without notice. Eight days after the strike, the operatives of the Surat Weaving Mills requested the Collector of the district to arbitrate with the millowners on their behalf. This was readily accepted and the operatives of these mills resumed work in accordance with the terms of the settlement arrived at by the Collector. The men of the Industrial Mills held out, refusing to accept a bonus of 25 per cent. offered by the management. On the 19th October, 370 strikers returned to work unconditionally. Of the remaining number, 171 were paid off entirely.

// THE JAMSHEDPUR STRIKE.

// Another big strike broke out at Jamshedpur in September 1922. The Labour Association, that had

been started by the Iron and Steel Works employees in 1920, was growing in strength and had been constantly led by Mr. Haldar, a Calcutta barrister. One of its organizing secretaries at this stage was alleged to have been formerly put in jail in consequence of his revolutionary activities. This early connection of labour in Jamshedpur with extremists largely explains its policy, its failures and its successes. Meanwhile, great changes were taking place in the domain of iron and steel. The world prices of steel were falling.

**Demands
of the
Labour
Associa-
tion.**

Wages were being reduced in Europe while the Tata Company had, during the period of rising prices, embarked on a policy of extensions which almost doubled their capital. The Labour Association sent in their demands which were as follows:—

- (i) That Ganga Prashad and A. C. Mazumdar, dismissed employees, should be reinstated.
- (ii) That the Company should recognize the Labour Association and permit its members to enquire into the workers' grievances.
- (iii) That the general shift should be for eight hours only.
- (iv) That there should be no compulsory overtime and that for overtime at night 4 days' pay should be drawn for three days' work.
- (v) That the victims of accidents should draw full pay while absent from duty (i.e., irrespective of any fault in the matter).
- (vi) That the service rules should be amended to enable employees to take leave at their choice and not at the discretion of the Company and that gratuity should be paid after 10 years' service.
- (vii) That workmen drawing less than Rs. 300 a month should receive free medical attendance at their homes for their wives and dependants.

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(viii) That, out of the profits for 1921-22, the Company should grant a bonus of one month's pay to all its employees.

(ix) That women labourers should draw full pay for six weeks before and after delivery.

It is to be noted that the demand to which the men attached great importance was that for a bonus of a month's wages from the profits. The Acting Manager promised to consider the demands of workers on the return of the permanent General Manager in October 1922. But the workers could not wait. The strike commenced on the 19th September 1922. It was complete and included not only the ordinary Indian workmen but also many Anglo-Indians and the Bengali clerical staff. Two or three days later, the management issued a notice on the following lines:—

**Strike
declared.**

**Management
issued a
notice.**

- (i) Those men who return to work on Monday, 25th September, according to their proper shifts and hours of duty, would be retained on their present rates of pay.
- (ii) Those who do not return by that time would not be taken back on their present rates of pay and their pay would be reduced by 10 per cent.
- (iii) The Company reserved the right to refuse to reinstate those employees whose services it did not wish to retain.

The effective system of police patrols, which had been organized in the meantime, restored confidence in the town and a large number of coolies and some of the clerks rejoined the Works. But very few of the skilled workmen returned to duty on the 25th September. The situation threatened to grow serious as the strike had now resolved itself into a struggle for power

between the Company and the Labour Association. The prevalent opinion, however, was that Mr. Haldar could call off the strike if the Labour Association was recognized by the management and if there was no victimization on their part. The Company, on the other hand, was prepared to grant the necessary recognition if the Labour Association worked under their orders and completely surrendered their right to strike.

During the ensuing days, weariness became everywhere apparent. Men joined in larger numbers and, by the middle of October, about 14,000 strikers, including about 3,000 skilled men, had resumed their work.

The whole affair got so complicated that Diwan Chaman Lal came down to Jamshedpur on the 20th October as a representative of the Indian Trade Union Congress, to which the Jamshedpur Labour Association was by now affiliated, to intercede on behalf of the strikers. The General Manager reiterated his old conditions which appear to have been

- | | |
|------------------------------|---|
| Manager's conditions. | <ul style="list-style-type: none"> (i) immediate return to work, (ii) recommendation to Directors after return that the 10 per cent. reduction should not be enforced, (iii) right of the Company to refuse to re-employ those who had been specially disloyal, and (iv) readiness at any time to appoint a joint committee of 20 chosen half by himself and half by the workers to report on grievances to the General Manager whose decision should be final. |
|------------------------------|---|

On the evening of the 22nd October, Diwan Chaman Lal addressed the workers and announced that

a settlement had been arrived at on the following lines:—

- Announcement by Chaman Lal.**
- (a) Everybody was to return to work at 6 a.m. the following morning. Those who had gone to their homes were to resume work at once on their return.
 - (b) A committee of ten from each side would be appointed to arrange a settlement of their demands.
 - (c) Everyone would go back on the wages drawn before the strike.
 - (d) The reorganization of the union should be undertaken by the Trade Union Congress.

There was no reference in these conditions to the need for the approval of the Directors and to the right of the Company to refuse to re-employ particular men. Moreover, the statement was clear on the point that the function of the committee would be to make a final decision, and not merely to act as an advisory body. These conditions were far more favourable to the strikers than those previously announced by the General Manager. The Company made no statement repudiating them and allowed everybody to return to work on the morning of the 23rd October.

Strikers returned to duty.

There was however much discontent among the European and American supervising staff, who considered that they had been 'let down' by the management in taking back the ringleaders. Almost immediately, there were numerous discharges including that of Mr. G. Sethi, the secretary of the Labour Association. Further, some of the men on their return to work found themselves posted on less lucrative jobs than before and

Victimization.

they attributed it to a breach of faith on the part of the management. The most important difference of opinion was over the conciliation committee. The management said that the understanding was that the men would submit a list of 100 persons—both strikers and non-strikers—out of whom the General Manager would select 10.

The unrest grew and a conciliation committee ultimately met in 1924 at Jamshedpur. It was headed by the late Mr. C. R. Das and included Messrs. Chaman Lal and Joshi, the Rev C. F. Andrews and others from outside as well as members of the Labour Association.

The Manager was also present while the late Pandit Moti Lal Nehru and Mr. Rangaswami Iyengar were among the visitors. No official record of the proceedings is available but it appears that the conciliation committee arrived at a satisfactory understanding on most of the points. A deadlock however arose over the recognition of the Association, particularly with regard to the inclusion of Mr. G. Sethi, a discharged employee of the Company. This last difficulty was

overcome when the Rev. C. F. Andrews later reorganized the Association and consented to be its president. Mr. G. Sethi was re-employed, quarters were allotted to the Association and subscriptions of members were collected through their paybills. Each department elected a committee of five and a secretary; the committees formed the general council and the secretaries formed the executive. The strike was thus fruitful of great results.

4. INDUSTRIAL DISPUTES IN 1923 AND 1924.

The tendency throughout the year 1923 was towards a further decrease in the cost of living. The average index for this year, as given by the

**Situation
in 1923.**

Bombay Labour Office, stood at 154, *i.e.*, 10 points below that of the previous year.

As the cost of living showed a tendency to fall even below the level of 1922, there was no corresponding decline in the general wages. A strike of great magnitude occurred in Ahmedabad on the 1st April 1923. It

**Ahmedabad
strike.**

affected 56 cotton mills, involved 43,113 workpeople and resulted in a total time loss of 2,370,933 working days. Two reasons

accounted for the strike:—

- Reasons.**
- (1) The announcement on the part of the mill-owners in Ahmedabad that they would reduce wages by 20 per cent. with effect from 1st April 1923.
 - (2) The alleged non-payment by many mills of the bonus on the precise terms agreed on by the arbitrators to whom the settlement of this question was referred.

The strike lasted till the 4th June, when a compromise was arrived at on the following

**Compro-
mise.**

- (a) Wages would be reduced by 15-5/8 per cent. instead of 20 per cent.
- (b) An assurance was given by the president of the Mill-owners' Association that wages would not be reduced again for at least six months from the date of the compromise.

During the year 1924, there were 132 strikes of which a large number, however, were unimportant and short-lived. There were 56 disputes in Bombay alone,

resulting in a loss of 7,559,401 working days; 25 per cent.

Strikes generally short-lived in 1924. of these strikes were settled in favour of the employees, 8 per cent. were compromised and the rest failed. There was a serious strike early in the year in the

Bombay Cotton Mills strike. Bombay cotton mills. For some time past, the Bombay millowners had been paying a bonus to their operatives in January every year. In July 1923 they announced

that, owing to a fall in prices and the consequent bad trade, they would not henceforth be able to declare any bonus. The decision came as a disappointment to the workers but they did not cease work till January 1924 when demands for bonus on their part led to strikes in certain mills. By the end of January, practically all the cotton mills in the city and island of Bombay were closed. The Bombay Government appointed a Committee of Inquiry with the Hon'ble Sir Norman Macleod, Chief Justice of the High Court in Bombay, as chairman. Their terms of reference were:—

Terms of reference. “(1) to consider the nature and basis of the bonus which has been granted to the employees in the cotton mills of Bombay since 1919 and to declare whether the employees have established any enforceable claim, customary, legal or equitable,

“(2) to inquire into the profits made in each year since 1917 with a view to comparing these profits with the profits made in the year 1923, and to report on the contention of the mill-owners that the grant of a bonus such as has been given in previous years is not justified by the profits of the mill industry as a whole in 1923.”

The Committee examined several witnesses representing both employers and workers, the Director of the Labour Office and a number of mill operatives. They came to the conclusion that the workers had not established any enforceable claim to a bonus and that the profits made by the millowners were not sufficient to admit of the payment of the same. The publication of the report of the Committee was followed by a collapse of the strike on the 25th March. Over 160,000 operatives were affected by the strike, the loss in working days being close on 8 millions. It is noteworthy that the operatives affected had scarcely any union. The strike was sufficiently prolonged and yet it was free from acts of violence.

Several strikes occurred also in Bengal and Assam during the year. They started from a demand for higher wages but the employers remained firm. There were 10 strikes in the Madras Presidency due to various causes. Most of them ended miserably for the workers. One strike occurred in the Cawnpore Cotton Mills and lasted for 17 days. There were petty strikes in small industries in the Punjab. In the Central Provinces and Berar, the strikes were short-lived and proved disastrous in their results for the strikers. In the Badnera Mills, the strikers were entirely paid off and replaced by fresh recruits.

**Strikes in
other
provinces.**

5. INDUSTRIAL DISPUTES IN 1925.

The year 1925 was one of the worst years in the history of industrial relations in India. The reported

number of strikes was 134 and 33 per cent. of these

**1925, one
of the
worst
years.**

were successful either in whole or in part.

**Situation
in Bombay.**

The cotton mill industry was passing through a severe crisis and, as a result, the millowners in Bombay decided to reduce the dearness allowance paid to the workers by 20 per cent. This implied a reduction of $11\frac{1}{2}$ per cent. in their wages which they could

ill afford to forgo. The millowners, on their part, tried to justify their position by arguing that a severe and

**Depression
in the
cotton mill
industry.**

an unprecedented depression had overtaken the cotton mill industry and that a reduction in wages would only partly relieve their distress. The causes of depression were stated as follows:—

Causes.

- (1) High prices ruling for cotton.
- (2) Increased cost of production due to high wages and to high prices of coal and stores and heavier interest charges.
- (3) Japanese competition.
- (4) The maintenance of an excise duty of $3\frac{1}{2}$ per cent. on cotton manufactures, and
- (5) unprecedented accumulations of cloth and yarn due to the slackening of demand.

The unhappy condition of the Bombay cotton mills was reflected in a number of questions in both the Legislative Assembly and the Council of State. Sir Purshotamdas Thakurdas moved a resolution in the Assembly praying for the suspension of the cotton excise duty, and the workers and employers sent deputations to the Viceroy of India and the Governor of Bombay in this connection.

**Strike
broke out.**

In the meantime, the long apprehended strike broke out. The workers refused to

agree to any reduction in their wages. They stated:—

**Statement
of strikers.**

- (a) that they had earned increases in their wages as a result of hard and bitter struggles, during which they had lost heavily,
- (b) that their present wages were not adequate enough to enable them to provide for a decent standard of living, and
- (c) that the millowners ought to bring down their costs by retrenchments in other directions.

33,249 workpeople from 15 mills downed tools on the 15th September 1925, and by the 2nd October there was a complete stoppage of work in all mills in the city, thus affecting 151,986 workers in all. Some ugly scenes of violence were witnessed as the strike progressed from day to day. It was only in December 1925 that the strike was brought to an end after involving a loss of about 11 million working days. The announcement of the Viceroy suspending by a Special Ordinance the cotton excise duty for the remaining part of the financial year enabled the millowners to restore the cut in wages.

The developments in Bombay coincided with a serious strike on the North Western Railway. A fitter in the Rawalpindi Locomotive Workshop was discharged for obtaining signatures during working hours to a petition for better conditions of service. A number of men in the Rawalpindi Workshops struck work in sympathy with the discharged fitter. The strike gradually spread over a large part of the Railway comprising both Lahore and Karachi. The Railway authorities found great difficulty in dealing with the situation but the strike gradually weakened as it was prolonged, and collapsed

by the end of June. A large number of workmen were thrown out of employment since their places had been taken by fresh hands.

About 800 employees of the Paper Mills at Lucknow struck work for an increase in wages. The

Strikes in U. P. and Bengal. Mills dismissed the majority of the strikers and replaced them by new hands on lower rates of wages. No difficulty was experienced in securing substitutes—a fact which

proved that there was plenty of casual labour ready for employment in industry. There was also a serious strike involving 4,000 men in the Bengal and North Western Railway Workshops at Gorakhpur owing to retrenchment in staff and assaults on the part of the superiors. From the workers' point of view, the strike was a success as all the men (including those already retrenched) were reinstated.

6. INDUSTRIAL DISPUTES IN 1926.

There was less industrial strife in India in 1926 than in any preceding year. The working days lost

Loss industrial strife in 1926. totalled 1·1 millions—a figure which compared well with 7·4 millions, the average number of working days lost during the preceding five years. Only 18 per cent. of

the strikes were successful and these mostly occurred in the Bombay and Bengal Presidencies. The most

Strike on B. N. Railway. serious outbreak occurred on the Bengal Nagpur Railway owing to an alleged victimization of an official of the Kharagpur Branch of the Bengal Nagpur Railway Union. The strikers made a sudden attack on the Kharagpur station and stopped all traffic. The police and the auxiliary

force had to be brought out and the mob became so unruly that firing had to be resorted to.

Reference is necessary here to the wholesale dismissal of over 250 women in Madras in 1926. The

**Strike
situation in
Madras.**

Madras Labour Union investigated the condition of a large number of its male and female members. The inquiry revealed that practically all women who offered themselves for evidence were heavily in debt, the rate of interest in a majority of cases ranging from 75 to 150 per cent. Most of these women were from the Choolai Mill and a smaller number was employed in the Buckingham and Carnatic Mills. The president of the Madras Labour Union drew attention in a public meeting to the hardships of women workers who, he said, had to serve two masters—their employers in the mill and their husbands at home. He expressed the view that, in many instances, the husbands were harsher than the employers. Messrs. Binny & Co., acting presumably on a distorted version of the president's speech, dismissed all the women workers, taking their stand on an old decision of several years' standing. An agitation was engineered on their behalf and the notices of dismissal were withdrawn after considerable pressure.

7. INDUSTRIAL DISPUTES IN 1927 AND 1928.

129 strikes were reported in 1927 against 128 of the preceding year but the loss of working days was almost double, due principally to two prolonged strikes in the Kharagpur Workshops. The workmen gained some concessions in about one third of the strikes and more than sixty

**Great loss
in working
days in
1927.**

strikes centered round the cotton mill industry, mostly in Bombay.

A fresh wave of industrial unrest swept through the country in 1928. The total number of disputes was 203 involving 506,851 work-people and the loss in working days reached the alarming figure of 31½ millions.

**Serious
industrial
situation
in 1928.**

“(i) *Jamshedpur Strike of 1928*”

The strike at the Tata Iron and Steel Works was one of the most important that occurred during the year. There had been for some years past a readjustment of the conditions in industry. The problem was perhaps very acute in the Tata Works, because the over-staffing there was very great and the need for reduction of working costs, as recommended by the Tariff Board, was very urgent. The Company had been making an earnest attempt to deal with the problem for some years. In 1926, they announced that vacant posts would not be filled. Then came the Labour Organization Department which adopted the following three principles to work on:—

**Causes of
the Tata
Works
strike.**

“(a) The creation of a standard force and the relegation of surplus men to a spare gang from which vacancies would be filled until all were absorbed.

“(b) The change of the basis of pay from a monthly rate to a daily rate with a temporary compensation for loss involved.

“(c) Standardization of wages”.

This attempt was a failure. The first principle brought the Labour Organization Department into conflict with the superintendents of other departments. The second and the third principle caused resentment

among the workers, and created a sense of insecurity. The Labour Organization Department was eventually abolished.

The third principle, the standardization of wages, requires a further elucidation. The salaries of covenanted hands were fixed very high and these had grown higher on account of the inflated bonus. This had caused a great deal of jealousy among the ordinary workmen. Moreover, the wages were unequal, *e.g.*, two men might be engaged on a similar job and yet one might be getting Rs. 3 and the other Re. 1 a day.

**Strike
broke out
in April
1928.**

The strike began on the 18th April 1928, when the sheet mill men went out to the number of 1,100. They demanded, among others, the following things:—

**Strikers'
demands.**

- (a) A general increase of pay of at least 25 per cent.
- (b) A graded scale of pay with annual increments.
- (c) Bonus at the rate payable to covenanted hands.
- (d) Ill-treatment by European hands should cease.
- (e) Formation of a committee of 15 workmen which should be consulted before any man was suspended or discharged.

On the 21st April, 220 men of the boiler furnaces struck work. Then the General Manager took action. He closed the merchant mill, plate mill, old rail mill, old blooming mill and bar mill which had been deprived of power by the boiler men's strike. On the 8th May, he issued an order dismissing all strikers.

The Labour Association disclaimed all responsibility for the strike, but they endeavoured to assist the men who were locked out. The dismissed strikers accepted Mr. Homi as their leader and organized a complete *bartal* on the 25th May. On the same day, the

**Jamshed-
pur Labour
Association
kept aloof.**

Strikers assembled in a meeting urged the management to receive a deputation headed by Mr. Homi and prayed for the intervention of the Government. They also set forth their minimum demands as follows:—

Strikers
were led by
Homi.

- (i) Minimum wage of Re. 1-2-0 a day or Rs. 30 a month.
- (ii) A general increase in the departments, that had submitted representations, to be fixed in consultation with Mr. Homi and the men's leaders.
- (iii) Immediate stoppage of the proposed reduction of staff.

A two-day *hartal* was observed on the 1st June as these demands were not conceded. The General Manager on that day issued a notice that all men who failed to attend the Works would be considered to have left the Company's service and that the Works would remain closed till further notice. There were thus at this stage three groups of workers:—

- (a) The dismissed strikers.
- (b) The *Hartalists*, about 15,000 in number, who were deemed to have left the Company's service.
- (c) The loyalists who continued work during the *hartal*. They numbered about 2,500 and included the Labour Association and its supporters.

After the Works closed down, an attempt was made to bring about a reconciliation between the Labour Association and the men led by Mr. Homi. Several outside leaders, Mr. N. M. Joshi included, took a hand in this, but it proved fruitless, the principal reason being that the record of the Labour Association's activities did not inspire any confidence in the men.

A complete deadlock had thus arisen, and it could only be brought to an end by some move on the part of the management. On the 26th June, they announced the Director's intention of making an immediate reduction in staff by

Offer by
the manage-
ment.

using the situation created by the strike. In doing so, none of those who remained steadfastly loyal were to be dismissed while the others were to be treated according to the length of their service. The *hartalists* would be re-engaged to the number required by the Company without break of service. The strikers of the sheet mill and boilers would be similarly treated, but their service would be held to be broken; the benefit of continuous service would be restored after twelve months' satisfactory behaviour. Those not required would receive their own portion of the provident fund and a ticket to their homes. Finally, it was stated that wages would not be paid for the lockout period and that the Works Service Rules would be revised to include a provision of this nature for any such future contingency.

Strikers' rejection: their counter-demands.

This offer was rejected and, at the same time, the strikers issued a list of their immediate demands. These were:—

- “(1) All sheet mill and boiler men to be taken back on the old privileges with a substantial increase of wages. Detailed grievances to be considered in consultation with the labour representatives within a fortnight.
- “(2) All employees put under reduction or discharged for their connection with strikes or *hartals* to be taken back, with pay for the period from discharge to reinstatement.
- “(3) Reduction to be stopped.
- “(4) Lockout and strike period wages to be paid.
- “(5) A general increment of wages to everybody.
- “(6) The minimum monthly wage to be Rs. 30 for men and Rs. 22 for women.
- “(7) General Bonus to be extended to all non-covenanted employees irrespective of departments and nature of work.

- "(8) Grade and time scale to be fixed for all jobs.
- "(9) Detailed departmental grievances to be settled in consultation with labour representatives within a reasonable time.
- "(10) The service and leave rules to be revised in consultation with labour representatives."

The Directors now asked the Deputy Commissioner to devise some means by which they could be placed in direct touch with the strikers, without having to deal with Mr. Homi. This was, however, an unacceptable plan as Mr. Homi had gained such a great ascendancy over the men, that they could never act without his advice or consultation. The Deputy Commissioner offered himself as an intermediary and a three-cornered discussion started through him. On the 24th July, the following offer was made by the management on the main points:—

**Deputy
Com-
missioner
intervened.**

**Another
offer by
manage-
ment in
July 1928.**

- (i) *Reduction.* No man would be discharged who had been in the Company's service before 1920 and, in the case of those who had joined since 1920, preference would be given to men of longer service. No man would be discharged merely on account of his activities during the strike.
- (ii) *For those to be discharged.* The management offered, in addition to everything offered in their earlier announcement, one month's pay for each completed year of service.
- (iii) *For those to be re-engaged.* In further elucidation of their previous announcement of the 26th June, the management announced:—
 - (a) *Increment.* For this, five to six lakhs would be available and would be distributed so that about 75 per cent. of it would be allotted to those who drew no less than Rs. 2 a day. Wages for all

jobs would be standardised; those drawing less than the standard rate would be raised to it, those drawing more than the standard rate would continue to draw their old pay till they were discharged or promoted. The increase to the coolie class would depend on the cost of the increment to the monthly paid workers, but would probably be about 10 per cent. of their present wages.

- (b) The proposal to revise the Works Service Rules would be dropped.

These terms were rejected by Mr. Homi and his followers. On the 11th August, the management issued a notice saying that from the 14th August men would be re-engaged, whether on the wanted lists or not, and after the 20th August new men would be employed. Further, any one applying for work before the 20th August would receive the compensation promised if he could not be re-employed.

**Rejected
by Homi.**

In the meantime, both Mr. Homi and the Labour Association approached Mr. Subash Chandra Bose for intervention in the affair and a satisfactory settlement of the strike. On the evening of 11th September Mr. Bose and the General Manager came to terms, the chief of which were as follows:—

**Settlement
through
S. C. Bose.**

**Terms of
settlement.**

- I. "Everyone, including those discharged since the beginning of the departmental strikes and the dismissed boiler and sheet mill men, to be taken back at once without breach of service, except:—

- (i) those who have already taken their settlements;
- (ii) those who do not present themselves at the Works within three weeks of the re-opening;

(iii) those who are not required by the Company and voluntarily resign on the terms as regards compensation already offered to the reduced men.

- II. "The men returning to work will be divided into the standard force and the spare gang. Vacancies in the standard force will be filled from the spare gang and there will be no new recruitment. All the men in the spare gang, not previously absorbed, may be discharged at the end of twelve months.
- III. "Pay for the period during which the Works were closed will not be given.
- IV. "A loan of one month's wages will be advanced to any one applying for it, to be recovered in twenty equal instalments from January 1929.
- V. "The sum available for increments will be raised from five to seven lakhs.
- VI. "The proposed alteration in the Works Service Rules will not be enforced.
- VII. "There will be no victimization".

Homi's dis-approval.

Mr. Homi disapproved of some terms in the settlement but the strike-weary men returned to work on the 13th September.

The Labour Association was restored to its original position and a rival organization, started by

Strike ended.

Mr. Homi in the course of the strike, was kept out of all negotiations. Thus a vital issue, the right of men to form their own union and to select their own leaders, was left in the air.

After the termination of the strike, Mr. Homi dissolved the temporary Association and founded instead the Jamshedpur Labour Federation, which was intended to include all labour in Jamshedpur. The Federation quickly grew in strength and numbers. It was registered under the Indian Trade Unions Act and the Company was ultimately forced to recognize it and to

Establishment of Labour Federation under Homi.

confer on it all the privileges granted previously to the Labour Association.

(ii) *Industrial Situation in Bombay.*

The situation in Bombay was equally disquieting. At the beginning of the year 1928, a strike broke out in nine cotton mills under the management of Messrs. E. D. Sassoon and Company, Bombay, over the question of the introduction of new systems of work under which each weaver was to look after three looms instead of two as before, and each spinner two sides of the spinning frame instead of one, at a 50 per cent. increase in wages. The workers returned to duty unconditionally after having held out for 54 days. The total number involved in the strike was 14,187 and the time loss amounted to 535,602 working days.

The general strike in the cotton mills in Bombay City commenced on the 16th April 1928 involving 147,644 workpeople. It was mainly due to the threatened general introduction of new systems of work and standardization in accordance with the recommendations of the Textile Tariff Board. And here, a review of the organization among textile workers in Bombay appears necessary before we can properly appreciate the situation. Till the end of 1925, there were no effective unions, though several so-called unions or strike committees appeared on the scene in the event of a strike. The *Girni Kamgar Sangha* came into being in 1919, but it had to pass through various vicissitudes before it was finally registered under the Indian

**Uneasy
situation in
Bombay in
1928.**

**General
strike in
April.**

**Review of
Bombay
labour
unions in
1928.**

Trade Unions Act in May 1928 under the name of *Girni Kamgar Mahamandal*. According to its constitution, no person other than a textile worker could be placed on its executive.

The *Kamgar Hitwardhak Sabha*, reference to which has already been made in this chapter, watched the interests of workers, but its activities were mainly confined to social welfare. In January 1926, the Bombay

Textile Labour Union was started by Messrs. N. M. Joshi and R. R. Bakhale of the Servants of India Society, with Mr. S. K. Bole of the *Kamgar Hitwardhak Sabha* as its vice-president. The *Bombay Girni*

Kamgar Union owes its formation to the general strike of 1928. The *Bombay Mill Workers' Union* was established in March 1928 by Mr. S. H. Jhabvala who received the ready co-operation of Messrs. Dange, Bradley, Mirajkar and Nimbkar from the Workers' and Peasants' Party, a communist organization.

Mr. N. M. Joshi, president of the Bombay Textile Labour Union, and Mr. D. R. Mayekar were opposed to a general strike but it became a *fait accompli* in consequence of the activities of the Workers' and Peasants' Party which had by now secured a great hold over the textile workers. The operatives of the Currimbhoy group of mills struck work on the 16th April. By the 26th April, all workers, except those in the employ of the Colaba Land and the Jehangir Wadia Mills, had downed tools. The employers, by the way, were not given any previous notice of the strike.

In view of the alarming situation thus created, His

Excellency the Governor of Bombay came down from Mahableshwar and granted interviews on the 27th and the 28th April to the representatives of the Millowners' Association, the Bombay Textile Labour Union and the Girni Kamgar Mahamandal. The Millowners' Association assured His Excellency that they were willing to negotiate with the accredited representatives of registered unions. The moderate and the extremist section of the labourites on their part joined hands and constituted a Joint Strike Committee on the 2nd May 1928. They prepared a statement of the grievances of workers and forwarded them to the Millowners' Association on the 3rd May 1928. The main grievances were as follows:—

**Part played
by Bombay
Governor.**

**Strike
Committee
appointed.**

**Grievances
of strikers.**

- (1) Direct cut in wages.
- (2) Reduction in monthly earnings owing to the following indirect causes:—
 - (a) Introduction of new varieties of cloth at rates which did not bring the level of wages to those earned on the production of the old sorts.
 - (b) Reduction of piece-rates to meet unanticipated high production by individual operatives.
 - (c) Adjustments in rates made to bring them in line with the rates prevailing in other mills.
 - (d) No adjustments were made to increase rates in cases where mills went on finer counts.
 - (e) Introduction of artificial silk and inferior raw material.
 - (f) Gradual withdrawal of bonuses such as good attendance and efficiency bonus, free railway passes to workers, etc.
 - (g) Introduction of a method of paying wages on the weight of the cloth after it had undergone a subsequent process, instead of on the actual weight produced on the looms.

- (3) The introduction of new methods of work involving a reduction in the number of operatives employed, notably in the Sassoon group (*i.e.*, three-loom and double-frame working) and the fear of the spread of this system to other mills in the city.
- (4) The increase in the hours of work of mechanics in some mills from 8½ hours to 10 hours per day, and the declaration of a general intention to level up the hours of work for mill operatives in all mills to 10 hours per day.

There were several minor grievances in addition to these but it may be confidently said that the primary cause was the fear of unemployment created by the new methods of work introduced by Messrs. E. D. Sassoon and Company in their mills.

As the Millowners' Association refused to have anything to do with the Joint Strike Committee because it included representatives of unregistered unions, the Bombay Mill Workers' Union, the Girni Kamgar Mahamandal and the Bombay Girni Kamgar Union straight-away registered themselves under the Indian Trade Unions Act of 1926. The Hon'ble the General Member of the Government of Bombay met the representatives of different parties to the dispute on the 15th May to pave the way for a round table conference. But the move was not effective. On the 16th June, the millowners issued a press communique in which they declared their willingness to open the mills provided the following terms were accepted by the strikers:—

**Unions
registered
under the
Trade
Unions Act.**

**Offer by
millowners
in June.**

- (1) Standardized rates of wages as prepared by the millowners.
- (2) Revised and standardized muster rolls.

(3) 10 hours' work for all male operatives.

(4) Revised rules and regulations for the enforcement of a stricter discipline.

The Joint Strike Committee replied the same day saying that no case had been made out for a reduction

**Rejected
by strikers.**

in wages and that the employees had not been consulted in the formulation of any scheme of standardization. The general

strike continued for almost six months and, in the meantime, unsuccessful attempts were made by the Government and the public leaders to explore all possible avenues of conciliation. On the 4th October 1928, the Hon'ble the General Member convened a conference of the representatives of parties at which satisfactory

**Strike
called off
in October
1928.**

terms of settlement were arrived at. In compliance with them, the strike was called off on the 6th October, and a committee, with Sir Charles Fawcett as chairman, was appointed to enquire into the dispute. It

may be noted in passing that the workers suffered to the extent of 3½ crores of rupees in wages alone during

**Fawcett
Committee
appointed.**

this strike and the total time loss amounted to nearly 22 million working days. The terms of reference to the Enquiry Committee were* :—

**Terms of
reference.**

“(a) Whether the amended scheme of a standardized schedule of rates and of a standardized muster, prepared by the Millowners' Association, and also the scheme, prepared by the Strike Committee, is fair and reasonable.

“(b) Whether the seventeen demands, advanced by the Strike Committee, are fair and reasonable and to what extent, if any, they should be met;

* Report of the Bombay Strike Enquiry Committee, 1928-29, Vol. I. (Bombay, 1929)—Page 1.

“(c) Whether the standing orders for operatives, as amended and presented by the Millowners’ Association on the 4th of October 1928 are fair and reasonable.”

The Committee* thought that the proposals of the Millowners’ Association (a) for standardization of wages, duties and numbers of operatives in a mill and (b) for Standing Orders for the operatives about the conditions of their employment were in the main fair and reasonable. Regarding the seventeen demands submitted by the Joint Strike Committee, some of those which were considered to be fair and reasonable were:—

**Fair
demands
of strikers.**

- “(i) That the Millowners shall not vary any of the present conditions to the disadvantage of the workers before securing the approval of the workers through their organizations.
- “(ii) That the Millowners’ Association shall not permit its individual members to vary the conditions of service to the disadvantage of workers without the sanction of the Association.
- “(iii) The rates of new varieties shall be fixed by the Millowners’ Association in consultation with the representatives of the workers’ organizations.
- “(iv) Notices in vernacular showing the rates of piece-work in detail should be posted in the Departments for the information of the workers.
- “(v) That there should be no victimisation of men who had taken part in the strike or any union activities.”

Most of these were eventually conceded by the Millowners’ Association.

* Report of the Bombay Strike Enquiry Committee, 1928-29, (Bombay, 1929).

The Committee held the following two demands of the strikers to be unfair and unreasonable:—

- Their unfair demands.**
- “(i) The wages of those workers whose average monthly wage is less than Rs. 30 should be raised substantially.
 - “(ii) The newly introduced system of compelling the workmen
 - (a) to take out and present tickets of attendance, and
 - (b) to clean the machinery daily should be discontinued.”

On the question of wage-cut, proposed by the Millowners' Association, of $7\frac{1}{2}$ per cent in weavers' wages, the Committee stated that, although it was justifiable, there were reasonable objections to be urged against its adoption in the prevalent circumstances. It was thus recommended that it should be dropped by the Association, provided the labour leaders promised their co-operation in working the scheme for the standardization of wages.

Dealing with the standardization scheme, the Committee believed that it was desirable and that the millowners were well advised in following the lines of the Lancashire lists in drawing it up. It would afford much improvement on the prevailing conditions, under which the worker did not sometimes receive a proportionate remuneration, or even an increment, for extra skill or effort. But the Committee were of opinion that the scheme itself reserved several matters for future standardization and its revision was recommended after a few months' trial. With this end in view and that of avoiding strikes and lockouts, machinery was devised by Mediation Rules approved by the Millowners' Association and the Joint Strike

Standardization scheme.

Mediation Rules.

Committee in 1928 to secure the settlement of trade disputes in their early stages and to preserve harmonious relations between employers and employees. The Rules provided for the following:—*

1. "In the event of a trade dispute arising between any member of the Millowners' Association, Bombay, and any operative(s), member or members of a trade union registered in accordance with the provisions of the Indian Trade Unions Act, 1926, in any mill or mills in Bombay City and Island, other than a trade dispute as to the correct interpretation of the Standing Orders or the Standardization rate of wages laid down for Bombay Mills which are members of the Bombay Millowners' Association, the following course shall be taken:—

"(i) Before any notice shall be given by either party to terminate employment for the purpose of a lockout or strike, the dispute shall be brought forthwith before a joint meeting consisting of not less than two and not more than six authorised representatives of the mill or mills concerned and an equal number of representatives of the Trade Union or Unions of which the operative(s) is a (are) member(s) and such meeting shall be called within four days from the date of a written application by either party for such a meeting; and if a settlement of the dispute is not come to at such meeting or at an adjournment thereof, then

"(ii) Before any notice shall be given by either party to terminate employment for the purpose of a lockout or a strike, the dispute shall be brought before a joint meeting consisting of two or more members of the Employers' Mediation Panel and an equal number of the Textile Trade Union Mediation Panel, and such meeting shall be called within seven days from the date of an application by either party for such a meeting, and if a

* Report of the Bombay Strike Enquiry Committee, 1928-29, Vol. I. (Bombay, 1929)—Pages 241 and 242.

settlement of the dispute be not come to at that meeting, or at an adjournment thereof, then

- “(iii) Before any notice shall be given by either party to terminate employment, for the purpose of a lockout or strike, the dispute shall be brought before a joint meeting of the Committee of the Millowners' Association, Bombay, and the representatives of the registered Textile Trade Unions of Bombay, and such meeting shall be called within seven days from the date of an application by either party for such meeting, and if a settlement be not come to at such meeting, or at an adjournment thereof, then either party shall be at liberty to take whatever course it thinks fit.
2. “In the event of a dispute arising as to the correct interpretation of the Standing Orders or the Standardization Scheme of wages laid down for Bombay Mills which are members of the Bombay Millowners' Association, the following course shall be taken:—
- “(i) The dispute shall in the first instance be investigated without delay by the management of the mills concerned who shall, after completing their investigations, in those cases in which a settlement is not arrived at, submit a report within seven days in writing to the Secretary of the Millowners' Association and to the Secretaries of the Textile Trade Unions registered in Bombay.
 - “(ii) Upon receipt of such communication by the Secretary of the Millowners' Association, the dispute shall be brought before a joint meeting consisting of two or more members of the Employers' Mediation Panel, and an equal number of the Textile Trade Union Mediation Panel, to be called within seven days from the date on which the Secretary of the Millowners' Association received the notification referred to in sub-clause (i), and if a settlement of the dispute be not come to at that meeting, or at an adjournment thereof, then
 - “(iii) Upon application of either party to the dispute,

the dispute shall be brought before a joint meeting of the Committee of the Bombay Millowners' Association and the representatives of the registered Textile Trade Unions of Bombay to be called within seven days from the receipt of an application by either party for such a meeting, and if a settlement be not come to at such a meeting, or at an adjournment thereof, then either party shall be at liberty to take whatever course it thinks fit.

3. "Whenever a settlement of any trade dispute shall not have been come to and the operatives are on strike, or have been locked out, meetings shall be held periodically between the representatives of the Millowners' Association and representatives of the members of the Trade Unions concerned in the dispute. The first of such meetings shall be called within four weeks after the commencement of the strike or lockout and subsequent meetings at monthly or shorter intervals thereafter. The exact date, time and place of the first of such meetings shall be decided at the last joint meeting previous to the commencement of the strike or lockout.
4. "Upon an application from either the Millowners' Association, or at least one-half of the registered Textile Trade Unions, a joint meeting of the Committee of the Millowners' Association and the representatives of the registered Textile Trade Unions shall be called within 28 days from the date of such an application to discuss any suggestions for altering or amending terms and/or conditions of employment affecting or likely to affect more than one quarter of the Cotton Textile Mills in Bombay."

The Fawcett Committee held that more than 70 strikes took place in the textile industry in the Bombay City in the course of their proceedings.

Concluding remarks of the Committee. "It is obvious", they wrote, "that this state of things is prejudicial to the well-being of the industry, including that of the workers themselves, and that its continuance, when combined

with the high level of wages in Bombay, may result in increasing the existing tendency of millowners to establish mills up-country, where labour is cheaper and works more steadily. The present greater uncertainty, as to when a lightning strike may take place in a mill, necessarily disables its management in many ways, *e.g.*, in accepting large contracts, and the workers themselves will surely benefit by progress towards the stage now generally reached in Europe, where discussion and an attempt at settlement between the workers' and the employers' organizations are almost necessary pre-cludes to a strike or a lockout."*

It may be noticed in passing that it had not been possible for the Bombay Millowners' Association to

Mediation Rules not enforced. bring into operation the Mediation Rules recommended by the Committee for the

Reasons for the same. simple reason that there was great disruption among the labourers and that there were none who could claim to speak with authority on their behalf. The Bombay

Textile Labour Union had a small membership, the recognition given to the Bombay Girni Kamgar Union, which claimed a membership of more than 50,000 workers after its registration in May 1928, was withdrawn as a result of the disturbances in 1929 and the consequent inquiry. In a circular letter, dated the 8th January 1930, the Millowners' Association issued instructions to the effect that all mills should prevent the accumulation of grievances and complaints and remove them as they arose. For this purpose, a

* Report of the Bombay Strike Enquiry Committee 1928-29. (Bombay, 1929). Page 151.

complaint box was to be kept in the premises of every mill so that workers might put in their petitions regarding their grievances or suggestions for improvement of the conditions of work. Five months later, when reports were received from 68 mills out of 76 working at the time, it was discovered that only 62 mills had put up the complaint boxes referred to above. In 30 mills no use whatsoever had been made of them, while 32 others reported that it was utilized to a greater or a lesser extent. No mill reported the exact number of complaints received in a day while their remarks generally showed that the men had failed to take advantage of the innovation to the extent that was expected.

8. INDUSTRIAL DISPUTES IN 1929.

The total number of industrial disputes in 1929 stood at 141. The workers involved numbered 531,059 and the total number of working days lost amounted to 12,165,691.

(i) Strike in Jute Mills.

The jute mill strikes, which broke out in July 1929, were notable for many reasons, the principal one being their magnitude. Never before in the history of jute mills in Bengal was a general strike of this nature attempted. Perhaps nowhere in the world were conditions more favourable to the associations of both employers and employees as in the jute manufacturing industry in Bengal. All the mills, nearly 100 in number and employing about 4 lakhs of workers in 1929, are situated on the banks of the Hooghly within

a radius of 18 to 20 miles on the north and south sides of Calcutta and Howrah. But, although the Indian Jute Mills Association on the part of employers had for many years been in existence, nothing like an attempt at genuine trade unionism had ever been made for jute workers as a whole.

During the Great War, the jute mills enjoyed undreamt of prosperity. To maintain the same, the Indian Jute Mills Association* decided to restrict production and working hours and it was further agreed that all mills should work only 54 hours a week. The immediate cause of the strikes in 1929 was a decision of the Association to raise the working hours of all mills from 54 to 60, as a result partly of increased competition from the Continental mills. The new agreement comprised the following conditions:—

Cause of the strike.

- (a) That all mills which were members of the Association should work 60 hours a week;
- (b) that, in multiple shift mills, the hours might be reckoned over two weeks, *i.e.*, these mills could continue to work, as before, 54 hours in the first week, but in the second week they would have to work 66 hours; or 120 hours per fortnight; and
- (c) that no mill should make up for lost time caused by strikes.

Offer by millowners.

As the general strike was in progress, the Jute Mills Association came forth with the following offer:—

- (1) That the mills would pay the correct proportionate increase in wages for the extra hours worked; in the case of workers, time and piece, the correct proportionate increase would be the correct proportionate

* Only half a dozen mills, small and new, stood outside the Association.

increase on the total earnings for the extra hours worked;

- (2) that they would pay *Khoraki* as before;
- (3) that there would be no victimization; and
- (4) that the Association would recommend that favourable consideration should be given by members of the Association to the provision of facilities for cases of maternity.

Two unions at this time held the field—the unrecognized Bengal Jute Workers' Union led by Miss Dass Gupta and the registered Kankinnarah Labour Union under Mr. Roy Choudhry and Moulvi Latafat Husain. The Labour Intelligence Officer, Bengal Government, discussed the situation created by the strike with the union leaders and the Indian Jute Mills Association and was ultimately able to draw up a settlement which, in addition to the offer of the Association, contained the following terms:—

- Two unions on the field.**
- Bengal Labour Officer intervened in the interests of peace.**
- Further offer by millowners.**
- “(i) That the scales of bonuses remain the same as they were before the 1st July 1929, when the mills were working 54 hours a week.
 - “(ii) That favourable consideration be given to an adjustment of wages to time workers on the basis of the concession suggested for piece workers.
 - “(iii) That the authorities of each mill consider favourably reasonable settlements of grievances put forward by their workers.”

This settlement was agreeable to all parties. The strikers resumed their work although the position remained tense during the weeks immediately following owing to allegation regarding victimization and other complaints. Miss Dass Gupta exerted herself to the

Settlement of the strike.

utmost to keep peace although it ultimately transpired that her influence in some of the new strikes was ineffective. On the whole, 267,345 hands were affected by the strike involving a total loss in wages alone of Rs. 2,111,409. The total loss in production was estimated to represent in value Rs. 17,017,142.

✓(ii) *Digboi Oilfields Strike.*

In the same year, *i.e.*, in 1929, about 800 men, comprising drillers, drivers and ringmen of the Digboi oilfields, struck work against Sunday labour. Under the arrangement in force, a holiday was given to batches of men every eighth day and a general holiday on Sunday was not observed to avoid a complete suspension of work. As Sunday was a local market day, the strikers demanded that there should be a general holiday on that day. To enforce their demand they suspended work on Sunday, 2nd June, resuming work again the next day. They announced their intention of striking each Sunday but the matter was settled before the following Sunday by the promise of a bonus varying from Rs. 3 to Rs. 5 for each man who worked on a Sunday in addition to the three preceding days and was prepared to work for the three following days.

**Demand for
a holiday on
Sunday.**

(iii) *Situation in Bombay.*

In Bombay, the situation had grown worse since the publication of the Fawcett Committee report. The report, which was partly in favour of the workmen and partly in favour of the employers, did not bring peace in the textile industry. The leaders of the Girni

Kamgar Union brought forward a number of grievances and insisted on an investigation of the same before proceeding further with the employers in the consideration of the Fawcett Committee Report. The grievances* were:—

**Girni
Kamgar's
grievances.**

- (1) Victimization of the Girni Kamgar Union men.
- (2) Obstacles to the Union activities by the managements.
- (3) Objection of millowners to the collection of subscriptions inside the mills.

The difference arose in the method of investigating the cases of alleged victimization and the Girni Kamgar Union consequently called out a general strike of the textile labour of Bombay City on the 26th April 1929. The Bombay Textile Labour Union refused to have anything to do with this strike and condemned it as unjustifiable and against the interests of workers. A number of mills did not join the strike which at no time reached the proportions of the strike in 1928. But the Government of Bombay decided to appoint a Court of Enquiry under the Indian Trade Disputes Act, 1929, to seek powers to make intimidation a cognizable offence, and to prohibit unlawful picketing and meetings in mill areas.

**General
strike in
April 1929.**

**Appoint-
ment of a
Court of
Enquiry.**

The Court of Enquiry was presided over by the Honourable Mr. Justice H. G. Pearson and its terms of reference were as follows:—

**Terms of
reference.**

- “(1) To inquire into and ascertain the exact nature of the dispute or disputes between the employers and workmen.
- “(2) To what extent the employers or workmen or both are responsible in matters connected therewith.

* Report of the Court of Enquiry, 1929 (Bombay, 1929), Page 27.
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"(3) What are the causes of the prolongation of the strike?

"(4) What are the difficulties in the way of a settlement of the dispute or disputes?"

The Committee were of opinion that the leaders of the Girni Kamgar Union had taken advantage of the prevailing discontent among the workers and their fear that unemployment and a future cut in wages would result from the introduction of standardization and efficiency schemes. They further said that officials of the managing committee of the Girni Kamgar Union encouraged antagonism between the millowners and their employees and that they caused several lightning strikes prior to their declaration of a general strike above referred to. The Committee summed up two main causes of the prolongation of the strike* :—

**Findings
of the
Committee.**

**Main causes
of strike
according
to the
Committee.**

- (1) The aggressive and mischievous propaganda of the officials of the Girni Kamgar Union and inflammatory appeals made by them to the workers.
- (2) Picketing and intimidation by the strikers and acts of violence committed by them on non-strikers.

The uncompromising attitude of the officials of the Girni Kamgar Union made matters worse and these were made further difficult of settlement by the dread of unemployment lurking in the minds of workers.

*(iv) The Bombay, Baroda and Central India
Railway Dispute.*

A dispute of some importance arose between the Bombay, Baroda and Central India Railway and the

* See Report—Page 38.

X:96.2.N3

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Bombay, Baroda and Central India Railway Employees' Union on account of the decision of the former to transfer their workshops at Parel, Bombay, to a place called Dohad, about three hundred and odd miles away from Bombay towards the North. The main object in view was to remodel the works and to reduce the cost of production. The terms offered by the Company in their notice dated the 17th September 1929 were as follows* :—

Shifting of workshops led to a dispute.

Terms of the Company.

- (1) "Rate of pay at Dohad would be 10/11ths of the Bombay rate for men drawing over Re. 1-2-0 per day, but in no case would a workman draw less than Re. 1-2-0 per day on transfer.
- (2) "A bonus of 14 days' pay or, as an alternative, 14 days' absence from duty with full pay would be granted to each man transferred. Absence to be counted as duty.
- (3) "Those who were not willing to be transferred to Dohad could tender their resignation within one month from the date of the notice of transfer and they would be entitled to a special rate of gratuity. This special gratuity would also be allowed to any person who, being transferred to Dohad, would voluntarily resign within six months from the date of transfer."

These terms were later modified so that they ultimately constituted the following twofold offer :—

- (1) "The Company would discharge all workmen in Bombay who would not be required for employment in Bombay when the workshop was transferred to Dohad. This notice of discharge would be withdrawn if the employee voluntarily resigned under the special Reduction of Staff Rules before the expiry of one month from the notice of discharge. In such a case the employee would be entitled to an enhanced gratuity permitted under the special Reduction of Staff Rules, provided his service was approved.

* Report of the Board of Conciliation, 1930. (Delhi, Government of India Press, 1930)—Page 5.

- (2) "On the application of the employee, who may have voluntarily resigned, the Company would be prepared to re-engage him at Dohad provided the Company had need of his service and on such re-engagement he must refund the excess amount of gratuity paid to him. Such workmen should be paid wages at certain rates fixed for Dohad. If, however, a workman is re-engaged at Dohad within 14 days of the termination of his services in Bombay, he should be allowed wages at Dohad which would be 20 per cent. less than the rate he was drawing in Bombay."

On a comparison, it is clear that these terms were more stringent than those of September 1929 in several respects. In contrast with these, the demands made by the workmen were as follows:—

**Demands
of the
workmen**

- (a) 20 per cent. increase in wages on what the workmen were being paid in Bombay.
- (b) Option of retiring from service at Dohad within a year from the date of transfer and to be allowed special gratuity permissible under the Reduction of Staff Rules.
- (c) Special rates of gratuity to be given to those workmen who did not wish to go to Dohad if such workmen were precluded from joining the Provident Fund between the years 1902 and 1917 on account of the rules then prevailing.
- (d) Bonus to the extent of one month's salary to be given to those workmen who did not elect to join at Dohad.
- (e) There should be no charge for water, conservancy, etc., and catering places should be provided rent free.

The Governor General in Council referred the dispute to a Board of Conciliation presided over by Mr. Bipin Behary Ghose. The Board inquired into the matter and recommended that the Company should give up their demand for reducing the wages of the workmen who elected to go to Dohad. In all other matters, the terms offered by the Agent in

**Board of
Concilia-
tion
appointed
by Govern-
ment.**

September 1929 were adhered to with some modifications.

(v) *The Golmuri Strike.*

In 1929, the Tinplate Company of Golmuri came in for much prominence. It is perhaps the largest of the Associated Companies and has been a great technical success from the start. Until 1929 the concern had been singularly free from labour troubles of any importance. The strike of 1929 may be attributed chiefly to the sudden and unexpected result of the strike in the Iron and Steel Works at Jamshedpur—a place only two miles away from Golmuri. During the Iron and Steel Works strike, the Tinplate had to work half time owing to lack of tin-bar but they paid full wages to their workmen to keep them contented. The latter, however, found that their condition was not comparable to the workers in Iron and Steel Works in several respects. Moreover, during the strike in Iron and Steel Works, the output of tinplate had been reduced, and consumers expecting a longer strike bought large stocks from other sources. There was thus a fall in the demand for tinplate and a restriction of working days in the Tinplate Works leading to a loss of wages. The workers were alive to this situation. They formed a union and invited Mr. Daud, Alderman of the city of Calcutta and president of the Seamen's Union, to be their president. In January 1929, Mr. Daud had a long informal talk with the manager of the Tinplate on several matters and he was convinced that any relaxation in the restriction of working days was not

**Tinplate
Company.**

**Causes of
the strike.**

**Workers'
union.**

possible. This the workmen were not prepared to bear. They overthrew Mr. Daud and set up Mr. Homi in his place.

Mr. Homi's position was not very secure as he always had a party against him. Nevertheless, he established himself with full force and drew up a settlement with the manager which appeared extraordinarily generous to many. It provided for an increase of wages, a bonus scheme, the institution of a provident fund, maternity benefits and a large increase in housing. It also included an undertaking to run the Works full time as far as possible.

But dissensions arose when it came to working out the details of the contract. There was a militant party, opposed to Mr. Homi and yet in the union, who encouraged unrest and indiscipline in the Works. This led to suspensions and discharges and, as these were on the increase, the manager met the union officials to discuss the matter with them. He offered not to suspend or discharge a man for any reason whatever for a week and meantime simply to bring all cases of indiscipline to the notice of the union. Mr. Homi was entirely satisfied. The other members were adamant and the general strike began without any notice or formulation of any demands on the 7th April 1929. The strike was called against the advice of Mr. Homi and he resigned.

The total labour force in the Tinplate Works numbered 3,000 and practically all went out in the first instance. The Company began to recruit new hands while some of the strikers left for their homes. On the 28th May, the old hands decreased to 627 while the newly employed workers numbered 1,341. At the end of July,

**Homi's
position.**

**Resigna-
tion of
Homi.**

**Events in
the course
of strike.**

2,416 new hands were at work while the old labourers increased only to 752. The Company had now its required contingent of the labour force and it began to work in full swing.

**Picketing
by strikers.**

Picketing on the part of the strikers was intense. The Government was asked to intervene and decide the matter but they said that they could not usefully do so. At this stage, the Workers' and Peasants' Party, founded by Philip Spratt, sent Messrs. Godbole and Chakravarthi to assist the strikers. The Swaraj party deputed Pandit Jawahar Lal Nehru, Gurdit Singh and Swami Biswanand, but their influence could not in any way smooth matters. By the third week of November, the situation had considerably eased, the number of strikers had thinned down, while the Company had more than enough workers at their hands to continue their work. This strike was a failure. It may incidentally be mentioned that an adjournment motion to consider the serious state of affairs at Golmuri was carried by a narrow majority in the local Legislative Council on the 6th September 1929. On the 24th September, a resolution was moved in the Legislative Assembly recommending to the Government of India that the tariff on tinsplate should be removed. The resolution was carried by a small majority as a protest against the apathetic attitude of the Company in not coming to terms with the strikers.

**Help by
Commun-
ists and
Swarajists.**

**Strike
collapsed.**

**Resolutions
in the
popular
legisla-
tures.**

(vi) *The Ahmedabad Dispute.*

In Ahmedabad, the workers demanded a restora-

tion of the wage cut of 1923 on the grounds that:—

- Demand for increase of wages.**
- (a) the mills were making high profits as compared with 1923,
 - (b) the workers were not getting a living wage.

The permanent arbitrators, Mr. Gandhi and Seth Mangaldas, considered that the profits were not so high as to enable the millowners to restore the cut.

Arbitrators disagreed. They, however, differed in regard to the second contention. Whereas Mr. Gandhi thought that the majority of workers were

not getting a living wage, Seth Mangaldas was of opinion that this was wrong. The whole question was thus referred to an umpire—Dewan Bahadur Keshavlal Manchar Lal Jhaveri, retired Chief Judge, Bombay Small Causes Court. He heard both the sides and, on the 4th December 1929, gave his award

Award by Jhaveri. granting increases of 5 per cent. to weavers and 8 per cent. to spinners with effect from the 1st January 1930.

9. INDUSTRIAL DISPUTES IN 1930

The year 1930 was quieter than the preceding year. 148 strikes took place but only 196,301 men were involved in them. The loss of working days amounted to 2,261,731 and the workers failed to gain any concession in 61 per cent. of the strikes. On the 6th May 1930, there was a general stoppage of work in the loading of ships in the port of Rangoon, due probably to a *hartal* declared in the city on account of the arrest of Mr. Gandhi. A few hours afterwards, there was a

1930, a quieter year.

serious earthquake in Rangoon which accentuated the feeling of unrest. It now occurred to the coolies, who were generally Telugus, that the time was opportune for a demand for increase of wages. They therefore struck work, but eventually agreed to return on the definite understanding that they would henceforth get Rs. 1-12-0 instead of Rs. 1-8-0 as their daily wage. On May 26th, when they returned to work, they fell out with the Burmese labourers who had acted as strike breakers in the meanwhile. Serious rioting followed and work remained at a standstill till a Conciliation Board effected a settlement based on the understanding by the stevedores to work half the ships by Burmese labour and the other half by Telugus.

**Rangoon
Port
dispute.**

**Concilia-
tion Board
effected a
settlement.**

G. I. P. Railway Dispute

A strike broke out on the G.I.P. Railway affecting mainly workshop employees in Bombay and the lower paid employees of the line staff at Bombay and several other stations. The cause of the dispute given by the strikers was the disregard by the Railway administration of the following grievances and demands* made in 1928 and 1929:—

**Causes of
the dispute.**

- (1) No victimization of union workers.
- (2) No wrongful dismissal or discharge of any railway employee
- (3) Control over fines and debits.
- (4) Formation of Joint Divisional Advisory Committees of the union and railway officials.
- (5) Increase in wages.

* See Labour Gazette, Bombay, Vol. IX, No. 7—March 1930, Pages 650 and 651.

- (6) Hours of work.
- (7) Improvement of leave privileges.
- (8) Holidays.
- (9) Conversion of daily rates to monthly rates.
- (10) Free railway passes.
- (11) Uniforms.
- (12) Abolition of periodical medical examination.
- (13) Abolition of racial discrimination.
- (14) Service agreements.
- (15) Consideration of individual complaints.
- (16) Management of the G.I.P. Railway Mutual Benefit Society.
- (17) Promotion of workshop employees.
- (18) Providing employment for workshop apprentices after completion of their training.
- (19) Provision of residential passes, sufficient watermen and danger flagmen and sufficient quarters for gangmen.

The railwaymen were dissatisfied with the attitude of the Railway Board and, in December 1929, the G.I.P. Railwaymen's Union decided to call a one-day strike on February 4th, 1930, if their demands were not granted by that date and to extend the strike, if necessary. In accordance with this decision,

**Strike
began in
February
1930.**

8,664 employees of the Parel and Matunga Workshops as well as a number of the line staff, mostly menials, struck work at 7 a.m. on the 4th February. Vigorous picketing was carried on by the Union volunteers and the strikers were exhorted by their leaders to hold out till all their demands were satisfied. The G.I.P. Railway Staff Union, the Labour Committee, the Bombay Youth League and the B.B. and C.I. Railway Employees' Union, Bombay, passed resolutions sympathising with the strikers in their hour of trial. The B.B. and C.I. Railway Employees' Union contributed Rs. 1,000 to the strike

fund and appealed to all employees of the B.B. and C.I. Railway to contribute five days' wages for the furtherance of the strike. The Bombay Provincial Congress Committee issued a public appeal for monetary help.

The strike lingered on in this manner till, in the beginning of March, there was a tendency on the part of strikers gradually to drift back to work. The workshops at Matunga and Parel were opened for work on 18th March when 1,422 strikers resumed work. The

strike was called off on 16th April and the Union in a resolution requested the Railway Board to reinstate all the strikers, failing which they threatened to arrange for an all-India general strike from May 15th.

**Called off
in April.**

10. INDUSTRIAL DISPUTES IN 1931

The total number of strikes in 1931 was 166. The men involved numbered 203,008 and the working days lost amounted to 2,408,123. In about 60

**Workers
failed in
80% strikes
in 1931.**

per cent. of the strikes, the workers totally failed. The two worst strikes of the year occurred in the Hastings Jute Mill at Hooghly, where an unsuccessful protest was made against a 10 per cent. cut in wages, and in the Sholapur Cotton Mills, where 15,000 men absented themselves for three weeks in connection with their grievances regarding pay and allowances and the recognition of their union.

G. I. P. Railway Dispute

There was a progressive fall in the gross receipts of all first class railways beginning with the end of the

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year 1929. The Railway Board therefore decided that an all-round reduction amounting to 5½ crores was necessary. This naturally entailed a search for economies, which took the form of all possible reductions in the use of material and staff. The result of the second step was that a large number of discharges and *demotions* took place as the following table will show* :—

Total No. of Employees.		Number of Employees Discharged.		Number of Employees Demoted.
On the 31st March 1930.	On the 31st March 1931.	Permanent	Temporary	
728,821	690,277	32,655	7,847	4,392

Meanwhile, the All-India Railwaymen's Federation had been corresponding with the Railway Board on this subject and, in their communication, dated the 30th April 1931, they applied for a reference to a Board of Conciliation of the matters in dispute between the different Railway Administrations and their workers.

After some correspondence, the Government of India decided to appoint a Court of Inquiry, instead of a Board of Conciliation as was asked for by the Federation.

The terms of reference were :—

“(1) Whether the retrenchment has imposed improper conditions of work on the staff still employed ;

* Report of the Court of Inquiry, 1932 (Calcutta, 1932) ; Page 3.

- "(2) Whether the terms allowed to the staff that has been discharged are inadequate or unreasonable;
- "(3) Whether having in view the limitations imposed by the commercial management of railways the fullest regard has been paid, when discharging the staff, to the following alternatives: the stoppage of recruitment, the operation of normal wastage, working short time, the retirement of staff taking their gratuity and provident fund, or the transfer of individuals to other departments or other railways on similar or even reduced rates of pay;
- "(4) Whether there has been victimization or favouritism in discharging establishments; if so, whether this can be avoided and how; and
- "(5) Whether staff discharged on the ground of retrenchment can or should be given any assurance of re-engagement on recruitment being resumed".

In their report submitted early in 1932, the Court of Inquiry held that improper conditions of service were not generally imposed on the staff still employed. The finding on the second point at issue was really a question of finance. The Madras and Southern Mahratta Railway offered the best terms. Whether the same could have been possible on other railway administrations, the Court of Inquiry could not say. The third term of reference was a multiple one and related to the following alternatives:—

**Findings
of the
Court.**

- (1) The stoppage of recruiting,
- (2) The operation of normal wastage,
- (3) Working short time,
- (4) The retirement of staff taking their provident fund and gratuity, or
- (5) The transfer of individuals to other departments or other railways on similar or even reduced rates of pay.

Whereas the railway administrations were generally alive to the first four sub-heads, very little was done in regard to the transfer of individuals from one railway to another, probably due to the absence of inter-railway labour exchange. In regard to victimization and favouritism, the Court could say little, mainly because elaborate local inquiries would have been necessary to pronounce a definite judgment. A suggestion was however made that, in future retrenchments, the more suitable ground for discharge should merely be the shortness of service. On the last issue the Court recommended that the employees retrenched for short service alone should be given an assurance of re-employment when recruiting was resumed.

11. INDUSTRIAL DISPUTES IN 1932 AND 1933

118 strikes occurred in 1932. The workers involved numbered 128,099 and the total number of working days lost amounted to 1,922,437. Considering the number of strikes and the workers involved, the year 1932 showed a remarkable improvement over all previous years. Two most serious strikes of the year occurred in the Madras and Southern Mahratta Railway Workshops at Perambur, Arkonam and Hubli; and the Howrah, Kinnison, Kelvin and Standard Jute Mills in Bengal. The first strike ended in January 1933 and involved about 8,300 workmen and was responsible for a loss of 490,000 working days. The second strike affected 19,000 workmen and entailed a loss of 331,000 working days. The chief demand in 60 per cent. of the strikes related to

**M. S. M.
Railway
strike.**

**Jute Mills
strike.**

wages or bonuses, but it was only in 36 per cent. of the total number of strikes that the workers gained any concession.

The total number of disputes during the year 1933 was 146 which involved 164,938 workpeople and resulted in a time loss of 2,168,961 working days.

Disputes in 1933. There was no strike of a serious magnitude.

The disputes were most frequent in Bombay and in the cotton and woollen mills. 65 per cent. of the total number of disputes centred on the wage question and only 13 per cent. arose over questions regarding the employment and dismissal of individuals. Out of the 139 disputes which were settled during the year 1933, the workers were successful in gaining concessions in only 31 per cent. of them.

Statistics of Industrial Disputes

The Government of India, in the Department of Industries and Labour, published in 1930 a few statistical data regarding the progress of Industrial disputes during the eight years 1921-'28. They have since then been publishing quarterly and annual figures on the subject. The two tables* that follow bear on the classification of disputes by provinces and by industries during the years 1921-'33. These statistics have been collected almost entirely through official agency, though the particulars given have in some respects been supplemented by press accounts and material supplied through non-official channels. In Bengal, the Labour Intelligence Officer

* These have been compiled by the Author and are based on the statistics published by the Government of India.

has been keeping a complete account of all strikes in the presidency since July 1920. The Bombay Labour Office, which came into being in April 1921, has similarly maintained a trustworthy record of strikes in the Bombay Presidency ever since its inception. The Commissioner of Labour in Madras is responsible for the collection of figures pertaining to strikes in his own presidency. Burma has a special officer for this purpose

and, in other provinces, information has been collected through Directors of Industries and local officials. As the Central Government point out* :—

“It can be stated with some confidence that no strike of any importance was unreported.....
 So far as the number of men involved in the reported strikes is concerned, the figures are in a number of cases approximate. In a very few cases, the figures for an individual strike may differ by as much as 500 men from the correct total; in a number of others, it was not possible to ascertain the number of men affected to more than the nearest hundred. In any particular year, however, the figures for an individual province (excluding Assam) probably give a representation within 2 per cent. of the correct figure: in Bengal and Bombay the margin of error is substantially smaller and can hardly exceed 1 per cent. In the calculation of working days lost, further sources of error are introduced. In the case of strikes which end in the gradual return of men to work, it is not always possible to determine accurately the number at work on any particular day. Nor can it be guaranteed that a complete allowance has always been made for local holidays or short time working in estimating the number of days lost.

* Bulletins of Indian Industries and Labour, No. 43 (Calcutta, 1930). Page 20.

But such factors affect only a small proportion of strikes and an allowance of 2 per cent. either way in Bengal and Bombay and of 5 per cent. elsewhere is probably ample to cover the possible error in any year so far as the reported strikes are concerned”.

TABLE I

Classification of Disputes by Provinces for the years 1921-1933.*

Province	No. of Disputes	No. of Men involved	Days lost	DEMANDS					RESULTS		
				Pay	Bonus	Personnel	Leave and Hours	Others	Successful	Partially successful	Unsuccessful
Assam	77	43,151	114,731	48	..	2	..	25	13	28	36
Bengal	719	1,699,520	20,134,037	363	27	143	54	132	86	134	492
Bihar and Orissa	48	117,262	4,026,861	21	1	8	3	14	3	14	31
Bombay	1,084	1,567,876	60,467,834	474	90	287	34	200	223	112	735
Burma	84	112,785	1,346,529	49	..	14	2	19	11	26	47
Central Provinces	54	76,125	1,334,931	27	10	9	..	8	5	16	32
Madras	152	188,507	2,825,289	59	6	40	7	40	25	49	77
Punjab	22	22,791	741,833	13	..	4	..	5	2	9	11
United Provinces	78	101,305	1,896,063	27	18	19	1	13	8	16	54
Ajmer-Merwara	2	3,150	57,289	1	..	1	..	..	..	..	1
Delhi	5	17,420	64,122	2	..	3	..	..	2	3	..

*One strike may extend to more than one province during a year. For instance, one strike extended to five provinces in 1922. It would thus be mentioned against five provinces though it is one strike to all intents and purposes.

82 TRADE UNIONISM AND LABOUR DISPUTES IN INDIA

TABLE II

*Classification of Disputes by Industries for the years
1921-1933.*

Industries	No. of Disputes	No. of Men involved	Days lost	DEMANDS					RESULTS		
				Pay	Bonus	Personnel	Leave and Hours	Others	Successful	Partially successful	Unsuccessful
Cotton and Woollen Mills	1,092	1,665,736	61,754,716	467	103	297	31	194	212	127	739
Jute Mills	275	1,315,678	11,991,956	88	20	81	34	52	22	28	221
Engineering Workshops	111	119,868	4,425,053	56	3	22	11	19	12	27	71
Railways (including Railway Workshops)	104	307,888	8,370,601	43	1	34	4	22	8	23	72
Mines	38	43,476	437,238	33	..	2	..	3	..	9	29
Others: Miscellaneous	697	491,846	6,030,135	397	25	86	21	168	124	191	379

The number of disputes during the years 1921-33 totalled 2,317. Out of this figure, 1,092 or 47·1 per cent. were confined to the textile industry. Jute mills accounted for 275 disputes or a little above 11·8 per cent. There were only 111 disputes in the engineering workshops and 104 in the railways (including railway workshops) representing a percentage of 4·7 and 4·4

respectively. Bombay and Bengal were the worst sufferers in respect of industrial conflicts. The total number of disputes in these presidencies during the years under review was 1,803, *i.e.*, more than 77 per cent. of all the disputes in British India.

CHAPTER II

THE LAW AND THE RIGHT TO COMBINE

Conditions for the success of a trade union: literacy and co-operation, public sympathy and legal recognition—Post-war unions and their drawbacks—Agitation for a Trade Union Act—Saklatwala's initiative—Joshi's Motion in the Legislative Assembly—Wadia case in Madras—Trade Union Bill introduced in 1925—Its chief features—Opinions on the Bill—Bill passed with modifications—Principal provisions of the Act—Immunity from civil and criminal liability—Auditing of trade union accounts—Composition of trade union executives—Political fund—Comparison with England—Drawbacks in the working of the Indian Trade Unions Act and the passing of the Amendment Act in 1928—Peculiarity of Indian unions—Registers—Accounts—Constant change of personnel—Disintegration of single organizations—Reasons for the existence of a very large number of unregistered unions—Employers' attitude partly responsible for it—Number of registered unions from 1927-28 to 1932-33—Number of female members—Membership of unions according to provinces—Social reform by unions—Benefit schemes—Reading rooms—Welfare work—Some suggestions—Position of Government servants—Issue of rules for the recognition of unions by Government employees—Registered federations.

In the preceding chapter, it has been shown how strikes broke out in India and how they almost assumed the form of an epidemic after the Great War. Trade unions very often came into being in the course of strikes but most of them were only strike committees which ceased to exist with the cessation of the strikes. An organized trade union excludes all idea of spas-

modic-or passive outbursts of workers. It is upon the common interests that it centres itself. The first and the last object is the condition of work and, if it is lost sight of, trade unionism serves no purpose. Trade unionism is a consequence of the separation of the employing and the labouring functions and it cannot be formed, or if formed cannot continue to exist, without the following conditions:—

Essential conditions for the success of a trade union.

Literacy and co-operation.

- (1) Literacy and co-operation. The literate labourers form a very small minority in India. This drawback greatly stood in the way of the workers and prevented them from forming a clear conception of their position in days gone by. But an awakening has now come and with it a consciousness of their common interests. The labourers feel that their share in the production of wealth is an unfair one and the system of large scale production has furthered such a tendency. Thus the idea of co-operation has already taken a practical shape, and it is bound to receive further stimulus with the spread of education.

Public sympathy.

- (2) The public should be in sympathy with the cause of workers. Situated as the Indian workers are, they need the help and guidance of social leaders who may be imbued with the idea of honesty and single-mindedness. There is a great dearth of such persons in the country but it is hoped that, with the lapse of time, capable people will enter the arena of industry and guide the labourers in their difficult task.

(3) But the most important of all is the legal recognition of unions. It was only recently that the Government of India moved in the matter and passed the Trade Unions Act.

**Legal
recogni-
tion.**

A large number of unions appeared on the scene in the post-war period. Some of them had only a transitory existence, while most others suffered from lack of funds. But this phenomenon was not an extraordinary one and it was not peculiar to India. No country in the world has been exempt from it. As

**Post-war
unions and
their
drawbacks.**

Mr. Appleton, while tracing the growth of trade unions in England, says* :—

“Hundreds of societies, therefore, sprang up in different parts of the country. Some of them had only a passing existence. The circumstances against them were too strong, or their only objective was an immediate amelioration of some particular evil. Often they were just formed to resist some immediate personal oppression, or to remedy some immediate local grievance. The particular task being accomplished, the union languished and not infrequently died out altogether. Others came to stay and formulated definite rules and policies”.

This description fits in with the present condition of India, though there is no cause for pessimism in the matter. The history of trade unions in other countries cannot but make us hopeful of the future. The Bombay Industrial Disputes Committee of 1922 sounded a similar note when they said† :—

**These
should not
make us
pessimists.**

“We are fully aware that the early days of a trade union movement are often full of difficulty. Strike com-

* W. A. Appleton: Trade Unions (London, 1925). Pages 79 and 80.

† See Report, page 3.

mittees arise, calling themselves trade unions and demanding the privileges of trade unions without any means of discharging the responsibilities thereof....

.....But these are the growing pains of trade unionism; it is far better to treat them than to inflame them. We therefore express the very sincere hope that there will be, neither on the part of the State nor of Industry, any hostility to the free evolution of the trade union movement".

An agitation for a Trade Union Act began in 1920 when Mr. S. Saklatvala waited in a deputation upon Mr. Montagu, then Secretary of State for India, and urged upon him the need of trade union legislation in India. An assurance was given by the latter to the effect that early steps in the direction would be taken. Thenceforward, the question became one of great public interest. In March 1921, Mr. N. M. Joshi moved the following resolution* in the Legislative Assembly:—

**Agitation
for a Trade
Union Act.**

**Saklatvala's
initiative in
1920.**

**Joshi's
Motion
in 1921.**

"This Assembly recommends to the Governor General in Council that he should take steps to introduce, at an early date, in the Indian Legislature, such legislation as may be necessary for the registration of trade unions and for the protection of trade unionists and trade union officials from civil and criminal liability for bona-fide trade union activities".

This resolution was important since it touched the status, rights and privileges of workers in the country. The number of wage-earners was yearly on the increase, and the labour movement in India was acquiring great strength day after day since the War of 1914. Several

* Legislative Assembly Debates, Vol. I, Part 1, 1921 (Delhi, 1921). Page 486.

trade unions had cropped up, although it may be safely said that some of them were a mere farce. Still, the few genuine trade unions that existed had no well-defined position in law. A strike meant withdrawal of labour, which further implied a breach of contract of service. Thus arose the question of civil liability. In October 1920* Mr. B. P. Wadia, the president of the Madras Labour Union, was prosecuted in Madras. An injunction was issued against him prohibiting him from engaging in trade union activities. It was said that he asked some of the workers in the Buckingham Mills to commit a breach of their contract, and induced others not to enter into contract of service with the company. This instance clearly shows that trade unions were not free from civil liability in the eyes of the law. The English law is clear on this point. The following section of the Trade Disputes Act of 1906 protects the trade unions and their officials from civil liability for a breach of contract:—

**Position of
trade
unions in
Law.**

**Wadia's
case in
Madras.**

"Any act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to commit a breach of contract of employment or that it is an interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital and labour as he will".

The Hon'ble Sir Thomas Holland opposed Mr. Joshi's resolution. He admitted that trade unions

* Legislative Assembly Debates, Vol. I, Part I, 1921. (Delhi, 1921). Page 488.

were inevitable and should be defined in their legitimate aims and objects. As their number was very small, he suggested that they could be registered under Act VII of 1913 which covered associations formed for promoting commerce, science and charity without any claim or pretence of a dividend. A heated debate ensued and the following resolution, as amended by Sir Thomas Holland, was passed by the Legislative Assembly:—

**India
Govern-
ment's
position.**

"This Assembly recommends to the Governor General in Council that he should take steps to introduce, as soon as practicable, in the Indian Legislature, such legislation as may be necessary for the registration of trade unions".*

On the 15th September 1921, Mr. N. M. Joshi asked the Government the date on which they proposed to introduce legislation for the registration and protection of trade unions. Mr. A. C. Chatterjee (now Sir A. C. Chatterjee) replied that the question was under consideration and that a Bill on the subject would be introduced in the spring of 1922, if possible. The Government took long to arrive at a decision and

**Trade
Union Bill
introduced
in 1925.**

it was as late as the 22nd January 1925, that the Trade Union Bill was introduced in the legislative Assembly. The period of four years, which elapsed after the resolution of Mr. Joshi, was utilised by the Government of India in consulting the Local Governments, the Employers' and the Workers' Associations. As the Hon'ble Sir Bhupendra Nath Mitra said, "the opinions expressed.....are re-

* Legislative Assembly Debates, Vol. I, Part I, 1921. (Delhi, 1921). Page 506.

markable for their diversity. There are some who consider the proposed legislation to be premature, and who would prefer that we should not proceed with it at

Opinions on the Bill. all. There are some others who, while recognizing the need for the proposed legis-

lation, apparently consider the trade unions to be dangerous and pernicious growths, whose activities should be controlled rigidly so that they may not eventually overwhelm the commonwealth. There are others again who regard trade unionism as a new religion which, given sufficient license, would bring about the millennium much more rapidly than any existing religions promise to do"*.

The Bill contemplated the adoption of certain preliminary measures to foster the growth of trade unions on right lines. It was a purely

Question of registration of unions. permissive measure in as much as it was left to the trade unions to register. A great controversy centred round this point,

and many of the employers as well as some of the Local Governments adhered to the idea of compulsion. Their attitude was the outcome of a misconception regarding the fundamental object of trade union legislation, and they laboured under the impression that no trade union would register unless compulsion was exercised. The Local Governments, which formerly advocated compulsion, receded shortly after and accepted the permissive nature of the Bill.

Political objects excluded. The Bill excluded political objects from among the purposes of trade union law. An extract from the circular letter issued by the Government of India would form

* Legislative Assembly Debates, Vol. V, Part I, 1925. (Delhi, 1925).
Page 78.

an interesting study* :—

"The question of the inclusion of political objects among those on which funds can be expended had received careful consideration and, following the great majority of the replies received, the Government of India have decided to exclude such objects from the list. This will not prevent trade unions, or their leaders, from advocating political policies, but it will ensure that funds contributed primarily for trade union purposes, are not expended on causes in which the bulk of the members have little interest. If any sections of employers or employed wish to form an organization for political purpose and to raise subscriptions for that purpose, there is nothing to prevent their doing so, but there appears to be no strong reason for conferring in such cases privileges designed to protect organizations of an essentially different type".

As a protective measure, the Bill afforded immunity to trade unions from civil and criminal liability* It

Immunity
from civil
and criminal
liability
given.

was referred to a select committee where it was examined clause by clause. Two important changes were made. The first referred to the inclusion of a clause providing for the constitution of a separate fund to be formed from optional contributions and to be utilized for expenditure on specific objects for the promotion of the civic and political interests of members. The second change related to the officers of a registered trade union. The original Bill proposed that a majority of the officers should be persons actually engaged in the industry with which the trade union was connected. The low educational standard of the

* Legislative Assembly Debates, Vol. V, Part I, 1925. (Delhi, 1925). Page 743.

ordinary labourer compelled a majority of the select committee to change the words 'a majority' in the beginning of the clause to 'not less than one-third'.

The Bill as reported by the select committee was taken into consideration in the Legislative Assembly in January 1926, and passed into an Act in the ensuing month. It came into force from 1st May 1927.

Bill passed with modifications in 1926. The Indian Trade Unions Act is designed to meet the comparatively simple needs of a young movement in our country. It has been framed to foster the growth of trade

Chief features of the Act. unions on right and sound lines. The Act gives immunity to registered trade unions from civil and criminal liability. The Statement of Objects and Reasons contained in the Bill, as it was originally introduced in the Legislative Assembly, says:—

Immunity from civil and criminal liability granted. "Under the existing criminal law an agreement to do an illegal act is itself a criminal offence. 'Illegal act' includes all acts which provide grounds for civil actions. Thus, for example, two men who agreed to persuade workmen to break their contracts with their employers are guilty of criminal conspiracy. The clause which is similar in its effect to the corresponding provisions of the English law protects trade unionists from prosecution for criminal conspiracy where the agreement into which they have entered is not an agreement to commit an offence".

Then, there is the immunity from civil action. We again quote from the Statement of Objects and Reasons:—

"The first part of this clause (clause 18) corresponds to sections 1 and 3 of the British Trade Disputes Act of 1906 and protects trade unions and their officers and members from certain civil actions. An impor-

tant type of action which this clause will prevent is a suit arising out of the persuasion exercised on trade union members and others to join in a strike where that strike (as is frequently the case) involves breach of contract on the part of workmen”.

The Indian Trade Unions Act in this respect differed from similar legislation in Great Britain and the Dominions. The privilege of exemption from civil and criminal liability was

This privilege was bestowed only on registered unions.

conferred on registered trade unions alone and the legal position of unregistered trade unions was left unchanged. Registration is not compulsory and yet it carries no obligation which a well-conducted union should not be prepared to accept. During the discussions on the Trade Union Bill, an attempt was made to extend the privileges of registration to unregistered unions, but it was not successful. In February 1928, Mr. N. M. Joshi introduced a Bill in the Legislative Assembly so to amend the Indian Penal Code as to give immunity from criminal liability to combinations of workmen. The Bill was circulated for opinion and it was later thrown out by the Assembly for lack of enough support.

According to the Indian Trade Unions Act, the accounts of a registered trade union are to be audited every year under rules made by the Local Governments regarding the appointment of auditors. A fierce discussion raged round this point. Mr. N. M. Joshi opposed the appointment of auditors under rules framed by Government. He was of opinion that the auditors should be appointed by the unions, but this motion was negatived.

Accounts to be audited under the Act.

The general funds of a registered trade union can, among other specified objects, be utilised for "the conduct of trade disputes on behalf of the trade union or any member thereof".* They can also be spent on "the payment, in furtherance of any of the objects on which the general funds of the trade union may be spent, of contribution 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."†

• A provision has been made in the Act according to which not less than one-half of the total officers of a registered trade union shall be persons "actually engaged or employed in an industry with which the trade union is concerned", subject to a proviso "that the Local Government may, by special or general order, declare that the provisions of this section (section 22) shall not apply to any trade union or class of trade unions specified in the order". This clause clearly recognizes the infancy of the trade union movement in this country and the comparatively uneducated condition of our workers. It is thus essential that outsiders should come in to help the trade unionists in the accomplishment of their aims. But the number of

The Act in regard to expenditure of Funds.

Composition of the executive of unions.

* Indian Trade Unions Act, 1926, sub-clause (d) of clause 15.

† Indian Trade Unions Act, 1926, sub-clause (j) of clause 15.

external officers has been limited to one-half of the total number of officers. This is based on the principle that the worker is the best judge of his own interests and that it is very desirable that he should have ample opportunities of educating himself in the safe conduct of trade union affairs.

**External
officers
admitted.**

A political clause has been inserted in the Act. It was not embodied in the Bill, as originally drafted, but it found its way as a result of the deliberations of the select committee. It was urged that the political clause was absolutely essential to awaken the labourers and to enable them to spend their money in securing the candidature of their representatives on political bodies. The labourites wanted to go still further and desired to adopt the full provisions of the English law on the subject, as it then stood. As the Hon'ble Mr. A. H. Ley, Secretary for Industries and Labour, while speaking on the Trade Union Bill in the Council of State on the 25th February 1925, said:—

**Political
Fund
allowed on
the princi-
ple of 'con-
tracting
in.'**

"The Bill does not go as far as the English law on the subject. The English law which was introduced in 1913 provides that if a trade union by a resolution passed on a ballot of the members chooses to establish a political fund it may do so, and that means that the members of the trade union are obliged to subscribe to that political fund unless they, what is called 'contract out', that is to say, sign a declaration or give notice that they do not wish to subscribe to that fund. The Bill before this Council, if I may say so, reverses the process. It allows a member of a trade union to 'contract in', the opposite of 'contracting out'. Any member of a trade union may ask to be allowed to contribute to the political fund,

if a political fund exists but, of course, contribution to that fund is in no way a condition of admission to the union".*

The trade unionists are naturally inclined to exercise their political rights with a view to advance their position. They should however remember that, in so doing, the chief motive of "maintaining or improving the condition of their working lives" is not lost sight of. Mr. Appleton may here be aptly quoted. While reviewing the scope of trade unions before the Royal Society of Arts in 1922, he said†:—

**Appleton's
opinion on
this point.**

"I have been asked whether a trade unionist ought not to use his political as well as his trade union arm, my answer is an unequivocal 'yes'. But he should, in developing the political arm, see that the trade union arm is neither tied up, nor broken, nor withered. He should also be careful to see that it is not used to cut his own stomach".

It was in 1913 that the then liberal ministry in England put the whole position of trade union politics on a new basis. It laid down that a trade union might spend money for political purposes provided:—

**Comparison with
the position
in England.**

- (a) that the money so spent was raised by a special levy on members,
- (b) that it was authorised to do so by a ballot of its members, and
- (c) that the members were given an opportunity to 'contract out' of the payment of the political levy.

* In 1927 the British law was altered so as to substitute 'contracting in' for 'contracting out'. Under the Trade Disputes and Trade Unions Act of 1927, no member of a trade union in England can be called upon to contribute to the Political Fund unless he gives notice in writing of his willingness to do so.

† Quoted in Labour Gazette, Bombay; September, 1922. No. I, Vol. II. Page 27.

**Attitude of
English
unionists
towards the
Political
Fund.**

Since that year,* "292 unions have taken secret ballots on the establishment of political funds: in 18 cases there has been a majority against the fund. Only 9 unions have taken more than one ballot during the last 14 years, nearly all the unions having assumed that the matter was settled once for all when the first ballot was taken".

But it is surprising to note that the number of votes cast in these ballots was very small. "Out of a total membership of 3,003,373 in the registered unions, less than one-third voted: 683,272 for the levy and 272,394 against. In some important unions, the poll was only 10 or 15 per cent. of the membership. In 40 unregistered unions, 478,828 votes were given for the levy and 305,804 against. Still more surprising is the small number of claims for exemption. At the end of 1925, only 104,797 'contracted out' in the registered unions, although 270,000 had voted against the levy while the ballots were taken".†

It is often said that the small polls at the ballots is a clear proof of the apathy of a large number of unionists towards the political fund. The figures no doubt reveal a great amount of indifference, but it would perhaps be fair to admit, as Mr. Ramsay Muir writes, "that less than one-tenth of the members objected to paying the levy sufficiently to vote against it".‡

* Ramsay Muir: *Trade Unionism and the Trade Union Bill* (London, 1927); Page 106.

† Ramsay Muir: *Trade Unionism and the Trade Union Bill* (London, 1927); Pages 106 and 107.

‡ Ibid.

The inclusion of the political clause in the Indian Trade Unions Act was necessary,* and the Government have done their duty by the workers by agreeing to it. The labour movement is still in its infancy, and it is hoped that the trade unionists of India will steer clear of all useless political controversies.

The working of the Act brought some obscurities to light, and a Bill was consequently introduced in the Legislative Assembly on the 4th September 1928 to remove the same. These obscurities were of a twofold nature:—

- Draw-backs noticed in the working of the Act and their removal.**
- (1) Section 11 of the Act dealt with the procedure in appeal from the orders of the Registrar, either refusing to register a trade union or issuing orders for the withdrawal or cancellation of the certificate of registration. This section was confusing as it did not indicate clearly whether the first appeal lay to the judge appointed for the area within which the Registrar's office was situated or to the judge appointed for the area within which the head office of the trade union was situated. It was thus moved that the appellate court should be the court where the head office of the trade union was located.
 - (2) Again, in the same section, it was not clear which was the appellate court in the presidency towns and in Rangoon. It was moved that the appellate court in such cases was to be the High Court.

* It was necessary because a refusal to include the political clause would have made the trade unions more determined to have it.

The Bill was passed by the Legislative Assembly on the 17th September 1928, and was in the course of time assented to by the Council of State. //

The Indian Trade Unions Act has been in force for over seven years and some factors in its working are so conspicuous that they may with advantage be described here. The majority of the trade union officials in India are ignorant of the exact significance of the various provisions of the Act and the provincial rules made thereunder.* The result is that the Registrars of Trade Unions and their secretariats have to undergo much botheration and trouble in explaining the necessary requirements relevant to the Trade Unions Act. The accounts† of some of the unions are not properly kept. In some cases vouchers are found missing. In others, account books

**Peculiarity
of Indian
trade
unions.**

**Trade
Union
officials
mostly
ignorant of
law.**

**Accounts
not properly
kept
by some
unions.**

* "The majority of the trade union officials appear to make no attempt to study the Act and the regulations either when submitting applications for registration, or in connection with the returns and notices to be submitted under the Act after registration. As a consequence, much valuable time is lost in explaining the requirements of the Act to individuals and lengthy correspondence has often to be entered into. The position is considerably aggravated by frequent changes in the personnel of the managements of the union"—Annual Report on the working of the Trade Unions Act in the Bombay Presidency for 1928-29. Page 6.

† See Annual Report on the working of the Trade Unions Act in Bihar and Orissa for the year 1928-29. Page 2.

Also compare the following:—

"Great difficulty has been experienced in obtaining the prescribed returns from some of the registered unions. Several unions submitted the returns in proper form only a few days ago. The delay is apparently due in some cases at least to the fact that the accounts are kept so badly that their audit is a matter of great difficulty". Annual Report on the working of the Trade Unions Act in Madras for the year 1928-29. Page 2.

"The few trade unions registered do not appear to be making any advance or to be complying with the requirements of the Act and the

are not produced before the auditors. In others still, annual returns are not submitted in time.‡ There is a failure to maintain a register of members in some cases, while in others the subscriptions are in arrears for more than a year. And the matter is greatly accentuated

Union
books and
vouchers
not in order
in others.

rules framed thereunder. Indeed, it is a matter of much difficulty every year to obtain from them the annual returns under Section 28 of the Act. The East Indian Railway Union and the Railway Federation were prosecuted last year for the default in submitting the annual returns for the year 1928-29. There has again been default this year in the submission of annual returns". Annual Report on the working of the Trade Unions Act in Bihar and Orissa for the year 1929-30. Page 2.

"In practically every case, the applications showed a lack of appreciation of the statutory requirements as laid down both in the Act and in the Regulations". Annual Report on the working of the Trade Unions Act in Bengal for the year 1927-28.

‡ "..... With regard to the annual returns, the remarks passed by the auditors on some of the returns received show that in several cases no counterfoils for receipts are available to verify the 'Receipts' side of the cash-book, nor vouchers to verify the 'Payments' side. In several instances subscriptions collected by the 'Collectors' were reported as not having been paid into the offices of the Union within the time limit laid down in the Union's rules. In some cases, the amounts collected remained in the hands of the 'Collectors' for about a fortnight to a month and in two instances for even six months. The register of members was not properly written up to the end of the year and the auditors were therefore unable to verify the amount of subscriptions shown as outstanding in the annual returns. Auditors have also drawn attention to the fact that in several cases the amount of cash kept in hand by secretaries or treasurers, as the case may be, exceeded the limits laid down in the registered conditions of the respective unions". Annual Report on the working of the Trade Unions Act in the Bombay Presidency for 1928-29. Page 6.

"Although under Regulation 12 of the Trade Union Regulations, the annual returns are due with the Registrar by the 31st of July each year, several reminders had to be issued and a clerk from the Registrar's office had to be sent round this year to the head offices of the various unions in default in order to obtain the returns". Annual Report on the working of the Trade Unions Act in the Punjab for 1929-30. Page 3. In this connection, refer also to the Government of India Report on the working of the Indian Trade Unions Act for the year 1932-33.

when the personnel* of some of them changes with alarming rapidity. This is particularly true of the red unions whose officials appear to take an active part in the communistic activities of India. The Bombay Girni Kamgar Union is conspicuous in this respect. Their books and papers, along with those of the G.I.P. Railwaymen's Union, were seized by the police at the time of the arrest of Mr. S. A. Dange and Mr. K. N. Joglekar in 1928-29. Unions are sometimes formed with feverish activity. They are even registered and, when some immediate object is accomplished, they languish and their registration is ultimately cancelled for failure to submit any returns.

Constant change of personnel in red unions.

Unions only strike committees in some cases.

Disintegration of single organizations.

One noteworthy feature of trade union development in India, and especially in the Bengal Presidency, is the disintegration† of previously existing single organizations. This is a move in the wrong direction, organized mainly by the budding leaders who are prepared to go to any length in the advancement of their selfish aims. It is probable that this movement towards disintegration will continue so long as

* "One difficulty appears to be that the officials of the trade unions change so often, while those that are reasonably permanent seem, with a few exceptions, strangely ignorant of the provisions of the Act under which they are registered and make little effort to adapt their organizations to the simple requirements of the Act". Annual Report on the working of the Trade Unions Act in the Bombay Presidency for the year 1929-30. Page 6.

† "This Congress deplores the tendency in the trade union movement towards the creation and maintenance of small overlapping unions resulting in inter-union rivalry, unnecessary dissipation of energy and reduction of strength of workers in negotiating with employers".—37th Resolution passed by the All India Trade Union Congress at its 7th session held at Delhi in March 1927 (*vide* Report, Page 59.)

the rank and file of the unionists are not in a position to understand and appreciate the advantages of trade unionism and the Indian Trade Unions Act. The present standard of literacy among the working classes is very low and a wide diffusion of education is thus urgently called for.

Very few trade unions maintain any political fund. The influence of outsiders on the executive of trade unions is still predominant, but smaller unions are no doubt trying to rely upon themselves rather than upon the borrowed forces from outside. This is indeed a healthy sign of the times.

The registration of trade unions is not compulsory and, although there is an increasing resort to it, several unions regard the privileges thus acquired as an extremely inadequate return for the obligations imposed under the Trade Union Law. *A registered union in the Punjab applied for the cancellation of its registration because it found that it was hampered in its objects by continuing as a registered organization. There was only one registered union in Burma in 1930-31, but the Labour Commissioner was in a position to trace as many as 28 unregistered unions in that part of the country. The total number of unions in the Bombay Presidency† in the quarter ending 1st December 1932 was 102 with a membership of 111,334. Out of these, only 48 unions with a membership of 73,701 were registered.

* See Government of India's Note on the working of the Trade Unions Act, 1926, for the year ending 31st March 1932; Page 1.

† Labour Gazette, February 1933; Page 449.

Employers' attitude also responsible for this.

The existence of a large number of unregistered unions can also be partly explained by the attitude of the employers. This is very well brought out by the Registrar of Trade Unions for the Madras Presidency in the following words:—*

"Since employers apparently regard themselves as in no way bound to recognize a union, even registered, much of the point of registration is missed; and if a registered union is thus, in the eyes of employers, no better than an unregistered union; then, it is alleged, the latter should have the same status in the eyes of the law as the former. This contention, though partly perhaps inspired by pique, is not entirely without force".

Number & membership of registered unions.

The following table gives certain comparative figures relating to the number and membership of registered trade unions for the period 1927-28 to 1932-33:—

Year.	Number of registered trade unions.	Number of unions from whom returns required under the Act were received.	Total membership of the unions shown in column (3)	Average membership per registered union.
(1)	(2)	(3)	(4)	(5)
1927-28	29	28	100,619	3,469
1928-29	75	65	181,077	2,414
1929-30	104	90	242,355	2,693
1930-31	119	106	219,115	2,067
1931-32	131	121	235,693	1,948
1932-33	170	147	237,369	1,615

* See Report for 1927-28, Page 2.

The figures of membership relate to both males and females. Organization among workers in India continues to be slow. The figures of membership of registered trade unions of women are given below:—*

Year	Membership
1927-28	1,166
1928-29	3,842
1929-30	3,299
1930-31	3,151
1931-32	3,454
1932-33	5,090

The figures for the year 1932-33 represent 2·1 per cent. of the total membership of those registered unions which submitted their returns.

The average income for 1932-33 was Rs. 3,789 per union, and Rs. 2-5-6 per member. In 1931-32, the average income was Rs. 4,518 per union and Rs. 2-5-1 per member, as compared with Rs. 3,842 and Rs. 1-13-8 respectively in 1930-31 and Rs. 4,973 and Rs. 1-13-7 respectively during 1929-30.

The Royal Commission on Labour recommended in their report that the facility of free official audit of accounts should be offered to all trade unions which cared to avail themselves of it. This recommendation has been put into force in Madras, Delhi, Bombay, the Central Provinces and the Punjab. It has however found little favour in Madras and

* Government of India's Note on the working of the Indian Trade Unions Act, 1926, for the year ending 31st March 1933; Page 2.

the Central Provinces where it has been given a fair trial for some time.

The tables* that are reproduced below will give the readers a rough idea of the membership of unions in different provinces from 1927-28 to 1932-33. The figures relate only to registered trade unions which submitted their returns in time to be incorporated in the relevant reports.

Member-
ship of
unions
according
to provin-
ces.

Year.	BOMBAY.				PUNJAB.				BURMA.			
	No of Trade Unions.	No. of Members.			No of Trade Unions.	No. of Members.			No of Trade Unions.	No. of Members.		
		Total.	Males.	Females.		Total.	Males.	Females.		Total.	Males.	Females.
1927-28	12	52,559	51,971	588	6	5,799	5,799	..	1	216	216	..
1928-29	* 36	53,595	52,567	1,028	† 13	14,507	14,507	..	1	148	148	..
1929-30	33	94,665	93,978	687	‡ 16	26,318	25,679	639	1	100	100	..
1930-31	§ 38	75,214	74,607	607	¶ 19	9,931	9,292	639	1	106	106	..
1931-32	38	68,306	67,320	986	22	21,627	20,933	694	1	56	56	..
1932-33	44	64,169	62,414	1,755	27	21,863	21,224	639	1	115	115	..

* Only 28 unions submitted their returns. The figures relate to them only.

† Three unions were dissolved.

‡ Four did not supply any figures.

§ Three unions did not submit returns.

¶ Four unions did not furnish returns.

* See Annual Reports on the working of trade unions in the different provinces in British India.

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MADRAS.					CENTRAL PROVINCES.					UNITED PROVINCES.				
Year.	No. of Trade Unions.	No. of Members.			No. of Trade Unions.	No. of Members.			No. of Trade Unions.	No. of Members.			No. of Trade Unions.	No. of Members.
		Total.	Males.	Females.		Total.	Males.	Females.		Total.	Males.	Females.		
1927.														
28	* 3	9,557	9,437	120	3	2,137	1,687	450	1	3,119	3,119	..		
1928.														
29	† 10	16,613	16,393	220	3	2,514	1,914	600	4	8,518	8,518	..		
1929.														
30	‡ 12	45,346	44,728	618	7	5,499	2,899	600	..	..	..	..		
1930.														
31	§ 19	36,876	36,117	759	7	4,331	3,746	585	..	..	..	..		
1931.														
32	§ 23	42,298	41,633	665	11	6,853	6,005	848	..	..	..	..		
1932.														
33	¶ 38	48,076	47,199	877	..	7,305	6,003	1,302	..	..	..	..		

* One union did not submit its returns.

† One did not submit any return.

‡ The registration of two was cancelled and one did not submit returns

§ The returns of three unions are not included.

¶ Five unions did not submit any returns.

|| No figures were supplied by two unions.

BENGAL					BIHAR & ORISSA					N. W. F. PROVINCE					AJMER-MERWARA					
Year.	No. of Trade Unions.	No. of Members.			No. of Trade Unions.	No. of Members.			No. of Trade Unions.	No. of Members.			No. of Trade Unions.	No. of Members.						
		Total.	Males.	Females.		Total.	Males.	Females.		Total.	Males.	Females.		Total.	Males.	Females.				
1927																				
-28	2	2,029	2,021	8	1	25,203	25,203	.	..	..	..	..	..	..	..	..	..	..	..	..
1928																				
-29	* 9	37,645	37,455	190	2	41,682	39,882	1,800	1	2,194	2,190	4	..	..	..	..	..	..	..	..
1929																				
-30	† 19	55,268	54,516	752	3	Annual returns not received			..	..	..	..	..	..	..	..	..	..	..	
1930																				
31	‡ 20	55,268	54,516	752	..	Returns not submitted			..	..	..	..	..	..	..	..	..	34	34	..
1931																				
-32	§ 33	81,725	81,471	254	3	1,378	1,371	7	..	..	..	..	..	..	..	..	..	..	..	..
1932																				
-33		71,860	71,420	440	4	2,397	2,321	76	..	..	..	..	..	..	..	..	..	..	..	..

* One union did not submit its returns.

† Returns for two unions not received. One union was dissolved.

‡ One union was dissolved and two did not submit their returns.

§ The returns of one union are not included in the report.

Some unions are already very much advanced in their programme of organization and reform. The Ahmedabad Textile Labour Association, an account of which is given in a subsequent chapter, has done remarkable work in introducing benefit schemes among its members. Some unions conduct evening classes for the workers. The subjects usually taught are English, Arithmetic, Geography and Vernacular languages. Reading rooms are maintained by several others. The Shewa Mandli at Rohri conducts welfare work for the benefit of farmers, weavers and villagers in Sindh and has to its credit a fair number of reading rooms and libraries. It also runs a night school. The National Union of Railwaymen of India and Burma grants money for several purposes to its members every year. In 1932-33, it made over the following voluntary and other benefits:—

	Rs.	A.	P.
Non-Employment Benefits ..	499	0	0
Death Benefits	800	0	0
Legal Defence Fund Benefits ..	1,308	0	0
Life Insurance Fund Benefits ..	5,000	0	0
Sickness Insurance Fund Benefits ..	978	0	6
Surrender value of Life Insurance Policies	406	0	0
Total ..	8,991	0	6

The Bombay Postmen's Union similarly grants death and retirement benefits to its members. The Karachi Municipal Sweepers' Union conducted four night schools, two libraries, a grain and a tea shop last

year. The Bombay Taxi Drivers' Union arranges for free legal assistance to almost 15 members on an average every month.

Some unions are at present considering schemes with regard to sickness insurance, payment of annuities and old age pensions. These things are rather premature as it is only a well-established and well-financed union like the Ahmedabad Textile Labour Association that can pay any attention to them. Again, the help and co-operation of employers are necessary for their success and that will, of course, take some time.

Unions should pay attention to the realisation of compensation under the Compensation Act.

In the meanwhile, several unions can make a beginning in one direction. They can help the members in obtaining compensation payable under the Workmen's Compensation Act. It is gratifying to note that a few unions in India have displayed an activity in this direction besides ameliorating the working condition of members in different trades and industries.

Position of Government servants in regard to unions.

The position of Government servants in regard to combination has been long uncertain. While on one hand there was nothing perhaps to prevent them from registering a union under the Indian Trade Unions Act, there was on the other hand an evident desire on the part of the Government that associations of Government servants should not apply for registration under the Act. The following extract from the Report on the working of the Trade Unions Act in Burma for the year ending 31st March 1931 will throw enough light on this point:—

“The Burma Railway Employees' Union, which came into existence on the 30th March 1930, submitted an

application for registration on the 5th November 1930. The union's attention was drawn to the desire of the Government of India that no association of Government servants should apply for registration under the Act, and the union was asked to say whether it wished to withdraw its application. As the union did not wish to withdraw its application, its rules are now being examined with reference to the requirements of the Act".

Issue of rules for recognition of Government employees' unions.

A large number of unions connected with Posts, Telegraphs and other Government Departments were not allowed to be registered because of the Government Service Conduct Rules. It was only recently* that the Government of Bombay issued the following rules for the recognition of associations of their industrial employees:

- "1. Government is prepared to accord official recognition to associations of its industrial employees. The grant and continuance of recognition rests in the discretion of Government, but recognition when granted will not be withdrawn without due cause and without giving an opportunity to the association to show cause against such withdrawal.
- "2. Notwithstanding anything contained in the rules relating to the submission of petitions and memorials by Government servants, representations from recognized associations whether made orally, by deputation, or presented in writing, may be received by Government officers, subject to the observance of rule 6 and to such further restrictions as may be imposed by Government in respect of representations which raise no question of common interest to the class represented by the association.
- "3. Recognition will not ordinarily be granted or continued

* See Labour Gazette, Bombay, Vol. XIV, No. 2, October 1934; Pages 108 and 109.

to any association unless it complies with the following conditions:—

- “(i) it must consist of a distinct class of Government employees;
- “(ii) all Government employees of the same class must be eligible for membership;
- “(iii) it must be registered under the Indian Trade Unions Act.
- “(iv) Government may require the regular submission of copies of the rules of any recognized association, of its annual accounts and of its list of members.
- “(v) No recognized association shall maintain a political fund except with the general or special sanction of Government, and subject to such conditions as Government may impose.
- “(vi) Government may specify the channel through which representations from recognized associations shall be submitted and the authority by whom deputations may be received.
- “(vii) The Officer who is empowered to grant leave to a Government employee will, so far as is possible, grant casual leave to an employee who is a representative of a recognized association to attend duly constituted meetings of the association. The grant of such leave will be subject to the exigencies of the service, of which the officer in question shall be the sole judge.
- “(viii) Government may delegate any of its powers under the preceding rules to any authority subordinate to it.
- “(ix) These rules supersede all previous rules in respect of all associations to which they are applicable”.

The term ‘industrial employees’ includes workers in Government factories, mines, railways, plantations and other classes of workers engaged on what is generally regarded as ‘labour’. It is hoped that, with the adoption of similar rules by other Provincial Governments and the Government of India, a fair number of the

present unregistered unions will register themselves under the Indian Trade Unions Act.

Only four federations of unions have so far been registered under the Indian Trade Unions Act. Of these, one is in the Bombay Presidency—**Federations registered under the Act.** G.I.P. Railway Staff Union—and the other three are in the Punjab—the Central Labour Federation, the Punjab Provincial Trade Union Congress and the Punjab Labour Board. The relevant figures for these federations are given below. None of these had a political fund.

BOMBAY				PUNJAB		
Year	FEDERATION		Unions affiliated to the Federation	FEDERATION		Unions affiliated to the Federation
	No.	Name		No.	Name	
1927-28	1	G.I.P. Rly. Staff Union	Nil	3	1 Central Labour Federation. 2. Punjab Provincial Trade Union Congress. 3. Punjab Labour Board.	15
1928-29	1	Do.	9	3	Do.	6 } 10 } 38 22 }
1929-30	1	Do.	10	3	Do.	6 } 10 } 38 22 }
1930-31	1	Do.	10	3	Do.	7 } 13 } 45 25 }
1931-32		The G.I.P. Rly. Staff Union ceased to exist as a separate body.		3	Do.	7 } 14 } 49 28 }
1932-33				3	Do.	9 } 15 } 55 31 }

CHAPTER III

THE INVESTIGATION AND SETTLEMENT OF LABOUR DISPUTES.

Recurrence of strikes—Consultations of the Government of India with the Local Governments in 1920 on the desirability of legislation for the settlement of industrial disputes—Consensus of opinion against any legislation—Opinion of the Madras Labour Advisory Board in this connection—Appointment of an Enquiry Committee in Bengal in 1921—Their proposals—Bombay Government Enquiry Committee of 1921—Their recommendations—Importance of labour disputes and the creation of a Labour Bureau with the Government of India—Appointment of Labour Commissioner in Madras, Labour Intelligence Officer in Bengal—Establishment of a Board of Economic Enquiry in the Punjab—Labour Board in Bombay—Its duties—Bombay Government Conciliation Bill of 1922—Shelved at the request of the Government of India—Important industrial disputes and their settlement during 1919-29—Trade Disputes Act of 1929—Its three main parts: (i) Provision for setting up a Court of Enquiry or a Board of Conciliation, (ii) 14 days' notice of a strike in public utility services and (iii) illegal character of general strikes—Drawbacks in the Act.

The recurrence of strikes, of which mention has been made in the foregoing chapter, compelled the Government of India to take an initiative in their settlement. Local Governments were consulted in 1920 as to the possibility and desirability of legislation on the lines of the English Industrial Courts Act of 1919. The consensus of opinion was that the conditions then

strikes and
their
settlement.

prevailing in the country did not call for any legislation.

Opinion of
the Madras
Labour
Advisory
Board in
1921.

In December 1920 and January 1921, the Labour Advisory Board in Madras carefully considered this question and recorded the following conclusions* :—

- “(1) In recording its conclusions noted below the Advisory Board wishes to premise (a) that external action under legislative authority should be regarded solely as supplementary to mutual negotiations between the parties concerned and resorted to only when negotiation has failed to secure a settlement. In all cases the possibilities of a settlement by mutual agreement should be fully explored, and in the opinion of the Board it is desirable that in all industrial concerns of such magnitude where direct personal touch with the different grades of employees is no longer possible, measures should be adopted to regularise and facilitate the discussion and arrangement of differences. (b) It is essential to the successful working of any external machinery for promoting conciliation that both parties should accept and accord recognition to each other's organization or representatives, and legislation must therefore presuppose a settlement of the question of the constitution and functions of unions or federations of employers and of employees. (c) The Advisory Board in its recommendations has had regard solely to conditions in the Madras Presidency. It has not been in a position to advise whether legislation applicable to all-India would be possible.
- “(2) If legislation to promote conciliation where a deadlock has arisen between the parties to a dispute is to be attempted it is essential that some department of Government should have the responsibility laid upon it of keeping in touch with the circumstances,

* Report of the Royal Commission on Labour in India (London, 1930), Vol. VII, Part 1; Pages 21 and 22.

of anticipating the possibility of labour disputes arising, and of asking for information as to their origin and progress and the issues in dispute with a view, should a deadlock arise, to take such further action as is provided for by the legislation to be enacted. The Advisory Board is of the opinion that it is desirable that there should be statutory recognition of that responsibility.

- (3) As regards the methods of promoting a settlement to be adopted by the responsible Department should intervention become necessary, the Advisory Board is of the opinion that the legislation should lay down that the first aim should be to bring the parties together again to settle their differences by discussion; such discussion, if necessary and by mutual agreement, to be in the presence of a conciliator, and that, should conciliation fail, provision should be made for endeavouring to secure a reference to arbitration.
- (4) The Advisory Board recognises that cases may arise where endeavours to secure either conciliation or enquiry may fail and to meet such cases is of the opinion that provision should be made authorising the Government to appoint Courts of Enquiry into trade disputes; if necessary, irrespective of any application from either party, and empowering such Courts to summon witnesses and if necessary to put them on oath.
- (5) The Advisory Board is not at present prepared to recommend that acceptance of the awards of arbitrators or of the recommendations of such Courts of Enquiry should be made compulsory. They trust that in conformity with the experience of such Courts in this Presidency and, they believe in the United Kingdom, the publicity given to the findings of a Court and the weight of public opinion in favour of reasonable recommendations will as a rule ensure their acceptance by both sides. The Advisory Board

recognises that Courts of Enquiry are more appropriate to important or general disputes, and while other cases may arise in which they may be desirable considers that they should not be resorted to except where real justification exists.

- "(6) As stated above, the Advisory Board is not in favour of giving legal force to awards or to the recommendations of Courts of Enquiry, nor is it prepared at present to advocate the introduction of the principle of compulsory arbitration in any other form. There is, however, one class of dispute in respect of which they consider that the community is entitled to claim that its interests shall be considered by both parties, namely those affecting Public Utility Services. They have carefully considered that there should be a legal prohibition against any lockout or strike being declared in connection with any such service unless due notice has been given of the intention to do so, and until one month has elapsed from the date of the notice. The Advisory Board does not anticipate any real difficulty in defining such Public Utility Services. They realise, of course, that here as elsewhere the absolute enforcement of such a prohibition may not be possible, but they are of the opinion that such a statutory prohibition would have a deterrent effect and that neither party would as a rule be likely to risk alienating all public sympathy by defying it. Further, this interval of a month will allow the conciliation and investigation machinery provided for above to be set in motion.

- "(7) The Advisory Board is of the opinion that, subject to the proviso referred to in Paragraph 1, legislation on these lines is desirable and would make it possible to guard against and to deal with labour disputes more satisfactorily than is possible under existing conditions."

The Bengal Government in March 1921 appointed an Inquiry Committee of its own. The Committee

was opposed to legislation mainly on the ground that effective organization did not exist among the workers and the employers. It was of the opinion that "many of the strikes which have occurred during the last nine months could have been prevented or could have been settled more speedily if a more cordial spirit of co-operation had prevailed and if some machinery had existed for bringing parties together immediately the difference occurred and before it had time to develop into a serious dispute". The Committee proposed that works committees similar to those proposed by the Whitley Committee in Great

Britain should be set up in appropriate industrial establishments. "The idea of the panchayat", wrote the Committee, "as an agency for settling the social and economical affairs is familiar in India, and a joint works committee organized on proper lines would supply a panchayat for regulating industrial affairs, so far as they concern the workers". The Committee was also in favour of setting up conciliation boards in public utility undertakings and suggested a panel on which the Local Government could draw when forming a board to inquire into any dispute. A possible future extension of the functions of such boards so as to include disputes occurring in private enterprises was anticipated. As a result of this, the Bengal Government made provision for a panel of conciliators. This panel, however, was never used. A few industrial establishments started works committees, but in July 1924 only one such committee was known to be in existence in Bengal, which could be

**Appoint-
ment of an
Inquiry
Committee
in Bengal
in 1921.**

**Their con-
clusions.**

**Their
proposals.**

**Action
taken on
the Report.**

said to have attained any considerable measure of success.

In November 1921, the Bombay Government appointed an Industrial Disputes Inquiry Committee with Sir Stanley Reed as Chairman "to consider and report on the practicability or otherwise of creating suitable machinery for the prevention and early settlement of industrial disputes". The report was submitted in February 1922, and constitutes a great contribution to the problem of industrial relationship. The Committee thus summed up the main characteristics of Bombay strikes.*

Inquiry Committee appointed in Bombay in 1921.

Their report.

- "(1) The frequency of the strike without notice.
- "(2) The absence of any clearly defined grievance before going on strike.
- "(3) The multiplicity, and sometimes the extravagance, of the claims put forward after the strike has begun.
- "(4) The absence of any effective organization (except perhaps at Ahmedabad) to formulate the claims of the operatives and to secure respect for any settlement which may be made.
- "(5) The increasing solidarity of employers and employed and the capacity of the operatives to remain on strike for considerable periods despite the lack of any visible organization".†

* Report of the Industrial Disputes Inquiry Committee, Bombay (Bombay, 1922), Page 2.

† "The workers were ready for a mass movement towards organization. But the idea had not been spread forcibly amongst them. They had no examples to follow. Their strikes in the past, as the Bombay mill strike of 1919, were carried on practically without any organization and it speaks highly for their stability, their fellow-feeling and their sense of justice of their cause that such strikes lasted as long as they did in spite of the workers' sufferings and their unorganized efforts".

Report of the All-India Trade Union Congress, First Session; (Bombay, 1920), Page 1.

The recommendations of the Committee were of a twofold nature, the prevention and the settlement of industrial disputes. For the purpose of prevention, the Committee recommended standardization of wages, the free evolution of the Trade Union Movement, the recognition of unions by employers and their registration by the Government, the establishment of works committees, the introduction of welfare schemes, and the improvement of housing conditions. Regarding the settlement of disputes, the Committee agreed "that no outside agency, and in particular the agency of the State, should be used until all other means have been employed and failed, or unless it is invited by one or other of the parties to the dispute, or unless the situation is such that peace, order and good government are prejudiced. If such conditions should arise, then there should be formed an Industrial Court of Enquiry, to be followed if necessary by an Industrial Court of Conciliation".*

The importance of labour disputes led to the creation of the Labour Bureau† with the Government of India. A Labour Commissioner was appointed in Madras, and the Bengal Government set up a Labour Intelligence Officer. The Punjab Government established a Board of Economic Enquiry, under whose supervision some Industrial Investigators have already finished their valuable researches. The Bombay Government took the lead in starting a

* Report of the Industrial Disputes Inquiry Committee (Bombay, 1922); Page 8.

† It was later on abolished.

Labour Board, the duties of which were outlined as follows:—

- (1) Labour statistics and intelligence. This relates to the general economic condition of labour, to its cost of living, wages, working hours, family budgets, strikes and lockouts.
- (2) Industrial disputes. The Labour Office is expected to play an important role in the settlement of industrial disputes as its activities develop.
- (3) Legislation and other matters relating to labour. The Labour Office will recommend new legislation, or the amendment of old laws, as conditions require.

As a result of the Industrial Disputes Inquiry Committee's Report, the Bombay Govern-

**Bombay
Govern-
ment Bill of
1922.**

**Shelved at
the request
of India
Govern-
ment.**

**Important
industrial
disputes
and their
settlement
in 1919-'29.**

ment proceeded with a Bill to provide for inquiry into and settlement of trade disputes in 1922. The Bill was mainly based on the Industrial Courts Act of 1919 of Great Britain, but it was shelved at the request of the Government of India which was considering an all-India Bill for the investigation and settlement of labour disputes. It might here be noted that, in spite of the absence of any legislation on the subject, several officials and non-officials were able to settle labour disputes amicably from time to time. The statement* that follows throws light on the *important* industrial disputes that were settled by Conciliation Boards, Courts of Enquiry, Arbitration, etc., from 1919 to 1929:—

* Bulletins of Indian Industries and Labour—No. 43. (Calcutta, 1930), Pages 14—18.

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Serial No.	Date.	Name of Factory or other work.	Demand.	Approximate Numbers involved.	How settled.	Remarks.
✓1	March and April 1919	Madras Electric Tramway Ltd.	Demand for increase of wages and a gratuity.	500	Three strikes took place in quick succession. The last was settled by the appointment of a Court of Inquiry which recommended a general rise in wages and also some concession in working hours. The award was accepted by both parties.	The Courts of Inquiry in Madras were appointed with the approval of both the employers and the employees and consisted of three members: one chosen by the employers and one by the workers, the chairman being nominated by the Government or the Labour Commissioner.
✓2	March 1920	Buckingham and Carnatic Mills Ltd.	Dispute as to the exact interpretation of an award as to the date from which allowance should be granted.	11,000	The award of a Court of Inquiry was accepted by both parties.	
✓3	May to July 1920	Madras Electric Supply Corporation.	Demand for increase of wages and a gratuity and sick leave with pay.	Not known.	The dispute was referred to a Court of Inquiry but the award was not accepted by the men. The second strike which followed the award of the Committee met with no public sympathy and work was subsequently resumed unconditionally.	
✓4	April and May 1920	Oil Companies in Madras.	Dispute about the terms and conditions of appointment.	1,500	The dispute was referred to a Court of Inquiry. As a result of the intervention of His Excellency the Governor of Madras, the dispute was settled soon after the award of the Committee.	

Serial No.	Date.	Name of Factory or other work.	Demand.	Approximate Numbers involved.	How settled.	Remarks.
5	October 1920	The Irrawaddy Flotilla Co. Ltd., Burma.	Demand for increased wages, pension, leave pay, bonus, uniform, shorter hours, etc.	1,200	A Committee of Arbitration was appointed consisting of three members, one chosen by the Local Government, and the other two by the employers and the employees respectively. The Committee settled detailed rates of pay involving a considerable increase. Most of the other demands of the men were rejected. The award was accepted by the parties.	
6	March 1921	Burma Oil Company's Refinery Syriam.	Demand for increase of pay.	8,000	The strikers returned to work on the appointment of a Committee of Arbitration consisting of two representatives of the employees and two of the employers with a chairman nominated by the Local Government. The award which gave increases of pay ranging from 12 to 20 per cent. to the workers was accepted by both parties.	
7	June 1921	Messrs. Martin & Company's Light Railway.	Recognition of Railway Workmen's Association and redress of their grievances.	Not known.	A Conciliation Board which was appointed by the Local Government brought about a compromise. At the conclusion of its proceedings, Messrs. Martin & Co. expressed their willingness to assist the Railway Workmen's Association in the collection of subscriptions from the employees.	

122 TRADE UNIONISM AND LABOUR DISPUTES IN INDIA

Serial No.	Date.	Name of Factory or other work.	Demand.	Approximate Numbers involved.	How settled.	Remarks.
8	January 1921	Calcutta Tramways.	Increase of pay.	3,000	A Committee of Inquiry was appointed which brought about a settlement of the dispute.	
9	October 1921	Ahmedabad Cotton Mills.	Demand for bonus.	75,000	Both parties accepted the award given by Pandit Madan Mohan Malaviya who was accepted as arbitrator by the millowners and by Mr. Gandhi.	
10	September and October 1922	Ahmedabad Cotton Mills.	Demand for Diwali Bonus.		No striketook place. The dispute was settled by two arbitrators, one appointed by each party. The award recommended the grant of bonus on certain terms.	
11	April to June 1923	Ahmedabad Cotton Mills.	Protest against reduction of wages and non-payment of bonus recommended by arbitrators (Vide S. No. 10.)	43,000	The workers accepted a reduction in wages by 15-5/8 per cent. instead of 20 per cent. as proposed by the millowners. Both parties agreed to refer the interpretation of the last bonus award to arbitration. The District Judge of Ahmedabad who was appointed as arbitrator gave his award in favour of the interpretation put forward by the employees.	

Serial No.	Date.	Name of Factory or other work.	Demand.	Approximate Numbers involved.	How settled.	Remarks.
12	January to March 1924	Bombay Cotton Mills.	Grant of Bonus.	164,000	A Committee of Inquiry was appointed by the Local Government consisting of two members and the Chief Justice of the Bombay High Court as chairman. The Committee did not make any award or recommendation, but merely recorded findings of facts on issues framed by the Local Government. The strike collapsed shortly after the publication of the report of the committee.	
✓ 13	April 1925	Coimbatore Spinning and Weaving Mills.	Protest against 20 per cent. reduction in wages on piece-work rates.	800	On the intervention of the Collector of the District, both parties agreed to discuss their differences at a conference and, if possible, to arrive at an amicable settlement. The Collector gave his award which involved a reduction of 15% in the wages of weavers working two looms and of 12½% in the wages of weavers working a single loom. This decision was accepted by both parties.	
✓ 14	September 1926	South Indian Railway Workshops at Nega-patam, Madras.	Protest against the transfer of certain men to the Golden Rock Workshop.	Not known.	The parties agreed to refer the dispute to the arbitration of the Commissioner of Labour, Madras. The award of the Commissioner was favourably received by both parties.	

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Serial No.	Date.	Name of Factory or other work.	Demand	Approximate Numbers involved.	How settled.	Remarks.
15	7th March 1927 to 14th March 1927	The Bhagirath Ram Chandra Cloth Mill, Jalgaon (Bombay).	Restoration of compensatory allowance.	388	The District Magistrate intervened in this dispute and advised the management to pay the operatives annas nine to a rupee as compensatory allowance for a period of three months provided the men resumed work immediately. This was accepted by the management and the strike thus came to an end.	
16	2nd April 1927 to 4th April 1927	Hunwal Tea Co., District Sibsagar, Assam.	Change in the conditions of work.	160	Through the intervention of the District Magistrate a small concession was made by the manager and the men returned to work.	
17	11th May 1927 to 15th May 1927	The Rhoni Tea Garden, Kurseong.	Protest against longer hours and less wages.	600	A compromise was effected through the intervention of the Sub-Divisional Officer and the Additional Superintendent of Police, Kurseong.	
✓ 18	21st January 1928 to 24th January 1928	Messrs. Parry & Co., Ranipet.	Grant of a half holiday for Pongal festival.	500	Through the intervention of Mr. B. Shiva Rao, president of the Madras Labour Union for Textile Workers, the management agreed to pay the men their wages during the period of the strike and also to appoint a Conciliation Board to inquire into their grievances.	

Serial No.	Date.	Name of Factory or other work.	Demand.	Approximate Numbers involved.	How settled.	Remarks.
19	16th April 1928 to 11th October 1928	The general strike in the Bombay Textile Mills.	Introduction of new system of work and increase in wages.	147,644	The men returned to work on the appointment by the Local Government of a Committee of Inquiry consisting of a Judge of the Bombay High Court and two independent persons. The Committee submitted its report in March.	
✓ 20	19th August 1928 to 21st August 1928	Country tanneries in and around Ranipet, North Arcot, Madras.	Increases in wages.	75	Through the intervention of the Sub-Divisional Magistrate, the dispute was settled after the management had agreed to grant immediately a temporary increase in wages and to re-examine the permanent rates of wages.	
✓ 21	17th August 1928 to 18th August 1928	Choolai Mill, Madras.	Introduction of double-loom system.	500	Through the intervention of the Labour Commissioner, the strikers agreed to try the double loom system till the next pay-day. The Labour Commissioner promised to appoint a small committee of experts to advise as to what might be considered a fair remuneration for working the second loom.	
22	26th September 1928 to 10th November 1928	Akola Cotton Mill, Akola. (Central Provinces and Berar).	Demand for an increase in the dearness allowance and certain other concessions.	1,150	Through the intervention of the Deputy Commissioner, the management agreed to grant certain concessions and to raise the rates of wages if, as the result of an inquiry, they are found to be lower than those prevailing in other textile mills in the province.	

The recurrence of strikes in 1928 compelled the Government of India to move in the matter and provide a machinery for the settlement of industrial conflicts. Thus, early in September 1928, the Hon'ble Mr. C. A.

Trade Disputes Legislation taken up by India Government. McWatters, Member for Industries and Labour, moved in the Legislative Assembly that the Bill to make provision for the investigation and settlement of trade disputes and for certain other purposes, be circulated for the purpose of eliciting public opinion. It recognized the fact that industrial strikes did not concern merely the employers and the employees, but that they also concerned the public and involved an obligation on the Government. It was circulated for opinion and was ultimately passed into an Act, receiving the assent of the Governor General on the 12th April 1929.

Threefold provisions of the Trade Disputes Act. The Act, excluding Sections 1, 2 and 19 which are complementary to the operative provisions, falls into the following three parts:—

- (a) The provision of methods and machinery for the investigation and settlement of trade disputes.
- (b) The prevention of strikes without notice in Public Utility Services.
- (c) The protection of the community against general strikes which are not purely trade disputes.

(a) The first part of the Act provides that, on the initiative of the Local Government or, in certain cases, the Governor General in Council, or on the application of both parties to a dispute, a Court of Enquiry or a Board of Conciliation may be set up. A Court of Enquiry consists of one or more independent

persons appointed by the Local Government or the Governor General in Council, as the case may be. A Board of Conciliation may consist of an independent person or of an independent person acting as Chairman with two or four other persons who may be independent or may be representatives, in equal numbers, of the parties at issue. The Board of Conciliation is to endeavour to bring about a settlement of the industrial dispute for which it is appointed and for this purpose it is given, like the Court of Enquiry, the power of enforcing the attendance of any person and examining him on oath, of compelling the production of documents and of material objects, and of issuing commissions for the examination of witnesses. Subject to such conditions and restrictions as may be prescribed by the Local Government or the Governor General, any party to a dispute under inquiry or investigation by a Court or Board shall be entitled to be represented by a legal practitioner.

The report, or reports, of a Court of Enquiry or a Board of Conciliation are to be published by the Local Government or Governor General in Council, whosoever the appointing authority may be, with necessary safeguards as to confidential matters. The Board of Conciliation is to deal with each item of the dispute in its report and "to state in plain language what in the opinion of the Board ought and ought not to be done by the respective parties concerned".

(b) In Public Utility Services, which are essential to the health, safety and welfare of the community, it is enjoined that 14 days' notice should be given before

the strike actually breaks out or the lockout is declared.

14 days' notice of a strike in Public Utility Services laid down.

This is meant to enable the Government to bring into play the conciliation machinery. The meaning of the term 'Public Utility Service' is made clear so as to include the following:—

- “(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.”
- (c) The Act renders illegal any strike or lockout

which

General strikes declared illegal.

- “(i) 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
- “(ii) is designed or calculated to inflict severe, general and prolonged hardship upon the community and therefore to compel the Government to take or abstain from taking any particular course of action.”*

The Act suffers from some drawbacks. The workers in Public Utility Services are differently treated and a notice of 14 days is demanded from them, before they actually stop working.

Drawbacks in the Act.

It is easy enough to understand the underlying principle but, if they are placed under a disadvantage, they must have some compensatory advantages. It is regretful to note that the Act fails

* The Trade Disputes Act, 1929. Section 16.

to secure any special privileges for them as regards conditions of employment.

Differences of opinion have arisen whether the statutory notice is to be given by every worker or whether it can be given on his behalf by his union. The employers invariably take the view that the notice must be given by all workers individually, otherwise, they think, legal action could be taken against the strikers and their leaders in a court of law.

**Difference
of opinion
in regard
to serving
the notices.**

This point is of great importance and it is suggested that a notice from a union on behalf of its members should be considered as legally valid in such cases.

The penal provisions, relating to illegal strikes and lockouts, are designed to prevent one section of workers coming to the assistance of another section of workers who may be involved in a dispute. This puts an end to sympathetic strikes, and it will be no wonder if the clause proves a stumbling block for the workers in the long run. What, again, are we to understand by "to compel the Government....

....."? The remarks of Dr. William A. Robson on the Trade Disputes and Trade Unions Bill in England in 1917 may well apply to the case of the Indian Act. He says* :—

"Did the Conservative Party Conference 'coerce' the Government into bringing in this Bill? Does the daily press ever 'coerce' the Government? Did the panel doctors 'coerce' the Government when they demanded a larger

* W. A. Robson: Trade Disputes and Trade Unions Bill (London, Fabian Society; 1927). Tract No. 222, Page 5.

capitation fee under the National Health Insurance Scheme? Do city bankers 'coerce' the Chancellor of the Exchequer when they demand that Government loans shall comply with certain terms? It's a poor public that can't 'coerce' its own Government. On what does the whole theory of democracy rest?"

The Indian Trade Disputes Act of 1929 was of an experimental nature and was due to expire on the 7th May 1934. The Government of India were of opinion that a measure of this type was necessary in the interests of the country and that it might be converted into a permanent Act. They accordingly addressed Local Governments on this point and asked for their replies by the 31st October 1933. On the receipt of their replies, the operation of the Trade Disputes Act, 1929, was extended under the Trade Disputes (Extending) Act of 1934.

CHAPTER IV

THE AHMEDABAD TEXTILE LABOUR ASSOCIATION

Industrial unrest in Bombay—Contrast with Ahmedabad—Bombay Government's opinion—Ahmedabad Textile Labour Association—Its component units—Its main objects—Its activities—Rules in regard to redress of complaints—Arbitration Board in Ahmedabad—Influence of Mr. Gandhi, Miss Anasuya Sarabhai and Mr. Banker—Awards of arbitrators—Strike, the last alternative—Millowners' move to decrease wages in 1933—Arbitrators disagreed—Matter referred to an umpire—Introduction of nine-hour day from January 1935 and millowners' resolve to further reduce wages—Settlement by Mr. Gandhi—Patkar's Award—Victimization and other benefits—Compensation for accidents—Savings Bank—Cheap loans—Medical aid—Educational activities—Municipal facilities—Physical culture—Circulating libraries—Temperance work—Housing.

I. GENERAL.

In the first chapter on the conflict between Capital and Labour, we have narrated the history of some of the important disputes and shown what effect organization, sound and unsound, can have on the course of events in India.

**Industrial
unrest in
Bombay.**

Bombay stands in an unenviable position in this respect. During the eight years from April 1921 to the end of June 1929, 738 disputes occurred in the Bombay Presidency, of which 401 or 54 per cent. occurred in Bombay City. Out of 1,309,511 workpeople directly affected by these strikes, 1,077,927 or a little over 82 per cent. were involved in Bombay City. The

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total number of working days lost amounted to 54,000,000, out of which the time lost for Bombay City alone amounted to 49,000,000 working days. This phenomenal loss to Bombay may be attributed to various causes, one of which evidently is the lack of

✓ sound organization among the workers. Sane trade unionism can work miracles and the comparative immunity from serious strikes in Ahmedabad can be put down to this factor. Ahmedabad

Contrast
with
Ahmeda-
bad.

offers a brilliant example in this respect and we have for this purpose specially reserved an entire chapter to indicate the history and achievements of its Textile Labour Association.

✓ To quote the Bombay Government* :—

“That it is possible to organise Indian labour on sound Trade Union lines is shown by what has happened at Ahmedabad. In that centre, there is a strong trade union run by disinterested officials uninfluenced in their dealings on behalf of Labour by the politics which it is known they strongly profess. With the assistance of this trade union, it has been possible to attain a considerable measure of success in conciliation methods culminating in a tribunal of two arbitrators, Mr. Gandhi and Sheth Mangaldas, the leading mill-owner of Ahmedabad; and to its existence, amongst other factors, may be attributed the comparative stability and freedom from strikes of the Ahmedabad textile industry. It is true that these harmonious relations may be largely attributed to the personal

* *Vide* White Paper on the Labour situation issued by the Government of Bombay, (Labour Gazette, Bombay, Vol. 9—February 1930, Page 567).

Also compare the following :—

“.....the share of Ahmedabad in the total production of the Presidency and the country has increased from 27·5 per cent, and 22·96 per cent, in 1926 to 38 per cent, and 28·83 per cent, in 1933”.

Wages and unemployment in the Bombay Cotton Textile Industry. (Bombay, 1934), Page 60.

influence of Mr. Gandhi with the employers as well as the employees and it is also true that the Ahmedabad trade union boycotted the Whitley Commission in pursuance of Mr. Gandhi's policy of non-co-operation with Government. But, making every allowance for these factors, it can be said that Ahmedabad offers an interesting and encouraging example of what can be done in the way of organising labour."

The Textile Labour Association was founded in January 1920, and is now composed of the departmental unions of textile mill labour in Ahmedabad, *viz.*, the Engine Room Workers' Union, the Mechanics' Union, the Card, Blow, and Frame Workers' Union, the Throstle Workers' Union, the Weavers' Union and the Jobbers' and Mukadams' Union. It also comprises ward unions of textile mill labour in Ahmedabad, *i.e.*, the Saraspur Ward Union and the Jamalpur Ward Union and it can further take in any other ward or departmental union of the workers of the local textile mills. It is thus a central bureau which controls under one management various unions of employees of cotton mills and is itself affiliated to the National Federation of Textile Labour.

**Ahmedabad
Textile
Labour
Associa-
tion.**

**Its compo-
nent units.**

II. OBJECTS.

The objects of the Association are:—

- Main
objects.**
- "(1) to secure effective and complete organisation of the workers of all grades and departments, working in the local textile mills;
 - "(2) to direct and co-ordinate the activities of the various constituent unions;

- "(3) to foster a spirit of solidarity, service, brotherhood and co-operation among the workers;
- "(4) to raise the status and improve the conditions of life through internal effort;
- "(5) to develop in the workers a high sense of responsibility in the discharge of their duties to industry;
- "(6) to obtain and maintain a fair and adequate scale of wages and reasonable hours of work and to provide such trade benefits as funds and conditions permit;
- "(7) to secure the redress of grievances of the members, to regulate the relations and secure, as far as possible, a settlement of disputes between the employers and the employees by mutual consultation and, on failure, by reference to arbitration, so as to avert avoidable stoppage of work;
- "(8) to make all necessary arrangements for the efficient conduct and satisfactory and speedy conclusion of authorized strikes, and to provide against lockout by the employers;
- "(9) to ensure the enforcement of all legislative enactments for the protection of labour and to promote its civic and political interests; and
- "(10) finally, in due course, to nationalize the textile industry."

The membership of the Textile Labour Association fluctuates in the vicinity of 28,000 and the normal income per month varies between Rs. 12,000 and Rs. 13,000. The Association is an unregistered body, its refusal to register being probably a gesture of sympathy with Mr. Gandhi's non-co-operation ideas.

It makes detailed study of selected subjects from time to time and the results are utilized for campaigns of reform in different directions. Recently, the Association has been successful in securing dining accommodation for workers, establishment of *creches* for their children and a suitable and adequate supply of drinking water for all.

Its
manifold
activities.

III. COMPLAINTS.

Arrangements exist at the office of the Association for the recording of the grievances of workers. During the year 1933, 4,188 complaints were received as against 3,293 in 1930 and 592 in 1927. Of these 4,188 complaints, 2,328 were brought to a successful conclusion. 128 were unsuccessful, 209 closed inconclusively for various reasons, 88 were rejected as being trivial, 145 were considered as false or unreasonable and 360 were compromised. 717 complaints were in the process of investigation when the year came to a close and were consequently carried over to 1934.

In respect of complaints, the following rule is laid down in the constitution of the Association:—

Rule in regard to complaints. "If the Authorities of an individual mill fail to redress a particular complaint, the secretary may, and shall, if so decided by the Board of Representatives, approach the Millowners' Association. If the Millowners Association fail to deal satisfactorily with a complaint brought before it, in the first instance, or if it refuses to intervene in a dispute, or the result of its intervention is not satisfactory, the secretary may, and shall, if so decided by the Board of Representatives, arrange with the Millowners' Association to submit the matter to arbitration."

IV. ARBITRATION.

Arbitration is the corner stone of the system that governs the relations between the Millowners' Association and the Textile Labour Association. It has been shown in an earlier chapter how the principle of arbitration was evolved and how it has been successful in avoiding serious conflicts which may otherwise have been ruinous for both the employers and the employees.

The position of Mr. M. K. Gandhi, as a member of the permanent Arbitration Board in Ahmedabad, is indeed remarkable. He has won over a large number of devotees from the ranks of both Capital and Labour and he commands a respect for impartiality which may be looked upon as almost unrivalled in India and among the Indians. His magnetic personal influence has thus been largely responsible for the maintenance of peace in Ahmedabad, peace which, by the way, has become a history of the past so far as Bombay is concerned. Two other important personalities who share this unique distinction with Mr. Gandhi in Ahmedabad are Miss Anasuya Sarabhai, a sister of Mr. Ambalal Sarabhai, and Mr. S. G. Banker. The former has been a patron of the Ahmedabad Textile Labour Association since 1920 and its president since the year 1922. She has been associated with every labour dispute during the last fifteen years and has always taken an active part in its settlement. Mr. Banker is the secretary of the All-India Spinners' Association and is associated with labour ever since the inception of the labour movement in Ahmedabad. Miss Sarabhai and Mr. Banker are staunch disciples of Mr. Gandhi and the vigour and strength of the trade union movement in Ahmedabad owes much to them.

The awards of arbitrators extend over a period of almost a decade and a half. The unions of spinners and weavers in Ahmedabad came into being in 1920 and, as a result thereof, the wages of all the workers were considerably in-

**Permanent
Arbitration
Board.**

**Position of
Gandhi.**

**Other
prominent
person-
alities.**

**Awards of
arbitrators.**

creased. The increase sanctioned under the Award, dated 19th May 1920, was as follows:

Piece workers.

Frame Tenters	35%
Weavers, Warpers and Drawers	25%
Winders	Rate increased to Re. 1-3-0 per 100 lbs.

Time workers.

Ring, Spinning, etc.	25%
	with an attendance bonus of eight annas per week.

It should be noted that this increment in wages synchronised with a reduction in working hours from 12 to 10 per day and gave a lead to Government legislation which followed later in 1921.*

There are awards regulating the conditions of work—temperature, percentage of sizing, quality of cotton, holidays, latrines, urinals, etc. One award forbids ill-treatment of workers, while another enjoins sympathy and support for the Labour Association. There was a partial restoration of the wage-cut of 1923 according to a third award, while a fourth one enjoined upon the mills, as an experimental measure, the collection of union subscriptions after October 1928. It was agreed according to the last award that the mills should deduct the subscription from wages and pay the Labour Association by cheque. This system was to be in force for six months, after which either party could approach the arbitrators for a change of the award. On the 1st March 1930, the millowners asked for a change but the matter was postponed from time to time

* The 60-hour week came legally into force with effect from the year 1922.

on account of the busy and crowded programme of Mr. Gandhi.

It is apparent that, if the arbitration machinery fails, the workers reserve to themselves the right of going on strike. The constitution of the Association makes provision for a strike in the following words:—

Strike,
the last
alternative.

"In a dispute in which arbitration is refused, or there is a delay in submitting the matter to arbitration or an award is not carried out faithfully, the Board of Representatives may by a two-third majority decide to call out a strike of the mill concerned.

"If the Board of Representatives comes to the conclusion that the situation calls for a general strike, *i.e.*, strike of the majority of the mills in the Union or the Association, the Executive Committee shall issue ballot forms to the workpeople concerned. There shall be a general strike, if not less than three-fourths of the workpeople taking part in the ballot and not less than two-thirds of the workpeople concerned vote in favour."

The general strike of 1923 was declared with a view to resist the general cut of 20 per cent. in wages.

General
strike
of 1923.

The millowners insisted on a cut though they were prepared to submit the question of the amount to arbitration. The Association, on the other hand, demanded a minimum wage and sliding scale. The workers held out for two months but the compromise that was arrived at amounted to their virtual defeat.

Labour
meetings
in mill
premises.

Recently, the Textile Labour Association claimed the right to hold meetings in mill compounds during recess periods on the strength of an oral understanding on the subject between Mr. Gandhi and the millowners. The mill-

owners refused to consider this claim or even to submit it to arbitration as they thought that the matter involved a fundamental question of proprietary right. The question is still undecided and may at any time form the basis of a conflict.

On the 14th September 1933, the Millowners' Association, Ahmedabad, informed the secretary of the

**Move for
decrease
of wages
in 1933.**

Textile Labour Association of their desire to reduce wages by 25 per cent. with effect from 16th October and asked him to arrange for arbitration forthwith. This demand for reduction was made on the

following grounds:—

“(1) The Ahmedabad mill industry has to compete with other centres in the provision of cloth for the whole of India and, as others have reduced wages, a similar measure seems called for in Ahmedabad as well.

Reasons.

“(2) Great Britain, America, Japan, Germany and other advanced countries have reduced their cost of production by effecting cuts or by increasing efficiency through giving more looms and spindles to a worker. If Ahmedabad lags behind in such schemes, the industry will receive a permanent set-back in spite of protection.

“(3) A substantial fall in commodity prices has brought about a decrease in the cost of living of workers.”

The matter was referred to a Conciliation Board consisting of Mr. Chamanlal G. Parekh and Mr. Shankar Lal Banker. Besides the

**Appointment of a
Conciliation
Board.**

wage cut, there was the question of double side working in the spinning department and the collection of union subscriptions by mills. In the event of their failure to reach

an agreement, the questions were to be submitted for decision to the permanent Board of Arbitration.

now consisting of Mr. Chamanlal G. Parekh and Mr. Gandhi. The Textile Labour Association wanted the Millowners' Association to supply comprehensive data regarding wages, profits, reserve fund, stocks, etc., for all the mills for a number of years. Mr. Parekh considered that the information called for was confidential and that the Labour Association was thus adopting dilatory and obstructive tactics in the matter.

**Parekh's
resignation.**

On this ground he resigned from the Conciliation Committee. Mr. Gandhi felt sorry for the resignation of Mr. Parekh and decided that the balance sheets of 21 mills mutually agreed upon as representatives of the industry should be prepared for the first nine months of 1933, that the millowners should submit their case for wage reduction in writing, that the Labour Association should then prepare their own case and that the permanent Board of Arbitration could in the end ask for further data if it considered necessary.

**Matter
referred to
arbitrators
who
disagreed.**

The arbitrators held a number of meetings but no final decision could be arrived at as Mr. Gandhi was extremely busy with his Harijan work and could not spare much time for other activities. On the 6th April 1934, Mr. Gandhi advised both the parties to settle the matter "on the lines of standardizing wages with a minimum wage dependent upon the cost of living plus a sliding scale of wages dependent on the profits of the industry calculated after allotting an agreed percentage for dividends, agents' commission and for the depreciation of buildings and machinery". Both the parties set about evolving a workable scheme on this principle and held a few informal conferences for

the purpose. As they could not agree between themselves, the matter was referred to the permanent Board of Arbitration. Mr. Gandhi could not, however, spare the necessary time to go into the question in all its details, and asked the Labour Association to nominate another person in his place. Mr. Manu Subedar was thus put in as a Labour representative on the Board. The Board of Arbitration held a searching enquiry and found in the third week of October that they could not agree. The dispute was later mutually referred to an umpire, Mr. Patkar—ex-Judge of the Bombay High Court—for final decision.

**Umpire
appointed.**

The latest development in the Ahmedabad textile dispute, independent of course from the foregoing question, centred on the nine hour day which came into operation with effect from the 1st January 1935. The millowners thought that there was no alternative but to adjust the wages to working hours. A notice was put up in various mills regarding the ten per cent. wage cut consequent on a nine hour day. Some owners, who were members of the Millowners' Association, did not join this move while some non-Association mills also remained aloof. In all, about 60 mills were to stand together in the event of a strike. It was therefore clear that, in addition to any cut in wages to be decided upon by the umpire, the Ahmedabad millowners intended to make a further cut proportionate to the reduction in hours.

**Latest
develop-
ment:
nine hour
day and the
reduction
in wages.**

The position in Bombay was different. The millowners here agreed to pay all time workers their past wages. In the case of piece workers, compensation was

to be granted through an increase in dear food allowance from the minimum 35 per cent. to a minimum of 40 per cent. and this, it was hoped, would enable them to make up at least a part of the loss resulting from the reduced output.

There were prolonged negotiations between the Millowners' Association at Ahmedabad and the Textile Labour Association on the subject of wage cut and it at one time appeared that a strike was imminent. An

Settlement by Gandhi. agreement was ultimately concluded on the 13th January 1935 at Delhi, through the good offices of Mr. Gandhi, embracing

almost all pending disputes, including those relating to the reduction of hours and of wages and the question of rationalization of industry. On the 16th January, Mr. Chimanlal G. Parekh came down to Bombay and conferred with Mr. Manu Subedar, the arbitrator on behalf of the Labour Association. The conclusions arrived at by the two arbitrators were placed before Mr. Patkar who had been appointed umpire in the wage dispute in 1934. Mr. Patkar gave his award on the 17th January. It provided that* :—

Patkar's award. “(1) the increase in wages granted in 1930 be withdrawn and the withdrawal should take the form of a uniform cut of $6\frac{1}{4}$ per cent., subject to the condition that the reduction will be so applied as not to bring down the earnings of weavers below Rs. 41-4 for 26 working days on a 10-hour basis;

“(2) earnest efforts should be made to standardise wages without involving any cut or increase;

“(3) parties will try to evolve a scheme for automatic adjustment of wages in future;

* The 'Times of India'; January 18, 1935. Page 11.

- "(4) mills, in adopting rationalisation, may run for an hour longer entailing double work for an hour on payment of five per cent. extra wages;
- "(5) rationalisation be carried out under certain restrictions relating to unemployment and its effect on the health of workers;
- "(6) double work in the spinning department be paid at the rate of an extra 45 per cent. and 47½ per cent. in fine and course counts;
- "(7) a scheme will be devised for registering employees on certain lines;
- "(8) a joint committee of the Millowners' Association and the Labour Union will be appointed to regulate the working under the rationalisation scheme;
- "(9) disputes arising in that connection will be settled by the joint committee and finally by arbitration."

**Gandhi's
letter to
Ahmedabad
workers.**

Ahmedabad, by this agreement, has greatly enhanced its reputation in settling disputes without a strike. Mr. Gandhi in a letter to the Ahmedabad mill workers said* :—

"I hope you will welcome the settlement which has been reached regarding the dispute on the question of your wages, and cheerfully accept the reduction which has been agreed to on your behalf. I have not the least doubt that it will be in your interests to do so, and thereby your prestige will be enhanced.

"It is a matter of no small consequence that the settlement secures acceptance of the basic principle of the policy of adoption, which has been our aim for years. It remains to devise a scheme to work them out as early as possible. There is no need to explain that their successful application depends to a large extent on your sincerity of purpose and on your conduct.

"For one who remembers that the interests both of the millowners and workers are bound up with the maintenance of the industry, there should not be the slightest difficulty in seeing the merits of the settlement. I have been telling you ever since we came

* The 'Times of India'; January 18, 1935. Page 11.

together, that the industry is not exclusively for the millowners, as millowners, or the workers. The millowners have invested their capital. Your capital is your labour. Either will be worthless without the other.

"If you have imbibed this truth, you will recognise that the safeguards of the settlement are in the interests of both parties. You will also see that we have covered considerable ground, and are so much nearer to the realisation of the dream we have been cherishing. Hence, my hope is that you will give unanimous approval to the settlement."

V. VICTIMIZATION BENEFITS AND STRIKE AID.

Any workman who is dismissed from service for promoting the cause of a constituent union or participating in its work is entitled to victimization benefit from the Textile Labour Association. Rs. 7,378-2-0 were paid on this account in the year 1933 whereas the strike aid amounted to Rs. 684-7-9 as against Rs. 8,193-14-8 and Rs. 3,422-5-6 respectively in 1930.

**Victimiza-
tion and
other
benefits.**

VI. COMPENSATION FOR ACCIDENTS.

The Association takes up all cases of accidents on behalf of its members. It arranges for medical examination, service of notice, and application and proceedings before the Commissioner for the Workmen's Compensation Act. Of the 128 claims dealt with in 1933, 61 were successful, 45 were compromised, 4 were unsuccessful and 18 had to be given up for various reasons. The

**Compensa-
tion for
accidents.**

THE AHMEDABAD TEXTILE LABOUR ASSOCIATION 145

amount of compensation in respect of the claims settled in 1933 was Rs. 12,869-7-6.

The Association maintains a savings bank where compensation money due to minors and others who wish to draw convenient instalments is kept. The members have not availed themselves of the savings bank facilities to an appreciable extent. The following figures for 1933 will give the reader some idea in this direction:—

		Rs.	A.	P.
Balance brought forward	...	5,905	9	1
Fresh Deposits	...	10,061	1	6
Withdrawals	...	6,108	15	5
Interest	...	245	12	9
Balance carried forward	...	10,103	7	11

It might also be observed that the Association grants cheap loans to its members at 6 per cent. interest per annum. During 1930, fresh loans to the extent of Rs. 805-1-9 were granted to the members and the outstanding balance at the close of the year amounted to Rs. 20,806-13-9. 0

VII. HOSPITAL.

The Association maintains a hospital. 76 operations were performed in 1933—30 major and 43 minor operations, besides 3 cases of delivery. In all, 53,311 outdoor patients and 7,578 indoor patients were attended to in 1933.

VIII. EDUCATION.

The Textile Labour Association controlled and supervised 25 educational institutions in 1933. These comprised the following:—

**Educational
activities.**

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	No. of Schools.	No. of Pupils.
Day Schools	12	1,151
Night Schools	9	339
Nursery Schools	2	123
Ashram (Residential School for boys) and Kanyagrah (Residential School for girls)	2	59

Handicraft training, in particular hand-spinning, figures in the routine of all the schools. The Nursery School follows closely the lines of the Montessori system: Drill, sports and music find a suitable place in the *Ashram* and the *Kanyagrah*.

The Association spent Rs. 54,863-13-0 on education in 1933 as compared with Rs. 42,327-15-9 in 1929. For this purpose, the Association is partly dependent upon the subscription of members and partly upon educational grants from different Trust Funds.

IX. MUNICIPAL FACILITIES.

369 complaints were made by workers in 1933 in respect of the Health and Sanitation, Building, Rent and Tax, and Engineering Departments of the Ahmedabad municipality. 98 complaints were pending from the previous year so that, out of an aggregate of 467 complaints, 289 were concluded by the Association successfully. 11 were unsuccessful, 31 were cancelled, 42 closed inconclusively and 94 were carried over to the next year.

X. PHYSICAL CULTURE, CIRCULATING LIBRARIES, ETC.

The Association maintains a physical culture centre. The programme includes wrestling, weight lifting, fencing, outdoor sports and drill.

The system of circulating libraries was introduced in 1928 and it has been continued ever since.

Libraries.

XI. TEMPERANCE WORK.

The Textile Labour Association had been carrying on temperance work on a small scale ever since its establishment but the work was greatly intensified in 1930. The campaign against drink was laid out on a three-fold basis:—

Threefold
basis of the
campaign
against
drink.

- (1) The conversion of drunkards to abstinence and the administration of abstinence pledges. For this purpose, several meetings were held, leaflets were distributed, processions were arranged and caste organizations were won over to the side of temperance.
- (2) The close observance of those who had given pledges so that they might not relapse into their old habit. Volunteers were recruited in this connection to maintain watch on visitors to toddy houses and note down their names and addresses for a complete report to the Labour Association.
- (3) The provision of counter attractions for those who had been weaned from the habit of drinking. *Bhajan Mandlis* (singing parties) were organized and arrangements were made for the supply of *sherbet* and other harmless cold drinks in localities occupied by working classes.

According to the Textile Labour Association, the effect of this anti-drink campaign was so great that, in 1930, the consumption came down to 50 gallons where it usually stood at 241 gallons. The Association further maintains that the consumption of liquor has ever since been on the decrease.

XII. HOUSING.

Inquiry of 1927. The Association conducted an intensive inquiry in 1927 in respect of 23,706 tenements in Ahmedabad. The salient features may be summed up below:—

“A. Quality. About 16,000 tenements are unfit for human habitation and require to be demolished immediately.

- “(1) Majority of the tenements are dark and airless. There is no outlet for smoke.
- “(2) Majority of the tenements are too small in floor area and too low in height.
- “(3) A large number have no plinth, and are flooded during rains. Damp floor is frequent.
- “(4) Water supply is absent or inadequate in most of the dwellings.
- “(5) There are no privies for individual houses as a rule. Many chawls have no latrine accommodation at all.
- “(6) Filthy and water-logged neighbourhood.
- “(7) Corrugated sheet structures are a usual feature.
- “(8) Dilapidated condition exists in many cases.
- “(9) There is a serious congestion of houses in the localities.

“B. Quantity. 50 per cent. of the tenements are over-crowded.

- “(1) Practically all working class dwellings are single-room tenements.
- “(2) Nearly 10 per cent. of the single-room tenements are occupied by more than one family.
- “(3) Nearly one-third of the tenements are inhabited by more than four persons per room.
- “(4) Empty houses are scarce.”

The Association invited the attention of the city fathers to this unsatisfactory state of affairs with the result that the Municipality sanctioned a loan of 4½ lacs in the end of 1929 for building 500 tenements as an experimental measure.

Towards the end of 1931, the Association purchased four acres and ten gunthas of land on lease in perpetuity with a view to building model tenements for workers. It was proposed to construct 60 tenements, 40 of which were completed and occupied in October 1932. Each tenement comprises three rooms, a verandah, a back-garden and an open common terrace. The front room is 14½ ft. by 10 ft. by 11½ ft. in dimensions, the middle room measures 11 ft. by 8 ft. by 11½ ft. and the third room—the kitchen—8 ft. by 7 ft. by 11½ ft. The tenements are distributed in rows of ten each. Provision is made for large windows, shelves, a *nhani* for washing, a platform for keeping water and a wooden loft for stocking fuel. Separate bath-rooms, washing places and privies are provided in common and it is proposed to let out the tenements on hire-purchase system.

In the centre of the plot, a hall is to be built to serve as a meeting place for the workers. A school and a library are also proposed to be established and shops will be set up to cater to the requirements of the residents.

It is roughly calculated that the workers will be required to pay ten rupees per month to meet all charges and to become owners in a period of 25 years. They will only be allowed to sell their tenements or to mortgage the same to approved persons.

The locality where the tenements stand has been named *Kalyangaon*. The Sabarmati river is hardly a furlong away and the residents of the tenements will find it very comfortable for purposes of bathing and washing. It will not be surprising if, after a lapse of

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some years, the whole area presents the spectacle of a garden suburb.

The work of the Labour Association has not been entirely *economic* in character. In conformity with the views of Mr. Gandhi, the Association participated in the boycott of foreign cloth and in the recruitment of volunteers in connection with the Civil Disobedience Movement.

Political activities of the Association. The *Majoor Sandesh* is the weekly organ of the Association. It was started in January 1924 and is distributed *gratis* among members.



CHAPTER V

TRADE UNION CO-ORDINATION

All-India Trade Union Congress—Its objects—Proceedings of the first session—Opinion of the Royal Labour Commission on the work of the Congress—Constitution of the Congress—Split in the Congress camp in 1929—Seceders started Trades Union Federation—Further disintegration in the ranks of labour—Move for unity in 1931 and the consequent failure—National Trades Union Federation formed—Its aims and objects—Main obstacles to a complete unity in the ranks of labour—Asiatic Labour Congress.

We have already seen how trade unions sprang up in the different provinces from year to year. There was little of co-ordination, in fact nothing at all, before the year 1920. But after that date, there came an apparent cohesion in the movement as a whole. Many *ad hoc* unions passed away and a large number of organizations that remained on the scene tried to strengthen their position and resources. And it was in this period that Messrs. Diwan Chaman Lal and Power hit on the idea of an All-India Trade Union Congress, the object of which was to co-ordinate the activities

**All-India
Trade
Union
Congress.**

of labour organizations in the various provinces of India and to further the interests of labour in matters economic, social and political. It was also understood that it could co-operate and federate with organizations of labour having similar objects in any part of the world. The first session of the Congress was opened in the Empire Theatre, Bombay, on the 31st October, 1920. The trade union movement was yet in its infancy and it may be considered that the organization of an all-India movement was rather premature*. Anyway, it undoubtedly offered a common platform for the discussion of the common aims and interests of labour.

There is another aspect of this growth which arrests our attention in this connection. Trade

* Mr. V. V. Giri, in his presidential address to the sixth session of the All-India Trade Union Congress (*Vide* Report of the Congress, Page 8), said:—

"Our distinguished patriot and countryman, Sjt. Lajpat Rai, as the president of the first session of the All-India Trade Union Congress considered, perhaps with justification then, that the time was not ripe in the year 1920 to give an all-India name to this organization and he further opined that it would take many more years of activity before one could possibly think of having anything like a Congress which can speak with any semblance of authority on behalf of all the workers in India."

Rev. C. F. Andrews, writing in the first number of the B. N. W. Railwaymen's Gazette (quoted by V. V. Giri in his presidential address), says:—

"When the All-India Trade Union Congress began more than four years ago, I held aloof though I had been very deeply interested in trade unionism all my life; yet at that particular time Mahatma Gandhi convinced me that the hour had not yet come for an All-India Trade Union Congress; therefore, when the movement began, I did not go down to Bombay to take part in it."

"Mahatma Gandhi's argument was this: 'I know,' he said to me, 'how little we have been able to accomplish in the way of organization at Ahmedabad where I have directed the Textile Labour Union for many years. Even then we are not yet ready to join an all-India organization and yet we are one of the most advanced trade unions in the country.'"

unions were dominated by non-labour men and the organization of the All-India Trade Union Congress was the result, not of the ingenuity of the actual workers, but of Mr. Diwan Chaman Lal and others who had come to sympathize with their cause*. This was but natural. The workers, depressed as they were by socio-religious ideas, had no opportunity to look around and think for themselves. Moreover they were, and mostly are, illiterate and were in a condition of abject dependence on their masters. It was

Trade Union Congress, the result mainly of the activities of outsiders.

* After the Great War, controversy raged round the labour leader drawn from outside the ranks of labour. The Royal Labour Commission have the following remarks to offer on the subject:—"Employers frequently announced their readiness to treat unions led by their own workmen, but refused to recognise any outsiders. This claim had some support in the attitude of Government prior to 1920 toward unions of their own servants; but the official position had been defined with a view to the pre-war organizations which catered mainly for the upper ranks of Government service, and in 1920 the Government of India conceded the principle of the right to employ outsiders. In many cases the objection to outsiders was in essence objection to particular individuals, *e.g.*, dismissed employees or politicians. At a later date the legislative recognition of the right of registered unions to employ such persons and to include them in their executive, did much to diminish these objections." (*Vide* Report of the Royal Commission on Labour in India—Calcutta, 1931—Page 317.)

The Report of the All-India Trade Union Congress held at Cawnpore in November 1927 has the following relevant passage on the point (pages 20 and 21):—"In a poor country like India, the generality of the people is considered by the employers to have its price, and it has been my experience in almost every strike in India with which I have had personal dealings that the employers have invariably tried to buy up the best organizers, and tried to sow the seed of dissension in the ranks of the workers themselves. This has seemed an easy task in view of the fact that the system of labour recruitment in India generally places the destiny of the workers in the hands of jobbers who are primarily responsible for the recruitment and control of groups of workers under them. Employers usually resort to the bribing of these jobbers and very often they succeed, but when the labour organizers do not happen to belong to the industry but are outsiders, the proposition becomes slightly more difficult."

for this reason that the outsiders rightly jumped into the arena of labour politics and helped them considerably to overcome several of their difficulties*.

The All-India Trade Union Congress thus came into being. According to the report issued by the Congress itself, 97 trade unions were affiliated to it. Of these, 57 were represented at the first session by 800 representatives. Col. J. C. Wedgewood attended as a fraternal delegate from the British Labour Party and the English trade unions. The late Lala Lajpat Rai presided over the deliberations of this session. A large number of resolutions were passed. Most of them related to the restriction of the export of food-stuffs, penalization of labourers for long term service contracts, workmen's compensation, forced labour, prohibition of liquor shops near mills and workshops, brutal treatment meted out to Indian workers in Fiji and bad conditions in Indian coalfields.

The All-India Trade Union Congress has held annual sessions in the different parts of the country and, in the words of the Royal Labour Commission, "it has served as a meeting place for those most actively engaged in trade unionism, as a platform for the enunciation of labour policy and as a link between

**Resolutions
passed at
the first
session
of the
Congress.**

**Opinion of
the Royal
Labour
Commis-
sion.**

* Mr. Joseph Baptista, chairman of the Reception Committee, while welcoming the delegates to the first All-India Trade Union Congress, said:—"I am inclined to agree with Sir Thomas Holland that the officials of any labour union ought to be recruited from their own class but, in the absence of primary education and the practice of victimization, this appears to be a council of perfection outside the pale of practical politics. In fact I am not quite sure that the want of education does not make these associations premature. We are, I have no doubt, experimenting a combination of officials consisting of outsiders and insiders. But I have no doubt that for the present unions would be farces, without outsiders....."

All-India Trade Union Congress, Report of the first session—page 9.

trade unionism in India and in Europe. The participation of trade union leaders in International Labour Conferences and other international meetings gave the movement encouragement and greater unity while the inclusion in the Assembly and Councils after the Reforms of a few nominated labour representatives assisted by giving it further cohesion".*

The All-India Trade Union Congress has a definite constitution. It has an executive council to carry on its work and provincial councils to bring about the necessary co-ordination in its activities. The executive council consists of the chairman, the vice-chairman or vice-chairmen, the treasurer, the general secretary or general secretaries, and the assistant secretary or assistant secretaries as ex-officio members and not more than ten additional members, including the ex-president of the All-India Trade Union Congress, elected at the annual session of the Congress, and the representatives elected by the affiliated unions on the following basis:—

**Constitu-
tion of the
Congress.**

**Its Exe-
cutive
Council.**

- One representative for unions with a membership up to 1,000;
- Two representatives for unions with a membership between 1,000 and 3,000;
- Three representatives of unions with a membership between 4,000 and 5,000;
- Four representatives for unions with a membership above 5,000.

The individual unions affiliated to the Congress are given full independence with regard to the management of their own affairs according to their own bye-laws.

The Congress took a strong political colour from the very start, because its principal office-bearers were

drawn from the ranks of politicians. The state of affairs from 1920 to 1928 had unmistakeably revealed that the left wing politicians were daily increasing their hold on the Congress and yet nothing was done to avert the on-coming split in the ranks of

Split in the Congress camp in 1929. labour. The matters came to a crisis in November and December 1929 when the tenth session of the All-India Trade Union

Congress was held at Nagpur under the presidentship of Pundit Jawahar Lal Nehru. The credentials of 51 unions with a membership of 189,436 were accepted and 50 unions with 188,436 members were represented at the Congress meeting. The Bombay Girni Kamgar Union which, in co-operation with the G.I.P. Railwaymen's Union, was mainly

Responsibility for the split. responsible for the split, was affiliated for the first time with a membership of 40,000.

The voting on resolutions at the open session of the Congress was on a proportionate basis according to the membership of the affiliated unions, and the recorded strength of the Bombay Girni Kamgar Union and the G.I.P. Railwaymen's Union implied that they would practically dominate the entire situation. This is what actually happened.

Pandit Jawahar Lal Nehru delivered his address in Hindi. He said that labour could not ignore the political structure of India and watch passively the national struggle that was going on in the country. He also maintained that labour should side with nationalism in this great struggle, and that it should aim at the attainment of a socialistic order of society

Resolutions passed at the tenth session of the Congress. without affiliating itself either to the Second or the Third International.

The Executive Council of the Congress passed resolutions continuing its affiliation to the Pan-Pacific Trade Union Secretariat and the League against Imperialism, boycotting the Royal Labour Commission, the Nehru Report and the International Labour Office at Geneva and declaring its belief in complete political and economical independence from British Imperialism and native feudal allies, abolition of capitalism and the establishment of a Workers' Republic. Out of these, the consideration of the first resolution on the affiliation with the Pan-Pacific Trade Union Secretariat was postponed for one year by the open session of the Congress, but this was done only after 30 unions which disapproved of these resolutions had withdrawn themselves. And after the resolutions were carried by the Executive Council, the representatives of 23 unions and some ex-officio members of the Executive Council and delegates such as Messrs. N. M. Joshi, Chaman Lal, Giri, Shiva Rao, S. C. Joshi and Naidu sent the following statement to the Congress president:—

**30 unions
withdrew
from the
Congress.**

**Statement
by Joshi
and others.**

“The proceedings of the Executive Council of the All-India Trade Union Congress have revealed beyond doubt the fact that the majority of its members are determined to commit the Congress to a policy with which we are in complete disagreement. The point of view of the majority is clearly indicated in the resolution for the boycott of the Whitley Commission, the affiliation of the Congress to the League against Imperialism and to the Pan-Pacific Trade Union Secretariat, the rejection of the proposal to hold the Asiatic Labour Congress, the refusal to send delegations on behalf of the Indian workers to future sessions of the International Labour Office

at Geneva, the recognition of the Workers' Welfare League, the rejection of the offer from His Majesty's Government of a round table conference and the condemnation of the Nehru Report. In our opinion, the adoption of these resolutions can have no other meaning than that the policy of the All-India Trade Union Congress, under the control and direction of the new majority in the Executive Council, will be fundamentally opposed to the genuine interests of the working classes.

"Having regard to the fact that, out of a total voting strength of 938 in the Congress, no less than 350 votes belong to the G. I. P. Railwaymen's Union and the Girni Kamgar Union (whose membership figures were denied and challenged by us and in fact never accepted by us), the two unions which are mainly responsible, among others, for the adoption of the new policy underlying the above-mentioned resolutions, we have no doubt that they will be carried by a large and decisive majority in the Congress. Under these circumstances we have to dissociate ourselves completely from the resolutions of the Executive Council and we further feel that no useful purpose will be served by continuing our participation in the proceedings of the Congress."

Thirty unions ultimately seceded from the Congress, which became a minority organization constituting 21 unions with a membership of only 92,797. It had pronounced communistic tendencies.

The seceders met at Nagpur on the 1st December 1929 under the presidentship of Mr. Diwan Chaman Lal. It was decided to form a strong central organization (to be provisionally called the Indian Trades Union Federation) of those trade unions which were working on genuine trade union principles, to the entire exclusion, of course, of the communistic unions.

**Seceders
held
their own
conference.**

Resolutions were then passed offering co-operation with the Royal Labour Commission and the proposed Round Table Conference. 0

With a split in the Trade Union Congress, the *All-India Trade Union Bulletin*, its official organ, ceased publication. The Trade Union Record took

Trades Union Federation established. its place as the organ of the Trades Union Federation which was established by members who had seceded from the Congress and who were anxious to work on purely trade union lines. The Federation resolved to tender evidence before the Royal Commission on Labour in India and called upon all legitimate trade unions to offer co-operation and help in the matter.

The Executive Council of the All-India Trade Union Congress met at Calcutta in November 1930, under the presidentship of Mr. Subash Chandra Bose. 30 members representing 17 unions attended the meeting. Messrs. V. V. Giri and R. R. Bakhale made an attempt to bring about unity in the trade union camp but with no success. The following resolution, among others, was passed by the Executive Council:—

Meeting of the Executive Council of the Trade Union Congress in 1930.

"In view of the steadily worsening conditions of the working masses as a result of the increasing pressure from Imperialism and a general offensive of employers; in view of the growing class consciousness and readiness to fight on the part of the working class as shown by strikes and demonstrations throughout the country; in order to check effectively the combined offensive of the Government, the employers and the trade union reactionaries which try to annihilate the trade union movement, outlaw strikes, intensify rationa-

**A General
Strike
agreed
upon.**

lization with the consequent increase in the speed-up, decrease of wages, mass dismissals and terrific increase in unemployment; in order to secure reinstatement of all the strikers of the G.I.P. Railway and of the E.I. Railway and of other industries who have been dismissed; in order to unify and consolidate the forces of the working class for the winning of the strikes which are now taking place and of the improvement of the conditions of labour throughout India, employed as well as unemployed, the All-India Trade Union Congress Executive decides in favour of calling a general strike".

How ill-conceived the idea of a general strike was will be clear from the following letter which was addressed by Mr. Jamnadas Mehta, president of the B.B. and C.I. Railway Employees' Union to Mr. Subash Chandra Bose* :—

**Idea of a
general
strike ill-
conceived.**

"My union does not wish to discuss the propriety of a general strike in the abstract except to say that as the general strike is a weapon that will hit not merely the Government and the employing class, but will also seriously interfere with the normal life of the whole community, it should be most sparingly used. Apart from the illegality of a general strike under the Trade Disputes Act of 1929, we cannot ignore the fact that trade unionism in India to-day is weak and unorganized.

"Out of nearly thirty lakhs of factory workers I wonder whether even four lakhs are organized under one union or other. Even those who belong to some union have scarcely imbibed the true spirit of trade unionism. The Trade Union Congress also is for the present in the position of a house divided against itself.

* Bombay Chronicle, 2nd December 1930.

"Most of the unions are living from hand to mouth and there is no strike fund anywhere which can be used for the purpose of helping the workers during the currency of a strike. In the circumstances it appears to my union that the present is hardly the time for planning a general strike.

"As my union is affiliated to the Trade Union Congress we have felt it incumbent upon us to intimate this view to you and to say that my union wholly dissociates itself with any idea of a general strike. There is so much constructive, uphill, sober spade work still to be done with a view to the better organization of the Trade Union Movement in this country that I would regard it as singularly unfortunate if we turned our attention to any ultra militant activity like a general strike at any rate for years to come.

"Short of a general strike my union is prepared to co-operate with any working class movement designed to carry on its activities in a peaceful and legitimate manner".

The eleventh session of the All-India Trade Union Congress held at Calcutta in July 1931 led to further disintegration in the ranks of labour.

**Further
disintegration
in the
ranks of
labour.**

The Executive Council of the Congress met on the 3rd July 1931, when the question as to who were the real representatives of the Bombay Girni Kamgar Union was taken up and considered. There were two rival groups in the field—one under the leadership of Mr. S. V. Deshpande, the General Secretary of the All-India Trade Union Congress, and the other headed by Mr. G. L. Kandalkar, the Vice-President of the Congress—and each claimed the right to sit on

the Executive Council. The affair was ultimately

**Rival
groups
in the
Congress.**

referred to a credentials committee appointed for the purpose which gave its verdict in favour of Mr. Kandalkar's party. When the Executive Council again assembled prior to the open session of the Congress, Mr. Deshpande's group resorted to noisy tactics and thus compelled the president to adjourn the meeting, as also the open session, *sine die*.

The Congress session was later held on the 7th July 1931 at Calcutta under the presidentship of Mr. Subash Chandra Bose. Mr. Bose, in his presidential address, said that the workers in India should be prepared to learn from every quarter of the world, but that they should not surrender themselves to the dictates of either Moscow or Amsterdam.

Referring to the Fundamental Rights resolution passed at the Karachi session of the Indian National Congress, he welcomed it as a move in the direction of the establishment of a Socialist State. He spoke rather appreciatively of the report of the Royal Commission on Labour in India.

About thirty resolutions were adopted by the Congress. These condemned, among others, the retrenchment policy of the Government, and their refusal to allow passports to Messrs. Saklatwala and Gallachar who wanted to attend the session. Soviet Russia was congratulated on its attempt to uplift the condition of the workers and the Government of India were urged to release the Meerut Conspiracy Case prisoners. There was a further resolution calling upon the workers, in view of their exploitation, to concentrate their attention on the following demands:—

(a) Unconditional transfer of all power to the people,

11th Session of the Congress held in 1931.

Various resolutions were passed.

- (b) Abolition of Indian States and parasite landlords,
- (c) Freedom of the peasantry from all exploitation and exactions so that the greater part of their surplus produce may remain in their possession,
- (d) Nationalisation of land, public utilities, mineral resources and banks;
- (e) Repudiation of debts contracted by the 'Foreign Government',
- (f) Provision for an irreducible standard of living for workers through the introduction of minimum wages of Rs. 50 for skilled workers and Rs. 40 for unskilled; 44-hour week, healthy conditions of labour, insurance against unemployment, sickness, old age, etc., and
- (g) Control of the economic life of the country by the workers and peasants so that the fruits of national freedom may not be usurped by the capitalists.

Mr. S. V. Deshpande and his party broke away from the Congress and held a separate session of their own at Matiabruz, a suburb of Calcutta, on the 6th July 1931. It is reported that 10 or 12 unions, most of which had not been recognized by the executive of the All-India Trade Union Congress, attended. The meeting passed resolutions condemning the Labour Commission Report and the Irwin-Gandhi agreement, boycotting the International Labour Conferences at Geneva and sympathising with the struggling peasantry of India.

The twelfth session of the All-India Trade Union Congress was held on the 10th and 11th September 1932 at Madras under the presidentship of Mr. J. N. Mitra. Mr. Mitra, in his address, reviewed the origin and growth of the labour movement in India after the termination of the Great War and mentioned how communism had given the right direc-

Deshpande and his party held a separate session.

12th session of the Congress held in 1932.

tion to it. He referred to the recommendations of the Indian Franchise Committee and declared that adult suffrage alone could be of any use for the political advancement of the people. In conclusion, he appealed for unity in the ranks of labour and exhorted the workers to fight till they had achieved an economic system truly beneficial to the society as a whole. The Congress adopted various resolutions condemning the communal award and the rule by ordinances, demanding the unconditional release of all political prisoners, and accepting the platform of unity formulated by the Bombay Girni Kamgar Union.

It may here be noticed that some well-wishers of the labour movement were anxious to bring about solidarity in the ranks of workers. In May 1931, the All-India Railwaymen's Federation took the lead in this direction and convened a unity conference in Bombay. The conference laboured hard for almost two years and, at its second session held in Madras in July 1932, reached certain broad conclusions on which the left and the right wing trade unionists could be united. About 110 unions were represented at this session and the important decisions on which there was a virtual unanimity were the following:—

**Presi-
dential
address.**

**Resolu-
tions
adopted.**

**Move for
unity in
the ranks
of labour
in 1931.**

**Unity Con-
ference.**

- “(1) A trade union is an organ of class struggle; its basic task therefore is to organise the workers for advancing and defending their rights and interests; and although collective bargaining is the necessary implication of a trade union and in the transitional period to socialism, negotiations, representations and other methods of collective bargaining must remain

an integral part of trade union activities as labour and capital cannot be reconciled in the capitalistic system.

- “(2) That co-operation with the employing classes is not excluded if it is necessary in the interests of the working classes.
- “(3) That the Indian trade union movement shall support and actively participate in the struggle for India's political freedom from the point of view of the working classes. This would mean the establishment of a socialist state and, during the interval, socialisation and nationalisation of all means of production and distribution as far as possible.
- “(4) The Indian Trade Union Congress stands for:—
 - (a) Freedom of the press,
 - (b) Freedom of speech,
 - (c) Freedom of assembly, and
 - (d) Freedom of organization.
- “(5) The Trade Union Congress shall send delegates to the International Labour Conferences held under the auspices of the League of Nations.
- “(6) The methods of attaining the objective of the trade union movement shall be peaceful, legitimate and democratic.”

On the basis of these decisions a constitution was framed and the All-India Trade Union Congress and the Indian Trades Union Federation were invited to attend a special session of the unity conference held at Delhi in February 1933. Neither party was willing to accept the constitution drafted by the unity conference, with the result that a new organization—the National Federation of Labour—came into being at Delhi. In April 1933, the Indian Trades Union Federation, at a special convention held in Calcutta, accepted the decisions of the

**Constitu-
tion
drafted
and rival
groups
invited to
attend.**

**National
Federation
of Labour
formed.**

unity conference and amalgamated with the National Federation of Labour under the new name of the "National Trades Union Federation". The Trade Union Record now chronicles the activities of the amalgamated unions and other events that relate to labour.

The Congress held aloof.

At the end of 1933, the number of unions affiliated to the National Federation of Labour was 47 with a total membership of 135,000. It may therefore claim to be the biggest and the most representative central organization in India. According to Mr. Jamnadas Mehta*, no audited statement of the number of unions affiliated to the Trade Union Congress is available. It is also said that it has not even a genuine membership† of 15,000. Such being the case, the Trade Union Congress cannot at present naturally speak in the name of Indian Labour.

National Trades Union Federation most representative of labour.

The first and the only annual session of the Indian Trades Union Federation was held in Madras on the 16th and 17th July 1932, under the presidency of Mr. V. V. Giri. 31 delegates representing 23 affiliated unions with a membership of 62,500 attended. The resolutions covered a varied number of subjects—freedom of speech, freedom of the press, freedom of assembly and freedom of organi-

First and only session of the Trades Union Federation in 1932.

* Report of the first session of the National Trades Union Federation, 1934, page 5.

† This compares very unfavourably with the proceedings of the 12th session of the All-India Trade Union Congress held in September 1932 at Madras, when Mr. J. N. Mitra presided. The General Secretary stated that 12 new unions from Madras had affiliated themselves to the Congress which could claim the allegiance of more than a lakh of organised workers in India. These figures are evidently not trustworthy.

zation, universal adult suffrage, etc., etc. The conference condemned all attempts to form communal unions and resolved that no such unions or organizations should be affiliated to the Federation. The Federation also welcomed the efforts made by the unity conference to establish unity in the ranks of labour and authorised their working committee to consider and report upon their recommendations after consulting the affiliated unions.

**Aims and
objects of
the National
Trades
Union
Federation.**

What transpired later has already been stated. The Indian Trades Union Federation merged its existence with the National Federation of Labour under the title "National Trades Union Federation". The aims and objects of the new Federation are:-

- (a) to establish a socialist state in India;
- (b) to ameliorate the economic and social conditions of the working classes;
- (c) to watch, promote, safeguard and further the interests, rights and privileges of the workers in all matters relating to their employment.
- (d) to secure and maintain for the workers,
 - (i) the freedom of speech,
 - (ii) the freedom of the press,
 - (iii) the freedom of association,
 - (iv) the freedom of assembly,
 - (v) the right to strike, and
 - (vi) the right to work;
- (e) to support and actively participate in the struggle for India's political freedom from the point of view of the working classes;
- (f) to co-ordinate the activities of the labour unions affiliated to the Federation; and
- (g) to abolish political and economic advantages based on caste, creed, community, race or religion.

The first session of the National Trades Union Federation was held in Bombay in December 1933

under the presidentship of Mr. Mrinal Kanti Bose.

First session of the National Federation. There were 56 delegates at the meeting representing 21 unions. The Director of the International Labour Office (Indian Branch) was also present as a distinguished visitor.

Resolutions adopted. The Federation pledged itself to co-operate with the labour movements in other countries with a view to resist war by all legitimate means. It demanded the release of the Meerut Conspiracy Case prisoners and asked for compensation for their dependents. It expressed dissatisfaction at the White Paper, condemned the short-sighted policy of wage reduction and asked the International Labour Organization to hold an Asiatic Labour Conference in 1934. The Federation further resolved that in view of the drastic wage cuts and unprecedented unemployment in the textile industry, an all-India textile workers' federation should be formed to enable the workers to withstand the employers' attacks. The Federation finally demanded that all the recommendations of the Whitley Commission should be promptly placed on the Statute Book.

Two obstacles to complete unity. Thus far about the trade union co-ordination in India. It remains now to point out that the two main obstacles to a complete unity in labour appear to be the following:—

- (1) Participation in the International Labour Conferences at Geneva, and
- (2) Provisional affiliation to the International Trade Union Federation.

While the National Trades Union Federation appears inclined to compromise with the Trade Union

Congress on the second point, it is not prepared to break away altogether from the International Labour Organization at Geneva. It is foolish to close our eyes to the manifold advantages which India has reaped by her affiliation to the International Labour Organization and the sooner the Trade Union Congress realises its mistake the better for the country in general and for the labour ranks in particular.

We may here refer to the first session of the Asiatic Labour Congress that was held at Colombo on the 10th May 1934. Japan, Ceylon and India were duly represented, the representatives from India being Messrs. N. M. Joshi, Jamnadas M. Mehta, S. C. Joshi and W. Francis. Dr. P. P. Pillai, Director of the Indian Branch of the International Labour Office, and Dr. F. I. Ayusawa, a member of the International Labour Office Staff at Geneva, were also present. Mr. A. E. Goonesinha, President of the All-Ceylon Trade Union Congress, presided over the Asiatic Labour Congress which was formally opened by the Hon'ble Mr. Perry Sundaram, Minister of Labour, Industries and Commerce in Ceylon.

**First
session of
the Asiatic
Labour
Conference
in 1934.**

Mr. N. M. Joshi referred to the great disparity in regard to the conditions of labour in the European and Asiatic countries and between the different units of Asia themselves. For this main reason, the necessity of an Asiatic Labour Congress was mooted long ago. In 1925, the first step was taken when Mr. Joshi, on behalf of India, and Mr. B. Suzuki, representing the Japanese workers at the International Labour Conference, decided to hold an Asiatic Labour Congress with a view to discuss questions of common interest. Simultaneously, an

**Joshi's
speech.**

attempt was made to hold a tripartite Asiatic Labour Conference under the auspices of the International Labour Organization at Geneva. In 1931, Mr. R. R. Bakhale's resolution on the subject was adopted by the International Labour Conference and the Director was accordingly instructed to take necessary steps in the matter. How far the move was a healthy one can be clearly noticed from an extract of the speech of Mr. N. M. Joshi that he delivered at the Ceylon Congress:—

**Asiatic
Conference
a healthy
move.**

"I wish to make it clear to our comrades outside Asia that those who conceived the idea of this movement and those of us who are meeting here to-day are not inspired by any spirit of separation. We are convinced that the salvation of workers of the world lies in the world-wide International solidarity of workers. This movement of the Asiatic Labour Congress is only intended to enable the workers of Asia to come into line with workers of the other parts of the world so that, instead of being a hindrance to the progress of the world, we shall be able to march hand in hand with them towards the achievement of our common goal"*.

The Congress passed a number of resolutions opposing nationalization unless it was accompanied by measures recommended by the Imperial Economic Conference of 1927, suggesting transitional measures pending the realization of the establishment of social ownership and control, and requesting the International Labour Office to secure the direct representation of Colonies and Dependencies of Member States and to make it obligatory on the Member States to enforce conventions ratified by them in their Colonies and Dependencies.

**Resolu-
tions
passed.**

* Labour Gazette, Bombay; Vol. XIII, No. 10. June 1934. Page 746.

CHAPTER VI

MISCELLANEOUS REMARKS

I. INDIA AND THE INTERNATIONAL LABOUR ORGANIZATION.

History of international legislation for workers—Effect of the Great War—Conferences during the War period—Treaty of Versailles and the establishment of the International Labour Organization—Its utility for India—Its success is dependent upon the strength of labour movement in India and abroad.

II. THE JUSTIFICATION OF THE STRIKE.

Strikes, a feature of Indian industrial life to-day—Meaning of 'strike'—Its justification—Sympathetic strikes do not generally pay—Waste involved in Indian strikes—Manifold causes of strikes.

III. MEDIATION AND CONCILIATION IN INDUSTRIAL DISPUTES.

Mediator serviceable in industrial conflicts—Limitations of mediation—Qualifications necessary for a mediator—His duties—Conciliation and Arbitration machinery wanted in India—Opinion of the Royal Labour Commission—Active assistance by Government necessary to prevent strikes—Sweating in small industries—Trade Boards recommended for the purpose—Bombay Trade Disputes Conciliation Act of 1934—Its chief features—Work of the first Labour Officer in Bombay.

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V. NEED OF LITERACY AND ORGANIZATION.

Lack of education among workers—Compulsory primary education essential—Need for organization and well-balanced leadership—Utility of Trade Union Schools.

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VII. COMMUNISM AND LABOUR.

Influence of communistic ideas on Labour—Findings of the Court of Inquiry for 1929—Way out of Capital and Labour *impasse*.

I. INDIA AND THE INTERNATIONAL LABOUR ORGANIZATION.

Long before the International Labour Organization took a concrete shape, several thinkers were of opinion that the problems raised by large-scale industry should be dealt with internationally. In 1818, Robert Owen submitted two memoranda to the Congress of the Holy Alliance at Aix-la-Chapelle and asked the powers to safeguard the interests of their workers against the reckless exploitation of their masters. Between 1838 and 1859, Daniel Legrand, a Malhousen Manufacturer, sent a large number of petitions to Parliaments and Governments and, in one of these, he asked them to adopt "national laws and also international legislation for the protection of the working class against work excessive in amount and at too early an age, the primary and principal cause of its physical deterioration, its moral

History of
international
legislation
for
workers.

degradation and its deprivation of the blessings of family life"*.

These ideas grew in the latter half of the nineteenth century and they received a great impulse from the Revolution of 1848. In 1889, the Swiss Government proposed to convene an International Labour Conference which was held in Berlin in the following year. It was attended by representatives of fourteen countries and it adopted resolutions on the limitation of the work of women and children, work in mines and the weekly rest. The year 1900 saw the foundation of the International Association for the Legal Protection of the workers in Paris. In 1905 came the Berne Conference which was attended by experts and technicians from about 20 countries. Resolutions were adopted on the use of white phosphorus in the match industry and the night work of women. Another conference under the auspices of the International Association was held at Berne in 1913 and texts were adopted on the limitation of working hours for women and young persons and the prohibition of night work for children.

The War wrought a great change in men's minds. The movement towards international labour legislation savoured more of philanthropy before 1914 than the recognition of the just and fundamental rights of workers. It was moreover confined to a few intellectuals but, as the War progressed, the trade unions grew in strength and some of those possibilities which had so far been considered well-nigh unattainable, were brought within the easy reach of the workers. Thus it was that the delegates of

Effect of
the War.

* Quoted in the International Labour Organization (George Allen and Unwin, 1931)—Page 22.

workers assembled at Leeds in 1916, at Stockholm in 1917, and at Berne in 1918 insisted that Peace, when it came, should "safeguard the working class of all countries from the attacks of international capitalist competition and assure it a minimum guarantee of moral and material order as regards labour legislation, trade union rights, migration, social insurance, hours of work and industrial hygiene and safety".

Conferences during the years 1916-1918.

This idealism (if idealism it was) was kept up by agitation among workers and by promises held out by statesmen of Europe during the War. When the Treaty of Versailles was signed, 'universal peace' and 'social justice' formed the twofold object with which the High Contracting Parties proceeded to set up the International Labour Organization. The Preamble to Part XIII of the Treaty runs as follows:—

Treaty of Versailles.

Preamble to Part XIII of the Treaty.

"Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

"And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protec-

tion of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

"Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

"The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following."

Thus was the International Labour Organization set on foot. Its main object has been to keep to the fore the principles enunciated in the Peace Treaty and to try to improve the social conditions all over the world. It has done more and it has in effect become a great international research institution.

As Dr. P. P. Pillai says* :—

"By ascertaining the facts of industrial life and progress and by disseminating this knowledge by means of its numerous publications, the I.L.O. is attempting to create public opinion, both national and international, which will stand for social justice in all its forms."

With a view to keep a close touch with the social and industrial developments in the various parts of the world, the International Labour Organization appointed permanent representatives at London, Paris, Washington, Rome, Tokio, Berlin, Nanking and New Delhi. The Indian branch, under the efficient guidance of Dr. P. P. Pillai, has done

**International
Labour
Organization
set up.**

**Opinion of
Dr. Pillai.**

**Permanent
representative
of the
Organization
in
India.**

* Asiatic Review; October, 1933.

very useful work in collecting and distributing information on subjects pertaining to labour conditions.

**Effects of
the Inter-
national
Labour
Organiza-
tion on
India.**

It has established contact with the employers' associations in the different parts of India, as also with the workers' organizations in the country. It has been pointed out in the preceding chapter that the trade union movement is now split up into two hostile sections—one led by the communists,

the other led by the reformist leaders. The communist section does not see eye to eye with the International Labour Organization though, as Dr. Pillai would have us believe*, "in private, a good many of them were prepared to co-operate with the I.L.O. in its various spheres of beneficent activity". The communist group is still in a minority and its attempts to boycott the International Labour Organization have not succeeded. The moderate section of the labourites has always readily co-operated with it and the moving spirits of the National Federation of Trade Unions, the All-India Railwaymen's Federation and the Seamen's Organizations of Bombay and Calcutta have represented Indian labour on more than one occasion at the International Labour Conferences. The manifold advantages which have accrued to the Indian workers through the International Labour Organization at Geneva have brought home to them at least the utility of one fundamental factor in life, *i.e.*, Organization or Unionism. To refer to Dr. Pillai once again, "he feels that organization is more than half-way to victory, and that it is imperative for the preservation of his own interests that he should belong to a body fully and unchallengeably representative of his

**The utility
of organiza-
tion
brought
home to
Indian
workers.**

class, in order that his case may be convincingly stated and adequately defended before the whole world. The cross currents of labour opinion in his country perplex and bewilder him; the times are out of joint; and in his efforts to reason out a policy for himself and his brothers, he is now slowly learning that the path marked out by Geneva—the path of progressive improvement—is the only one that can lead him to his desired end. He also finds that the war cry of his class—‘Workers of the world unite’—has approached its nearest realization under the aegis of Geneva”.

The world will profit by the recognition given by the League Assembly to the work of the International Labour Organization, and the labour movement in each country should be fostered and encouraged to give to the Organization an added strength and support. The success of the International Labour Organization and of the useful work that it is doing depends upon the strength of the labour movement in the different parts of the globe. It is thus necessary that labour forces in India should work in the right direction to enable the International Labour Organization not only to improve the condition of workers but also to create and cultivate an international mind opposed to the cruel arbitrament of war.

**Success of
the Interna-
tional
Labour
Organiza-
tion
depends
upon the
strength of
the labour
movement
in every
country.**

II. THE JUSTIFICATION OF THE STRIKE.

Unionism has now come to stay in India. It has made steady progress during the last fifteen years. It must not however be supposed that we have accomplished everything. The foundation has been truly

laid, the work of construction is in progress, but it will take years of steady endeavour to bring it to completion and to guard it against attacks. As a matter of fact we are in a very critical stage at present and the labourers, illiterate as they mostly are, require the guidance of right-minded individuals and of genuine and selfless workers to enable them to withstand the onslaughts of two powerful forces—communists on one hand and selfish employers on the other. This naturally brings us to the question of questions—the justification of the strike.

Strikes have of late become a regular feature of the industrial life of India, and we consider it essential at this stage to deal exhaustively with their nature in general and their justification in particular before we refer to the position in our country. "A strike in the labour sense is a stoppage of work by common agreement on the part of a body of workpeople for the purpose of obtaining or resisting a change in their conditions of employment"*. This is the narrower and more technical significance that can be given to a strike. An objection is raised that this definition is not a comprehensive one, as several of the strikes have nothing to do with the conditions of employment. Thus it is that Mr. Henderson goes a step further and considers that a definition of a strike is incomplete and even misleading if it does not convey some indication of human motives. For him, a strike is "a mass reaction to injustice"†: the broad and general sense in which

* For further information on the subject, see Crosley's 'Strikes' and McLean's 'Morality of the Strike'.

† See article by Mr. W. Henderson in 'Unity', September 1921.

the term may be used. But in whatsoever manner we may define a strike, it is a fact that it includes within its scope the combined and organized movement of workers for the cessation of work. A strike may itself be direct or sympathetic. It excludes all idea of violence which is evidently not a concomitant of cessation of work, but which nevertheless does sometimes become a part of the programme of strikers when the conflict is prolonged.

The idea of the strike may itself be moral. It is a tug of war between the employers and the employees, the latter trying to inflict an injury on the former with a view to redress some of their own grievances. "A man is by nature free to give or withhold his labour. He is justified in withdrawing the labour he has been furnishing when he suffers in some condition of his work"*. We live and move and think in a material world, far removed from the "perfect self-sacrifice of Christ", and anything that leads to the legitimate satisfaction of a large number of individuals is perfectly moral from our point of view, provided it does not involve any injustice to either the employer or the consumer. Judged in this manner, there is an element of morality in the strike.

The workers may go on strike for various reasons and we can only justify their action when we know that the end they have in view is morally good and is otherwise justifiable. The labourers have no right to the whole product of industry and, constituted as we are to-day, we can never uphold a strike on that count. But there are several grounds on which they may and do withdraw their labour—inadequate wages, disagreeable conditions of work, bad treatment by the employer,

Idea of a strike may be moral.

Justification of a strike.

* Parkinson: A Primer of Social Science. (1913). Page 129.

irregular discharge of employees, and so on. Whether a strike for higher wages pays or not can be usually calculated in terms of money by comparing the money lost during the strike period with the money gained thereafter by an increase of wages. But a strike for improved conditions of work and similar reasons cannot be thus calculated in its effects. All the same, we have, more often than not, to consider the subject of strikes in their possible effect on cost of production. The workers generally ignore the employers' point of view and it is partly on account of this that they come so often to grief.

There is one thing that emerges clearly from a perusal of the economic history of various countries.

Sympathetic strike does not generally pay.

Cronin's opinion.

Hall's remarks.

McLean's viewpoint.

We learn that the sympathetic strike does not *generally* pay. Dr. Cronin* maintains that it could "never be justified under any circumstances". Dr. Hall points out that "it is an extension of injuries rather than of good. The point of diminishing returns is quickly reached. . . . beyond a certain point, sympathetic assistance in the form of strikes ceases to assist"†. McLean is of opinion that "although it may be possible to justify an extension of the sympathetic strike in extreme cases, it will seldom happen that a general extension of the principle of the sympathetic strike will be warranted".

He further writes‡:—

"The evils to be feared from such a general strike are beyond calculation so that the good to be obtained would have to be no less great in proportion, a condition that would seldom, if ever, be realised."

* See his "Science of Ethics." Page 368.

† Hall: Sympathetic strikes and sympathetic lockouts. Page 110.

‡ McLean: The Morality of the Strike (1921). Page 124.

The events of 1926 in England are still fresh in our memory. On May 3rd of that year the Trade Union Congress decided to call a general strike. The decision was carried into effect with consequences that are well known. Under the Trade Disputes and Trade Unions Act of 1927, a general strike or lockout was declared illegal in England and the law of India at present is very similar in regard to this matter.

General strike of 1926 in England a failure.

It is often very easy for a leader to work up the enthusiasm of his followers and to direct the stoppage of work. It is never so easy to carry the conflict to a successful end and achieve results of a permanent nature. Only 15 per cent. of the strikes that took place in India from 1921 to 1928 were *wholly* successful. An equal percentage was partially successful, while in about 60 per cent. of the cases the stoppage of work was a complete failure from the workers' point of view. Failure in a strike demoralises the rank and file, and it is always advisable to see whether a dispute cannot be settled through any other means. Unless the employers and employees try to understand each other, strikes must needs continue.

Strikes in India from 1921 to 1928.

Percentage of wholly successful strikes very small.

"The strike weapon", says the Right Hon'ble Arthur Henderson, "may be regarded as foolish and brutal but it is, after all, only one of the products of a system which provide a striking commentary on the principles and motives upon which the economic system was organized."

Many of the strikes and lockouts in India occur

before the matters in dispute have been minutely analysed and thoroughly thrashed out.

Features of strikes in India.

Once the trouble starts it throws each party in a whirlpool of irritation and even anger, so much so that no one is willing, at least in the beginning, to agree to a frank bargaining of terms through mutual discussion. The employer may have been irritated because of the lightning rapidity with which his workmen have struck. He may as well be fretting and fuming because people, unconnected with his business, are imposed upon him as representatives of workers. Similarly, the workers may be angry because of the light-hearted manner in which their demands have been treated by their employers. They may also be furious, because their representatives are not given any recognition. It is evident that in such a frame of mind, the employers and the employees appear determined to stand out to the last. The

Waste involved in strikes.

waste involved would thus be tremendous, as is evident from the following table which sets forth a number of facts in relation to strikes and lockouts that broke out in British India during the period 1921-'33:—

Year	Number of strikes and lockouts.	Number of work-people involved.	Number of days lost.
1921	396	600,351	6,984,426
1922	278 (a)	435,434	3,572,727
1923	213	301,044	5,051,704
1924	133	312,462	8,730,918
1925	134	270,423	12,578,129
1926	128	186,811	1,097,478
1927	129 (b)	131,655	2,019,970
1928	203	506,851	31,647,404
1929	141	532,016	12,165,691
1930	148	196,301	2,261,731
1931	166	203,008	2,408,123
1932	118	128,099	1,922,437
1933	146	164,938	2,168,961

(a) One dispute was common to five provinces.

(b) One dispute extended to three provinces.

No reliable estimate of the extent of loss resulting from strikes is available. The statement given in the previous page indicates the loss in working days. The following table* gives a rough estimate of the loss caused by *some* of the strikes in the Central Provinces and Berar during the years 1921-'29:—

Year	Number of Mills to which figures relate.	Loss to Employers.	Loss to Workers.
		Rs.	Rs.
1921	Savat Ram Mills, Akola ..	22,000	5,500
1922	Tapti Mills, Burhanpur ..	5,900	3,300
1922	Bansilal Abeerchand Mills, Hinganghat ..	64,725	12,968
1922	Empress Mills, Nagpur ..	1,16,263	39,191
1923	Raja Gokuldas Mills, Jubbulpore ..	42,000	17,500
	Do. do. ..	15,000	9,500
1924	Empress Mills, Nagpur ..	5,74,482	2,64,651
	Raja Gokuldas Mills, Jubbulpore ..	15,000	14,000
1925	Savat Ram Mills, Akola ..	12,000	6,000
	Hukumchand Mills, Akola ..	6,000	6,000
1926	Raja Gokuldas Mills, Jubbulpore ..	13,000	14,000
	Savat Ram Mills, Akola ..	17,000	8,500
1927	Raja Gokuldas Mills, Jubbulpore ..	5,000	4,000
1928	The Akola Cotton Mills Ltd., (Formerly Hukumchand Mills)	40,000	30,000
1929	Reckchand Mohota Mills, Hinganghat.	1,200	800

* *Vide* Memorandum submitted to the Royal Labour Commission by the Government of Central Provinces and Berar.

The Deputy Commissioner of Singhbhum estimated that, in the Tata Iron and Steel Works Strike of 1928, the direct loss to the Company alone was a crore of rupees. The workers lost about 30 lakhs of rupees in wages. A subsidiary loss of about 2½ lakhs of rupees occurred to the Tin Plate Works where the Company continued to pay full wages though the amount of steel received by them was only just sufficient for half-time work.

Loss
through
Jamshed-
pur strike
of 1928.

These strikes may break out on various grounds—economic and non-economic. To illustrate this point, a list of non-economic causes of strikes in the Bengal Presidency from July 1920 to March 1924 may be given as under* :—

Non-econo-
mic causes
of strikes.

- (1) Proposed arrest of weavers concerned in an assault upon a European assistant.
- (2) The arrest of a crane-man for removing a piece of wood.
- (3) Demand for recess for prayer (*Namaz*) on Fridays.
- (4) Demand for a burial ground by Muhammadan employees.
- (5) Arrest in connection with a fatal riot, in which a Gurkha Durwan of the Mill was killed.
- (6) Stoppage of the village pathway running through acquired land.
- (7) Transfer of a popular European Assistant and appointment in his place of a Bengali.
- (8) An altercation between the manager and the cook.
- (9) Demand for the release of non-co-operation volunteers, occasioned by a European depriving a cooly of a Khaddar cap.
- (10) Refusal of the manager to take back a worker who was arrested as a congress volunteer.

* Gilchrist: Wages and profit sharing (Calcutta, 1924); Pages 266-268.

- (11) Demand for withdrawal of proceedings against an Indian worker, accused of assault on a European assistant manager.
- (12) The excellence of the local harvest.
- (13) The presence of elephants in the locality, supposed to be the vanguard of a Gandhi army.
- (14) Rumour that workmen of the mill concerned were assaulted in a recent shooting affray at a place about 30 miles distant.
- (15) Demand for permission to attend the trial of workers, prosecuted in connection with the volunteer (non-co-operation) movement.
- (16) Demand for immediate release of men, convicted in connection with a mill rioting case.
- (17) Demand for the release of men arrested for disorderly conduct.
- (18) Prosecution and conviction for driving an unlicensed *gharri* and using a horse with a diseased eye.
- (19) Order prohibiting demonstrations in connection with the Turkish victory celebrations.
- (20) Instigation by the Zemindar's agent who had a quarrel with the manager.
- (21) Men's refusal to carry foreign goods in their carts.
- (22) Frequent railway accidents by shunting engines caused a demand for specific hours for the work of loading and unloading.
- (23) Complaint regarding police prosecutions.
- (24) Demand for the disposal of cases affecting the staff by the manager and not by the departmental head.
- (25) Demand for the release of men arrested on a charge of theft.
- (26) Police prosecution and conviction for using disabled animals for transport.
- (27) Demand for withdrawal of a theft case against employees.
- (28) Chastisement for bad work. Many strikes have been occasioned by this and also by threats of dismissal for bad work. European, Parsi, Punjabi and Bengali supervisors, foremen or overseers have been concerned.

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- (29) Arrest of three sweepers for obstructing a public thoroughfare with carts.
- (30) A demand by the authorities requiring particulars (home address, etc.) of workmen.

Some of these non-economic causes may be easily justified and the long list should not be a matter of grave anxiety for us. It was only in the case of two strikes during the period 1921-29, according to the Memorandum of the Government of the Central Provinces and Berar submitted to the Royal Commission on Labour in India, that political causes were operative. The tendency of some observers to discover political motives* in several of the strikes in this country can be explained by the fact that the organizers are mostly drawn from the educated ranks and some of them may already have attained notoriety as politicians. It is as idle to deny that some of the strikes may have been fanned by politicians as it is foolish to imagine that the trade union movement in India is anything but genuine.

III. MEDIATION AND CONCILIATION IN INDUSTRIAL DISPUTES.

A mediator can be extremely useful in industrial conflicts. He can bring the parties together in a

* Compare in this connection the memorandum submitted to the Royal Commission on Labour in India by the Government of the Central Provinces and Berar. The following extract is well worth quoting:—

"It was only in the course of two strikes that political causes were operative. In one (at the Pulgaon Mills in 1921), the management refused to close the mills on a *hartal* day (13th April); but these strikers also put forward demands for raising their grain compensation allowances in the course of the strike. The other strike on the Bengal Nagpur Railway was a demonstration of sympathy with an office-bearer of the Railway Union who was arrested in connection with a strike outside the province." Royal Commission on Labour in India, Vol. III, Part I. Page 48 (London, 1930).

conference with himself, and ask them to discuss the matter in dispute calmly and dispassionately. Most of the settlements in the American States have been made through such joint conferences. This is a step towards collective bargaining, and has a moral all its own. It brings home to the strikers the utility of common discussions and it is likely that the parties would in future adjust their differences independently of the mediator.

**Mediator
useful in
industrial
conflicts.**

A typical instance of the success of mediation in India may be taken from the Bengal Presidency, where the jute workers declared a strike in 1929. Mr. R. N. Gilchrist, Labour Intelligence Officer, Bengal, took a prominent part in arranging conferences of the labour leaders and the Indian Jute Mills Association, and thus brought to an end a strike which, if unchecked, would have assumed serious proportions.

**Success of
mediation
in Bengal in
1929.**

It should be borne in mind that the mediator is expected to secure from each party a confidential report about its minimum demands or concessions. With this information in hand, he draws up a provisional agreement with each party and paves the way for a final formula acceptable to both. Mediation of this nature has been a remarkable success in Inter-State Railways in America.

Mediation has its own limitations, and it cannot therefore be a success in all cases. Successful mediation presupposes mutual discussions through the mediator and, if an employer is not prepared to deal with his workers as a body, it is abundantly clear that mediation cannot be of any avail. Again, if the parties to a dispute are accustomed to joint consultations, they would not

**Limitations
of media-
tion.**

indulge in a strike or lockout unless the matter has been thoroughly discussed in joint meetings and found difficult of solution. The outbreak of conflict would here assume a long course and the mediator cannot succeed, unless he comes forward with a formula agreeable to both parties. And this, in such cases, is an uphill task.

A mediator is usually preferable to a board of mediation comprising two or more persons. The former is responsible for a greater continuity of policy than the latter. Again, one man acting with individual responsibility accumulates greater experience and more valuable acquaintance with men and industries than a board of two or more.

The recurrence of strikes in India makes it necessary that a whole-time mediator should be appointed in the important industrial provinces, *e.g.*, Bombay and Bengal*. The qualifications for his appointment should be as follows:—

**Mediators
necessary
in India.**

**Qualifica-
tions neces-
sary for a
mediator.**

- (a) He should be a selected officer. The tenure of his office should be long enough to give him independence. He should hold his appointment for not less than five and not more than seven years.
- (b) He should have reputation for impartiality and honesty of purpose.
- (c) He should not be a party man.
- (d) He should have the confidence of the employers and the workmen.

The chief duty of a mediator should consist in the prevention of industrial strife. He should be authorized

* "One of the most important difficulties in the way of a settlement is that at present there is no machinery for bringing the parties together and there is very little possibility of contact between workers and millowners."

to offer his services, before a strike or lockout is actually declared. There should also be a provision to the effect that the employer or the employees can request for intervention before the conflict starts. If no such request is made, the mediator should exercise his discretion to intervene. There is however one point which cannot be ignored. The mediator should not generally intervene immediately after a stoppage of work occurs. Some strikes and lockouts are usually settled by the parties a few days after the cessation of work, and without any inconvenience to the general public. Unless a public utility service is involved, it is better to leave the parties to themselves till they are in a mood to accept mediation. Premature mediation is essentially bad and the time when the intervention should come can best be left to the mediator himself.

The appointment of a whole-time mediator is not possible in all Indian provinces. The Royal Commission on Labour in India recommended the appointment of a Labour Commissioner responsible for the administration of all labour subjects in every province. It is thus desirable that mediation work should be entrusted to the Labour Commissioners, when appointed, in provinces of a less industrial importance.

When mediation fails, conciliation or arbitration should be resorted to. The machinery of conciliation and arbitration can assist the parties concerned to arrive at some legal method for regulating their economic and social life whenever grave difficulties arise. The appropriate settlement of working conditions is of considerable significance to the employer in the success of his industry. To the worker,

Duties of a mediator.

Conciliation and arbitration also necessary in India.

however, it means the very basis of his existence. The function of conciliation and arbitration cannot therefore be too highly emphasized. "Conciliation and Arbitration procedure has been described as a kind of a 'flying ambulance squad', which appears whenever a collision occurs between the interests of workers and employers which threatens to disturb their harmonious productive activity"*.

The procedure involved in conciliation and arbitration may be of a twofold character. It may be voluntary in nature or it may be compulsory. In the first case, it gives the parties to an industrial dispute an impartial help in formulating collective agreements or in this way adjusting their grievances, either with or without state aid. When voluntary conciliation fails, there may be provision for compulsory state intervention to maintain industrial peace. Conciliation and arbitration exist in many varieties with a number of intermediate forms.

Conciliation and arbitration machinery in foreign countries.

Great Britain was the first country in which voluntary conciliation was extensively developed. Canada and the United States of America adhere to the same principle but, in Australia and New Zealand, the emphasis is laid on compulsory arbitration.

Conciliation and arbitration in England based on two principles.

The investigation and settlement of labour disputes which is provided for in the Trade Disputes Act in India are based mainly on the British Industrial Courts Act, though it must be remembered that the principles governing the two are not exactly similar. The

* International Labour Office: Conciliation and Arbitration in Industrial Disputes (Geneva, 1933). Page 8.

system of conciliation and arbitration in force in Great Britain is dominated by the following principles:—

- (a) The prevention and settlement of disputes must be essentially voluntary, both in the letter and spirit. This is perhaps due to the traditional distrust of Englishmen against state intervention in legal and economic questions.
- (b) The desirability of organization both on the part of employers and employees.

The Whitley Commission appear to be very emphatic on the point when they say:—

**Opinion of
the Royal
Labour
Commission
on the
subject.**

“The essential condition of securing a permanent improvement in the relation between employers and employed is that there should be adequate organization on the part of both employers and workpeople. The proposals outlined for joint co-operation throughout the several industries depend for their ultimate success upon there being such organization on both sides, and such organization is necessary also to provide means whereby the arrangements and agreements made for the industry may be effectively carried out.”

The Bengal National Chamber of Commerce referred to the second principle in a note submitted to the Royal Labour Commission. While emphasizing that strikes take place before any definite or ostensible grievance is put forward, they wrote:—

“The reason for such a procedure is the absence of a large number of well-organized trade unions and the domination of the few, that are working, by outsiders having no direct or indirect touch with the mass of labourers. The Committee cannot overrate the importance of having such unions of labourers for all industries; for, in their opinion, it is always convenient for the employers to understand the grievances of the employees, if they deal with organized and intelligent unions of a large number of disciplined labourers than with a body

of disaffected individuals having no well-formulated opinions and prone to succumb to outside influence."

Owing to lack of sound organization among the workers, there was a certain amount of opposition from some quarters in reference to the investigation and settlement of labour disputes before the Trade Disputes Bill was passed into law. The workers, on the other hand, may be considered as not opposed to the first part of the Act dealing with the provision for Courts of Enquiry and Boards of Conciliation. The condition of India at present does not materially differ in respect of organization of labourers from the year 1929

**Position of
India differ-
ent from
England.**

when the Act was first brought into force. But it certainly presents a great contrast with the situation in England which, as we have seen, formed one of the fundamental bases on which the British Industrial Courts Act rested.

The Indian Trade Disputes Act differs from the British Industrial Courts Act in important respects. It does not set up a standing Industrial Court. It makes no specific provision for settlements by arbitration. It makes no general provision on the lines of section 2 (i) of the Industrial Courts Act which reads as follows:—

**Defects in
the Indian
Trade
Disputes
Act.**

"Any Trade Dispute, as defined by this Act, whether existing or apprehended, may be reported to the Minister by or on behalf of either of the parties to the dispute, and the Minister shall thereupon take the matter into his consideration and take such steps as seem to him expedient for promoting a settlement thereof."

The Royal Commission on Labour in India discussed the usefulness of permanent courts but they did not

favour their establishment. They expressed themselves on the subject in the following words:—

“A permanent tribunal would have two advantages. In the first place, its existence would eliminate the delay inevitable in constituting tribunals under the present scheme. By experience it would acquire intimacy with industrial questions and facility in dealing with them. On the other hand, it is important that the members of a tribunal should command the confidence of the parties and there are frequently persons who, though eminently qualified to assist in settling one dispute, might be of little service in connection with another. Nor would it be easy to find non-officials who are prepared to serve on any tribunal, when called.”

More than 500 disputes occurred in India during 1929-1933, whereas only two Boards of Conciliation and two Courts of Enquiry were appointed in this period. This clearly implies that no assistance is given by the Government in the earlier stages of a dispute and that the heavy artillery of the Trade Disputes Act is used in the final stages when the dispute itself attains a considerable magnitude. As the Royal Labour Commission aptly remark, “India has tried to copy the less valuable part of the machinery employed in Great Britain whilst ignoring the most valuable part. There, less reliance is placed on *ad hoc* public inquiries of the kind contemplated by the Indian Trade Disputes Act than in the efforts of conciliation officers and others to bring the parties privately to agreement”.

**Opinion of
the Royal
Labour
Commis-
sion.**

The following table gives the number of cases referred during each year to the Industrial Court itself, to Single Arbitration,

**Situation
in England.**

194 TRADE UNIONISM AND LABOUR DISPUTES IN INDIA

to *Ad Hoc* Boards and to Courts of Enquiry in England:—

Year	Industrial Court.	Single Arbitration.	<i>Ad Hoc</i> Boards.	Courts of Enquiry.
1919	49	385	20	..
1920	540	73	15	6
1921	122	19	7	1
1922	37	9	8	1
1923	113	14	6	1
1924	143	7	12	7
1925	165	8	8	3
1926	104	5	4	1
1927	82	..	..	..
1928	52	..	..	..
1929	39	14	..	..

These figures do not give a complete picture of the activity of the official conciliation and arbitration machinery in as much as they refer only to those disputes which resulted in a strike or lockout. The chief work of the machinery is done in disputes where a stoppage of work is prevented. Says the report of the Ministry of Labour in England for the year 1928:—

“The work of the department has been marked by the early association of its officers with the discussion of questions likely to become the subject of disputes and this work, while not susceptible of statistical measurements, has produced useful results in directing the discussion of those questions along lines calculated to provide a basis of agreement. In most cases, agreements have eventually been reached by the department. Officers of the department

have been actively associated with over 500 differences during the year, in addition to dealing with a much larger number of inquiries on industrial matters, and, in 38 cases, officers were personally associated with the final negotiations which produced settlements. The policy of the department is to avoid unnecessary intervention and to encourage the parties to reach a settlement themselves. Many thousands of workers were concerned in these differences which, in the main, were settled long before relations became strained."

Active
assistance
by Govern-
ment neces-
sary to
prevent
strikes.

An *active* assistance of this nature should be rendered by the Government with a view to prevent industrial strife. This could be done through a mediator whose usefulness in this direction has already been indicated. We therefore propose that a provision of this kind should be made by statute as early as possible.

Conciliation and arbitration aim generally at the following things:—

- (1) Promotion of good industrial relations.
- (2) Reduction in the number of strikes to a point beyond which it is impossible to go.
- (3) Prevention of sweating.

If the attainment of the first two motives is possible through a better understanding of each other's position on the part of the employers and the employees, the third object cannot be easily secured.

In the Preamble to Part XIII of the Treaty of Peace, "the provision of an adequate living wage" is mentioned among the problems of urgent importance which require solution if economic unrest is to be avoided. In article 427 of the Treaty also, we come across a general principle which lays emphasis on "the payment to the employed of a wage adequate to maintain

a reasonable standard of life as this is understood in their time and country" and which forms a guide to the policy of the International Labour Organization.

It was only in the last decade of the nineteenth century that the earliest system of minimum wage regulation was introduced in New Zealand and Australia. The British Parliament passed a minimum wage law in 1909 and Massachusetts followed with a similar measure in 1912. Minimum wage laws have now been passed in almost all progressive countries.

India is one of those countries which lack in minimum wage regulation. There are several industries—cotton gins and presses, rice mills, oil and flour mills, brick and tile factories, tanneries, breweries, dairy-farms, etc.,—where the workers have *practically* no organization for the ventilation of their grievances. No wage-fixing machinery is in existence to secure to them a fair standard of living and

Enforcement of a fair wage equally essential.

no such system has even been introduced on the plantations where the workers are in several cases drawn from long distances. The result is that the organized employers find it easy to exploit their un-organized workers and pay them low and inadequate rates of wages. It should be possible for the Government to enact a law for the establishment of Trade Boards with

Trade Boards should be established for this purpose.

a view to enforce a 'fair wage', first on the plantations and later on in those industries which thrive and flourish on sweated labour. "There are three leading factors in the workman's life", said Mr. Henry Mathews, Home Secretary for England, while introducing the Factory Act of 1891, "his work, his wages and his health. Unhappily, legislation can do but

little with regard to the first two. It cannot alter or improve the quantity or the quality of the work, and it cannot otherwise than mischievously interfere with the question of wages"*. Though a confirmed reactionary, Mathews perhaps voiced the general opinion of the day on the subject of labour legislation. A number of investigations followed and the English nation realised through the first Trade Boards Act of 1909 the desirability of regulating wages in certain exceptional circumstances. The condition of India in respect of sweated industries is in no way satisfactory and, we feel, the Trade Boards will react on industrial conditions or contribute to industrial regulation† in different ways. They will, as in England, bring about a shortening of working hours and debar employers from making any deductions from minimum wages, except where explicitly provided for.

* Hansard, 26th February 1891.

† One of the most useful testimonials in regard to the efficiency of Trade Boards was supplied by Dr. Macnamara, the Minister of Labour in Lloyd George's Government in September 1921, when he said:—

"There is this remarkable fact to be placed on the credit side of the Trade Board balance sheet that never once has there been anything approaching a serious strike in an industry covered by a Trade Board".

It is a fact that the wages of many of the poorest paid workers have increased with the establishment of Trade Boards. These have, again, been consistently increasing as the following figures would show:—

	First Rate per hour.	Present Trade Board Rate per hour.
Chain, hand-hammered, women ..	2½d.	6½d.
Tailoring (Wholesale), women ..	3½d.	6½d.
Lace Finishing, Women ..	2½d.	6½d.
Paper Box ..	3d.	7½d.
Shirt Making ..	3½d.	7½d.

Labour Magazine, Vol. I, No. 11, Pages 498 and 499.

In view of the labour unrest which has prevailed in the textile industry in Bombay City since 1921 and of its disastrous effects, the Government of Bombay decided in 1934 to establish a regular system of conciliation of disputes between the mill hands and their employers. A Bill to that effect was consequently introduced in the local Legislative Council in August 1934. It passed through all the readings in the course of a few days and was placed on the Statute Book under the title 'Bombay Trade Disputes Conciliation Act'.

**Bombay
Trade
Disputes
Concilia-
tion Act of
1934.**

The Act has in the first instance been made applicable to the textile industry in Bombay City and the Bombay Suburban District, but the Government have been invested with power to extend its provisions to any industry or locality. A Labour Officer has been appointed under the Act "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". He 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". He may also "enter after giving reasonable notice any premises provided by an employer for the purpose of residence of his workmen". No penalty is provided in case a party fails or refuses to give inspection or to produce any document called for by the labour officer, as the Conciliator will have powers to compel the

**Labour
Officer
appointed
under the
Act.**

**His duties
and
powers.**

production of documents as soon as conciliation proceedings are instituted.

The Commissioner of Labour has been appointed ex-officio Chief Conciliator according to the provisions of the Trade Disputes Conciliation Act.

**Duties of
the Concili-
ator under
the Act.**

The Governor in Council may further appoint a Special Conciliator or an Assistant Conciliator for any area by notification in the Bombay Government Gazette. The Chief Conciliator is to exercise powers and perform duties under the Act except in the area for which a Special Conciliator has been appointed and the Assistant Conciliator is to be subordinate to, and is to carry out such duties as are delegated to him by, the Chief Conciliator or Special Conciliator, as the case may be.

On an application by either or both parties to a dispute, or on a report by the Labour Officer, or upon his own knowledge or information, the Conciliator shall give notice to the parties concerned to appoint delegates to appear before him for the conciliation proceedings. The number of delegates by each party is not to exceed three and the Labour Officer may be appointed a delegate on behalf of workmen. A failure or refusal on the part of an employer to appoint a delegate makes him liable to be prosecuted and to be punished by way of fine to the extent of Rs. 100 per day. If the workers fail to appoint any delegate, the Labour Officer shall act as a delegate on their behalf.

The duty of a Conciliator is to bring about a settlement of trade disputes and he has for this purpose been given the powers of a civil court. He can call for documents and treat the same as confidential under

**Powers of
the Conci-
liator.**

specific conditions. He can enter any place of trade or industry for the purposes of the Act. After the completion of the conciliation proceedings, the Conciliator has to report the matter to the Government and to mention whether a satisfactory settlement has been made or not. In case of a failure, he has to give reasons on account of which a settlement could not be made.

The Act exempts all applications made or documents produced in a conciliation proceeding from being liable to stamp duty, court fee and registration fee. It makes it an offence "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". It is finally provided that "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".

Mr. W. Gilligan, I.C.S., has been appointed the first Labour Officer to the Government of Bombay under the Trade Disputes Conciliation Act. A summary of cases suitable for mediation and dealt with by him in the first four months of his new appointment—September 1934 to December 1934—is given below* :—

* See Bombay Labour Gazette, Vol. XIV, No. 4, December 1934; Page 261.

	Sept. 1934.	Oct. 1934.	Nov. 1934.	Dec. 1934.	Total.
Wrongful Discharges ..	2	13 *	18	25	58
Reinstatements ..	..	5	7	6	18
Re-engagements ..	3	7	2	4	16
Inefficients ..	1	..	..	2	3
Employment ..	1	6	3	1	11
Wages ..	..	5	5	4	14
Wrongful pay-cuts ..	1	..	2	1	4
Welfare work ..	2	3	3	1	9
Assaults ..	1	1	..	..	2
Bribery cases ..	2	4	5	4	15
False complaints ..	3	2	3	3	11
Total ..	16	46	48	51	161

These represented 50 per cent of all the cases, "leaving 20 per cent. referred in the first place to managers for settlement and 30 per cent. rejected as false, unlikely or too old: many came several times with the same complaints".*

Many complaints and grievances of workers are due to bribery and corruption and yet, out of 15 recorded cases, only 3 jobbers and 1 *naikin* were dismissed from service by the managers. In regard to 58 wrongful discharges, the Labour Officer has the following remarks to offer:—

".....It is partly due to the managements failing to follow 'Standing Orders for Operatives' by

* See Bombay Labour Gazette, Vol. XIV, No. 4, December 1934; Page 261.

**Discharges
and Dismissals.**

which a mill-hand is entitled to 14 days' notice or 13 days' wages, and partly to the head jobbers and line jobbers, ever anxious to secure new labour for the benefit of their own pockets. Discharge passes are not usually supplied, but when given they are in English generally to the effect that the man has left employment at his own request. Separate books printed in Marathi for discharge and leave passes would be an improvement, especially if the former was kept by the manager only."

**Labour
Officer's
remarks.**

From the tabulated statement given above, it is clear that the Trade Disputes Conciliation Act has been very serviceable to the labour population in Bombay and that the Labour Officer appointed under it has been able to settle several industrial disputes before they could assume serious proportions.

**Labour
Officer very
serviceable
to workers.**

It might by the way be mentioned that the Bombay Millowners' Association has of late appointed a Labour Officer for the member mills in Bombay City and Island. His duties are primarily:—

- "(1) to ascertain the grievances of the workers, and to convey them to the management of the mill concerned;
- "(2) generally to act as liaison officer and be present, where necessary, at any discussions which might take place between the management and the Government Labour Officer;
- "(3) to record the settlement arrived at in the course of such negotiations, or where no such settlement had been arrived at, the reason thereof;
- "(4) to act as a delegate or advisor to the employers' delegates in proceedings before the Commissioner of Labour in his capacity as Chief Conciliator;
- "(5) to discuss with mill authorities any complaints or grievances which they might wish to bring to the notice of the Government Labour Officer, and be present at any subsequent negotiations thereon;

- "(6) to assist and advise mills in regard to labour matters in general and welfare work in particular;
- "(7) generally to act as a liaison officer between the Association and individual mills on labour questions; and
- "(8) to keep in touch with the activities of labour organizations."

It is a step in the right direction and will go a long way to remove the legitimate complaints and grievances of workers.

IV. INDUSTRIAL UNIONISM VERSUS CRAFT UNIONISM.

One important issue that has greatly perturbed organized labour in India to-day is that of industrial unionism versus craft unionism. The situation has become all the more complex in view of the fact that the former term (industrial unionism) can be interpreted in different ways. It might, for instance, be said that, as railways come under the category of *transport* along with navigation, aviation and road, industrial unionism here should comprise the union of workers engaged in all forms of transport. The National Union of Railwaymen in England, however, hold the view that "the nature of the product of any industry determines the definition of the industry in so far as it applies to the organized workmen who are employed in any capacity in or about the undertaking"*.

Meaning of
industrial
unionism.

* Compare in this connection the 37th Resolution passed by the All-India Trade Union Congress at its seventh session held at Delhi in March 1927 (See Report, Page 59) :—

"The Congress, therefore, declares in favour of developing trade unions on industrial lines with one National Federation for each industry and hereby resolves to appoint a thoroughly representative committee which shall formulate detailed plans whereby the existing local and sectional unions shall be amalgamated into national industrial organizations. This committee shall have power to co-opt accredited representatives of unions not affiliated to the Congress."

organization of workers in railways under a Railway Union, the organization of workers in road transport under another union, and so on. The latter significance appears to satisfy our sense of justice and reason. The conditions and the environments under which the railway employees work are different from those of workers in aviation or in navigation and it would perhaps be advisable to have separate unions for these industries.

Craft unionism would imply that the organization has proceeded on the basis of craft so that all engineers, in whatever industry they may be, form one craft union. It is said that an industrial union constitutes a more effective fighting unit against the capitalist employers than a craft union. A strike, or lockout in one craft brings about a dislocation of other crafts and it therefore sounds reasonable that the dispute, when it starts, should be fought by all the workers taken together, rather than by one single set or craft. The Industrial unionists aver that it is through "one big union" alone that the workers can ultimately take over the control of their industry. But the supporters of craft unions put the same argument in another form and declare that craft unionism alone can enable the craftsmen to assume control of the craft which they at present stand for and live by.

There is thus a keen controversy over this subject and the Indian unionists, by the very fact of their backwardness in education, hold views which are diametrically opposed to one another. When we probe deep down into the problem, we find that there is a modicum of truth on both sides and that it is

**Signifi-
cance of
craft
unions.**

**Contro-
versy over
the subject
in India.**

idle to fight this issue *within certain limits*. In the textile industry, for instance, we have various departments (mule, ring, blow-room, etc.,) where craft-unionism is easy and understandable. The circumstances of one department may to some extent differ from the circumstances and environments of another department. There is, therefore, a likelihood of controversial issues arising which may presumably affect only one department. To this extent, craft unionism would appear to be harmless, and even necessary. It is also a fact that all the workers in all the departments are faced by common dangers and beset with common difficulties. As such, a union embracing them all appears to be equally essential. We may consequently come to the conclusion that an industrial union is co-extensive with craft unions and that it should be possible for the former to engage in affairs common to all, leaving enough autonomy to local groups or crafts. It will not here be out of place to quote Mr. Sidney Webb on the subject. Says he* :—

Industrial unions co-extensive with craft unions.

Opinion of Webb.

“At this point in the argument there comes very forcibly to my mind a lesson I learned a quarter of a century ago from a distinguished lawyer and able statesman, with whom I was carrying on a lively argument. He pointed out to me that whilst my contentions were substantially sound and logically correct, the opposing contentions were also substantially sound and logically correct. He made me realise in a way that I have never forgotten what he called the doctrine of limits. No contention is true; no argument is valid beyond a certain

* Labour Magazine, Vol. II, No. 5, September 1932, Pages 220 and 221.

point; because, if carried to the extreme, every truth at some point conflicts with another truth similarly extended.

"Now, whilst it is not easy to define with precision either a craft or an industry, experience points to difficulties in drawing circles of too great a circumference. In the cotton industry, for instance, the mule spinners, the weavers, the operatives in the card and blowing rooms, the tape-sizers, the beamers and warfers, and some minor groups form circles within which association is easy partly because in each group circumstances are similar and controversial issues peculiar.

"On the other hand, these groups differ markedly one from another in numerical strength, in average earnings, in kinds of work and even in habits of thought. This puts obstacles in the way of an all-embracing amalgamation of cotton operatives. Yet they are all engaged in making a common product, exposed to common dangers and encroachments, having certain conditions of employment in common, and sometimes all working for a common employer."

The trade union movement in India is still in its infant stage. The organizers of labour are still drawn from ranks not familiar with the technique of trade unionism and it is well that the growth of the movement should be modelled on lines that are in every way healthy and vigorous. All controversies in regard to industrial or craft unions can come to an end if the two are kept within proper limits and if a policy of co-ordination is adopted from the start. Industries are after all subject to various vicissitudes and cases may arise whereby a man who has learned his trade outside a railway industry may come into the Railway Shop. Should he be allowed to continue to pay to his original union contributions that may secure him the relevant

provident benefits? Questions of this nature are bound to arise as we advance further in our goal of unionism and it is only a sympathetic, wise and cautious handling of these affairs that can enable the union leaders to march onwards in their path of glory and progress. Anyway, it is certain that the complicated machinery of society to-day cannot rest on a simple and uniform structure. The path of wisdom, as Mr. Sidney Webb, the leading authority on Trade Union History and Evolution, says, lies in giving up the idea of what may be called unitary sovereignty in trade unionism.

**No unitary
sovereignty
in trade
unionism.**

The position of a worker can be considered from various aspects—as a member of his own craft, as a colleague of workers in other crafts in his own factory or mill, and as a member of the capitalist organization he is employed in. It is doubtful if all these groupings can be united in one single organization, but it is nevertheless certain that practical solution is possible if, as Mr. Sidney Webb thinks, the following guide-signals are kept

**Guide-
signals for
unionists.**

in the forefront:—

- (1) Each trade union should recognize the possibility of distinct workshop and establishment organizations on lines of shop committees, canteen committees, Whitley councils, works committees, etc.
- (2) Each trade union should concede a large measure of autonomy to its sectional organizations consistent, of course, with their specific and peculiar circumstances.
- (3) Each trade union should admit the necessity of its local branches to take part in and even belong to local labour parties demanding of course the allegiance to all those common aims and objects for which the union exists.

V. NEED OF LITERACY AND ORGANIZATION.

The members of trade unions in this country are mostly illiterate. This lack of education on their part necessarily implies a corresponding lack of ability to thrash out questions in their various details and to assess them at their proper value. The result has been a frequent recurrence of strikes, sometimes even without a just cause. It must not be inferred that we stand apart from other nations in this respect. In spite of the higher level of education in England or even some of the Continental countries, strikes there of an unjustifiable nature have not been infrequent. The whole question is merely one of comparison and the condition is further accentuated when we note that an Indian labourer is more easily swayed by propaganda than perhaps his Western brothers. To raise the masses from their present condition, compulsory primary education would appear to be essential and, with the growth of democracy, it ought to be possible for the local municipalities and district boards to make arrangements for the education of adults.

But if literacy is necessary, organization is perhaps still more so. There is a great future for the trade union movement in this country provided it is properly handled by its leaders and sympathetically regarded by the employers and the Government. There is at present, as the Royal Labour Commission wrote, "a lack of self-reliance and a tendency to wait too much upon the employers' attitude. No amount of encouragement from employers or assistance from

the state can infuse life in the unions which have nothing vital in themselves; true vigour can only come from within. In those countries where the movement is strong, it owes that strength mainly to its own efforts and perhaps more to the opposition it has confronted than to the support it has received from employers".

There is enough room in India for well-balanced and disinterested leadership in the domain of labour.

Need for well-balanced leadership. Bad leadership spells disaster. It arouses the hatred of the capitalist employer and ultimately leads to the disintegration of the forces of labour. In one word, it does infinite harm to the fundamental principles of sound trade unionism*.

Trade Union schools should be established in India. But good leadership alone is not enough. The training of workers for the trade union movement is equally essential. Training schools should be established in the different parts of India, with adequate and well qualified staff for the teaching of the following subjects:—

* Mr. Mrinal Kanti Bose, in his presidential address to the first session of the National Trades Union Federation held in Bombay in December 1933, said:—

".....Our unions have practically degenerated into petition-making bodies and activities of most of our so-called living unions are confined to writing petitions for individual members dealing with their special and individual grievances. Not a few of the workers have come to regard their unions as nothing more than commission agents, 'Have my wages increased and I shall pay you something in the way of subscription.' 'If you cannot get this or that concession from the employer, I shall not pay the subscription.' 'Since you have failed to secure this or that possible favour from the employer, here I walk out.' I would rather that such members had never walked in. But what does this show? It shows that we have been unable to infuse the real trade union spirit into our men.....Their ignorance is the measure of our failure to do our duty by them. This again is due to the lack of leaders and a sufficient number of trade union workers."

- (1) Statistics.
- (2) The theory and comparative history of Trade Unionism.
- (3) Political Economy.
- (4) Workers' Insurance.
- (5) Trusts and Employers' Organizations.
- (6) Industrial Hygiene.
- (7) Criminal Law.
- (8) Industrial Legislation.
- (9) Collective Bargaining.
- (10) Trade Union Agreements.

There is a host of unemployed graduates who could be profitably employed in the trade union movement. We could also pick up some of the educated workers and give them a sound training in the subjects named above. We all believe that organization counts in the long run. The inestimable utility of the same is discussed in the press and on the platform and yet

**Labour
organiza-
tion in
India is still
in its initial
stages.**

it is a truism to admit that we completely lack in sound training, on which organization mainly stands. We stop at present in the most rudimentary stage of organization and, if we are anxious to forge our way forward, we must promptly attend to the training of workers. The Royal Labour

Commission remark:—

"What is required is the paid official who has been an actual worker. He must be paid by the union, since it is impossible to expect that heavy labour involved will be carried on nothing; the nexus of payment brings responsibility by making the officials dependent on the union and its fortunes. We recognise that the present income of many unions cannot meet such charges; but the organising official, if he is even moderately competent, will secure a substantial increase in that income. The few unions which have such officials have found them profitable investments, and the expense must be faced if a union is to acquire strength."

The Indian Trades Union Federation decided in 1932 to spend some money on organizational work. They sent Rs. 200 to Mr. T. R. Phookan, M.L.A., for the organization of plantation labour in Assam. Rs. 100 each were remitted to Mr. Mrinal Kanti Bose and Mr. Shiva Rao for the purposes of organization in Bengal and Madras respectively. While the labour leaders have recognized the utility of sound organization, the meagre amount of money spent in this direction betrays our own backwardness in the matter.

VI. STAFF COMMITTEES.

It may be noticed in passing that some employers have of late years hit on the idea of staff committees. During the years immediately following the War, some mills under the agency of Messrs. Tata Sons Ltd., Messrs. Currimbhoy Ebrahim & Sons, Limited, and a few others set up joint standing committees consisting of representatives of the management and others. These worked well for a short time—in some cases for a year or so—and had ultimately to be wound up on account of the apathy of workers and the inherent suspicion in their minds that such committees were meant to counteract the trade union movement by diverting the staff to a different channel. The Bombay Post Office made an unsuccessful experiment with a similar committee in 1924. The B.B. and C.I. Railway inaugurated staff committees on the various lines under their administration in 1921. Their aims and objects were:—

- | | |
|---|---|
| Joint stand-
ing com-
mittees. | (1) to encourage the staff to have free access to their district officers and to have greater say in matters affecting their own welfare; |
| Staff
commit-
tees on
B. B. & C. I.
Railway. | Their aims
and objects. |

- (2) to increase the good relations between the officers and the staff;
- (3) to create a spirit of comradeship among railway employees and to cultivate a better understanding among themselves and the officers;
- (4) to preserve the efficiency of service; and
- (5) to improve the moral and material well-being of the service.

The G.I.P. Railway similarly decided in January 1924 to introduce staff councils to consider questions governing conditions of employment and the well-being of the staff generally and also to provide a regular method of negotiation for issues arising between the Railway and its employees. But whereas, in this case, representatives to the councils were nominated and elected in equal numbers by the administration and the workers respectively, the representatives of committees on the B.B. and C.I. Railway were almost entirely elected.

It is reported that these institutions have done some constructive work and that the higher paid staff is recognizing their advantages. The trade unions are however very suspicious of them and the large majority of the low paid operatives seem to derive no advantage therefrom. Instead of improving the relations between the employers and the employees, it is held that the latter have been discouraged from having free access to their officers in matters which affected their own welfare. The decisions of the committees are of an advisory character and most of the members elected to them never feel any responsibility to their constituents.

The staff committees, wherever they are set up, are generally presided over by an official nominated by

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.
Registered office.

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.
Incorporation of registered Trade Unions.

14. The following Acts, namely:—

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| 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.

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| 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> |
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- (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.

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.

**Duties of
Boards.**

(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.

(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.

Appointment of Conciliators.

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.

Power of entry.

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.

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.

Rules.

(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

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"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.

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