CHAPTER - III

LEGISLATIVE AND ADMINISTRATIVE MEASURES FOR WORKING CLASS

The predicament of the workers remained unexpressed in an organized manner for many years. A systematic attempt to ventilate their grievances and to draw the attention of the British was made in 1918. It was in April 1918 that the Madras Labour Union was established. The founding of the Madras Labour Union led to the emergence of various other unions in and around Madras. The growing unionism posed a problem to the stability and continuity of the British Government in India. So it came out with a series of administrative and legislative measures. Unfortunately, the Researcher have to rely upon Madras Government's G.Os for presenting the views of the Madras-based labour unions on these measures, since *The Hindu* for these years concerned and the Report on the Native Press did not cover these views.

**The Workmen's Compensation Act, 1923**

The Workmen's Compensation Act was the first important piece of social legislation in the British India. The basic feature of the original bill was to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.¹ The Government of India examined the question in detail and sought the views of the Local Government in July 1921.² The provisional views of the Government of
India were published for general information. A great majority of the Local Governments and of employers' and workers' organization accepted the advisability of legislation.³

On the direction of the Government of India, wide publicity was given to communication regarding Workmen's Compensation.⁴ Opportunity was given to the employers and employees for expressing their views on the proposal contained in it. Copies of the opinions received by the Madras Government were sent to the Government of India. The Madras Government went through the proposals of the Government of India and communicated their views on the various points:

The Madras Government agreed that "the time has now arrived for affirming the principle of employer's liability to pay compensation for injuries sustained by the workmen in the course of their employment and for undertaking legislation for the provision of such compensation". It, however, felt that it was extremely difficult to define the classes of workmen to whom the compensatory benefit under the Act should be extended. It suggested that "women and apprentices should be expressly included within the purview of the Act".⁵ Moreover, it felt that the Act should be applicable to workers in factories, mines and quarries, transportation services, seamen employed on board all kinds of vessels except sailing vessels of less than 100 tonnage and to persons employed in all industrial establishments whether "such establishments use mechanical power or not" and "in all occupations which involve danger to health, life or limb". Regarding the conditions governing the grant of compensation to workmen, it generally agreed with the remarks of the Government of India. It pointed out that the "only exception to the right of a workman to get compensation which the Government would admit is serious and wilful misconduct on the part of workman".

The courts would decide on the misconduct. The Madras Government was of the view that compensation should be paid in case of injuries causing death, permanent total incapacity, permanent partial incapacity,
temporary total incapacity and temporary partial incapacity. It thought that the "cost of compensation should for the present fall on the employers". It was not in favour of an elastic state of compensation and considered that the best way of preventing unnecessary litigation and contest "is to fix as rigid and at the same time as detailed schedules of compensation as possible". It carefully examined the question of lump or periodical payments of compensation and was of the view that "lump payments are preferable in cases of death or permanent disablement". Periodical payments in cases of temporary or partial disablement "should be the rule". It also suggested that "an employer's liability for compensation should cease if he offers re-engagement to the workman at a wage approximating to what he was earning before the injury." It accepted the principle of a special scale for minors. It was of the view that the compensation should be awarded to workman in spite of refusal to receive surgical or medical aid offered to him by the employer. The Administration of the Act "ought to be left to the ordinary civil courts". The Act should contain special penalties for deliberate evasion of its provisions and of the orders of the court passed under it. The Governor in Council pressed for concurrent legislation for the registration and protection of trade unions. In his opinion without an organisation to fall back upon, a great majority of the working men "will not have the ability or the means to obtain compensation from their employers". 6
The G.O. also communicated the views of the employers and employees as communicated to the Madras Government. The Agent, S.I. Railway, Trichinopoly in his letter dated 17th September 1921 to the Secretary to the Government, Law (General) Department, generally welcomed the Act. H. E. H. Sladen, Secretary, the Employers' Federation of Southern India in his letter to the Commissioner of Labour (letter dated 20th September 1921) gave a positive response to the Act.7

Employees from various concerns had been given opportunity to express their views. They called the act "good and benevolent work that the Government had taken in its hands now towards the poor workmen in factories".8

The climate of opinion was generally in favour of the legislative measure. In June 1922 a committee was formed to consider the question. The committee consisted of the members of the Imperial Legislature. It was unanimously in favour of the legislation. The Bill was introduced in the Legislative Assembly on 13 September 1922.9 The Legislative Assembly considered the Report of the Joint Committee on the Bill "to define the liability of employers in certain cases of suits for damages brought against them by workmen, and to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident."10 The
Bill was extensively debated in February 1923. N. M. Joshi, the nominated representative of labour interest, said:

"this Bill is the beginning of what is to follow in the future and I welcome it in that light. The Bill no doubt has got its defects. I have pointed this out during the discussion. But, Sir, I would like to refer only to one of them. I felt greatly pained when I found yesterday the House refusing to help the widow and the children of a workman when he dies on account of an accident although accident might have been caused by his wilful misconduct..."\(^\text{11}\)

He further pointed out that "the strong point is the procedure by which the workman is to get compensation. It is wrong in the present condition of the working classes in India to send a workman to a court or into the hands of a lawyer."\(^\text{12}\)

The Act came into force in the year 1924. The original limitations of its scope were to a large extent removed by amending Acts passed in 1926, 1929, 1931 and 1933. According to the notification of the Government of India dated 28 September 1926 mercury poisoning or its sequelae was added to the list of occupational diseases of the employment specified in Schedule III of the Workmen's Compensation Act.\(^\text{13}\)

A bill to amend the Workmen's Compensation Act was introduced in the Legislative Assembly in 1932 by Sir Joseph Bhole, member for industries and labour. The first important change was in the general enlargement of the various existing classes of workmen who were entitled to compensation.\(^\text{14}\) The next change of importance was the enlargement in the scales of compensation.\(^\text{15}\) Other proposals were (i) to reduce the period of
waiting for the payment of compensation in cases of temporary disablement from 10 days to 7 days (ii) to add a number of occupational diseases to the list already covered by the existing Act.\textsuperscript{16}

In the proposed amendments, the Government of India proposed to restrict the applications of this Act to those workshops where 50 or more persons were employed.\textsuperscript{17} The Bill proposed that only persons employed in constructing dams and embankments and digging excavations of more than 20 feet in height or depth should get compensation. This was objected to by N. M. Joshi.\textsuperscript{18} The Government agreed to remove the degree of wilful misconduct in the case of those accidents where death was caused. They agreed to raise the rates of compensations for certain classes of highly paid men. They omitted from this benefit people, who were neither the lowest paid nor the highest paid. The Bill was taken into consideration in August 1933.\textsuperscript{19} It emerged with some changes from the select committee. The number of persons employed in the Posts and Telegraphic Department who would come under the Act was greatly enlarged.\textsuperscript{20} The Bill was passed in 1933.\textsuperscript{21}

\textbf{The Indian Trade Union Act, 1926}

Another piece of legislation was the Indian Trade Unions Bill. The Bill was introduced in the Legislative Assembly by Sir Bhupendra Nath Mitra in 1923. A Bill "to provide for the registration of Trade Unions and in certain
respects to define the law relating to registered Trade Unions in British India", was moved by him.  

It was in 1920 that Saklatwala succeeded in getting up a deputation which waited on and saw Montagu, the then Secretary cto State for India. It was in 1921, in the month of April, that Montagu gave a definite promise that legislation on these lines would be introduced in the Legislative Assembly. On 21 March 1921, N. M. Joshi moved the following resolution in the Legislative Assembly:

“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”.

But the Government, in spite of their promises, took nearly five years to present the bill before the House.

Government of India was anxious that full publicity should be given to the proposals of the Trade Union Bill. Accordingly, the Madras Government gave full publicity to the Bill and consulted the representatives of employers of labour as well as of employees.

The Madras Government agreed that no "provision need inserted in the Bill regarding picketing". It agreed with the Government of India that the registration should be optional. Provisions should be made for the
distribution of unexpected funds of union on dissolution, provision should be made in the Bill that four-fifths of the total number of the officers of a union "shall be persons actually engaged or employed in the industry".  

The views of the Madras Labour Union were formulated at a meeting of the executive of the Union on the 26th September 1924 and were unanimously endorsed by a meeting of the general body held on the 29th September and also by a large number of labourers of the Buckingham and Carnatic and the Choolai Mills, who were not members of the union and who attended the meeting.  

The Madras Labour Union "heartily" endorsed "the principle of optional registration". According to Madras Labour Union, among the objects on which the funds of a union might be expended (section 15 of the Bill) should be included the giving of aid to other labour unions, the contribution of funds for the furtherance of any charitable or philanthropic purposes, and activities either in the direction of expression of the labourers' point of view on political topics for the acquisition of political rights having a bearing upon the status of labourers or the conditions of their lives. On the question of outsiders leading the workers the Madras Labour Union pointed out that no such restriction should exist. It pointed out that "labourers have a very real fear, not ungrounded, of being victimised by the employers for taking a prominent part in labour union activities".
Several other unions, for example, M.S.M. Railway Employees' Union, Perambur, S.L Railway Employees' Central Association, Podanur and Coimbatore Labour Union welcomed the Bill. The Unions, however, objected to the exclusion of political objects. This, they felt "would be very detrimental to the progress of labour unions and harmful to the improvement of labour conditions".  

Sir Bhupendra Nath Mitra (Member of Industries and Labour) introduced the Bill in the House on the 22nd January 1925 and later on 4th February. In the Select Committee the Bill was examined clause by clause. The first important change made by the Select Committee in the original Bill was the insertion of the clause which was numbered 16. This clause "provides for the constitution of a separate fund to be formed from optional constitutions and to be utilised for expenditure on specified objects for the promotion of the civic and political interests of the members of the trade union".

The second of the important changes made by the Select Committee in the original Bill was in the clause which was numbered twenty-two. Here the original bill proposed that a majority of the total number of the officers of every registered Trade Union should be persons actually engaged or employed in an industry with which the Trade Union was connected. A majority of the Select Committee altered the words "a majority" at the beginning of the clause to "not less than one-third", giving their reason for the change, "the low educational level of the ordinary labour". The Bill was passed in February 1926. According to the Act, the registration should be voluntary, despite the opinions of the local governments to the contrary. It was also stressed that trade union funds should be used for industrial rather than political purposes. Later on a provision was made for the creation of a political fund from voluntary contributions.
emphasised that one-third of the officers should be actually engaged in the industry concerned. The most important point of the Bill gave immunity to the office-bearers against civil and criminal liability and freedom from civil action.

The Seventh Session of All India Trade Union Congress held at Delhi in 1927 vehemently criticised the Act. Rai Sahib Chandrika Prasad, in his presidential address, said that the Trade Union Act of 1926 had several defects and that it should be assimilated with the law in force in England, especially in the following matters.

1. The application of Section 120-B of the Indian Penal Code, to the unregistered Trade Unions and joint action by workers without forming a union should be removed.
2. The immunity from civil liability of members and officers should be extended to unregistered unions.
3. The immunity of Trade Union funds from attachment - allowed in England-should be extended to all unions in India.
4. The objects of registered Trade Unions should be extended to the same extent as in England.
5. The restriction placed upon the powers of the union in spending their funds in helping the working classes generally should be removed.

However, the Act came into force from the 1st of June 1927.
A Bill seeking legal facilities for the unregistered unions was introduced in the Legislative Assembly by N. M. Joshi in 1928.\textsuperscript{44} It was defeated, since, in practice, the British Government wanted the trade unions to develop along officially directed lines. The intention of the imperial Raj was further made clear by the passing of the Trade Disputes Act after three years.

**The Trade Disputes Act, 1929**

A very important piece of legislation was the Trade Disputes Bill. The Bill consisted of three parts.\textsuperscript{45} The first part was concerned with the establishment of tribunals for the investigation and settlement of trade disputes. This part of the bill was based generally on the British Industrial Courts Act of 1929. The second part of the Bill consisted of matters relating to public utility services. It made it a penal offence for the workers employed on monthly wages in public utility services to strike without previous notice and also provided heavy penalties for persons abetting such offence. The last part related to illegal strikes and lockouts. They were applicable only in case of strikes and lockouts which satisfied two conditions. In the first place, a strike or lockout would be held illegal if it had other objects than the mere furtherance of trade disputes within the industry to which the strikers or employers belonged. And, in the second place, a strike or lockout would be illegal if it were designed to coerce the Government either directly or indirectly, inflicting hardship on the
community. If these conditions were satisfied, a strike or lockout would be considered illegal.

Opinions of various organisations of employers and employees were again sought by the Madras Government on the several parts of the Bill. The employers supported the Bill. Labour opinion was vehement in denouncing those provisions. Members of the Railway Employees' Union, Madras objected to the second part of the Bill, viz. Section 15. The Union said:

"This makes illegal not only strikes but even cessation of service by a single, individual without notice". B & C Mills Employees' Union, Madras, opined: "With reference to clause 15 of this Bill our Committee supports Mr. N. M. Joshi's opposition on the ground that the Bill is one-sided. Employees in the Public Utility Service must have freedom for serving or withdrawing from the service 'without notice. This rule No. 15 could be in existence in a place like England where the workmen have unemployment benefits. Though an employer sends away his employee by giving a month's notice or salary, it is not an adequate compensation for the hardship he is put to by losing his job. Clause 15 was criticized as harsh, unfair and one-sided. The Madras Electric Tramway and Supply Corporation Employees' Union agreed with this criticism."

Broadly speaking, one can say that there were two attitudes towards the Bill, one that of employers who saw no particular objection to the draft provisions relating to the setting up of Courts and Boards, and who welcomed the draft provisions relating to strikes in utility services and general strikes; the other, that of the spokesmen of labour who welcomed the idea of statutory machinery for conciliation, and would even have it made compulsory, while, on the other hand, they regarded the provisions of clauses 15, 16 as unnecessary, unjustifiable and oppressive.
The Madras Government welcomed the Bill.\textsuperscript{51} But the Bill came under severe criticism at the hands of labour unions and leaders. Dewan Chaman La said in the Legislative Assembly thus:

“My technical objection is this. The fundamental principle which the Government intend to place before the country in regard to this Bill is the settlement of trade disputes—either the prevention of trade disputes or the settlement of trade disputes. If these two principles which are embodied in this Bill in parts II and III form clauses 16 onwards, become law they are likely not to prevent or to settle the trade disputes, but add to the volume of discontent in the labour world and to create more disputes than ever had been before...”\textsuperscript{52}

Most of the trade unions affiliated to the Trade Union Congress opposed the penal clauses of the Bill. The Trade Union Congress at its session in Jharia protested against this part of the Bill and passed a resolution stating that this particular measure was of so far reaching a consequence that its provincial organizations should, on the passing of this measure, call the workers out on a one-day strike.\textsuperscript{53} The National Congress at its Calcutta session also opposed the Bill and issued a mandate to all members to oppose this measure.\textsuperscript{54}

According to clause 15 of the Bill, sudden strikes and lockouts in public utility services were made illegal unless 15 days’ notice was given.\textsuperscript{55} In the case of a strike under clause 16, it was made illegal to spend any money in support of that strike or in continuation of that strike.\textsuperscript{56} Both clauses 15 and 16 were objected to by the spokesmen of labour on the ground that they would reduce the workmen to the status of wage slaves or serfs, deprive them of the status of citizenship and take away their rights as
citizens of joining trade union movements outside their own particular industry or trade. These clauses were also condemned as being extraneous to the settlement of trade disputes. They had a tendency to stifle political agitation and to suppress all legitimate movements not welcome to the Government. Jamnadass M. Mehta, a liberal labour leader, roared in the Legislative Assembly thus:

“I oppose the consideration of the Bill on the ground that it is reactionary and inhuman; it is a Bill entirely against the spirit of the times; it is a Bill calculated to inaugurate a system of forced labour and to give to the employer a charter to tyrannise over their workmen and to take away the personal liberty of subject under the guise of settlement of trade disputes”.

The Bill was passed by 56 votes to 38 on the 8th of April 1929. The Trade Disputes Act came into force on the 8th of May 1929. It was meant to be in force for a period of five years.

A bill to amend this Act was introduced in the Legislative Assembly in September 1932 by Sir Frank Noyce. The Royal Commission on Labour recommended that one section needed amendment. Accordingly, the amended Bill provided that there should be a definite request by the persons tending information to a Court or Board of Inquiry that the information so tended should be kept confidential, for the latter to be implemented. It also provided that the disclosure must be wilful and it further provided that no prosecution or suit should be maintainable on account of such disclosures
except with the previous sanction of the authority which appointed the tribunal. The Bill was passed in September 1932.

**Administrative Arrangements**

The administrative arrangements were made in Madras by the Government for the implementation of Labour Legislation. The Labour department was created in 1920. Until 1926 the Labour department was part of the Law (General) Department. Since then a new department was created, called the Public Works and Labour Department. This department was 'under a Member of Council, not a Minister. Labour was not the concern of one single department. Various departments of Government were concerned in the administration of details dealing with labour. The Factories Act was administered by the Development Department. General questions of labour were dealt with in the Public Works and Labour Department. Papers connected with these questions went upto the Home Member who was in charge of these subjects. Anything that local bodies might do in the way of housing and health of the labourers was dealt with by the Local Self-Government Department in charge of the Minister for Local Self-Government. Prevention or settlement of industrial disputes concerned the Public Works and Labour Department. Action under the Trade Disputes Act was also taken by the Public Works and Labour Department. When the post of Commissioner of Labour was first
constituted about the year, 1920, the main work was the amelioration of the conditions of the depressed classes. Various other duties were added on. The Commissioner was also in charge of and had the supervision of the criminal tribes settlement under the Criminal Tribes Act. In Madras he was in charge of the following:

1. The work of reclamation of Kallars in the Madura and Salem districts.
2. The Quinquennial wage census.
3. The census of agricultural rural wages and artisans wages.
4. The general administration of the Factories Act, and Emigration.

He was also the Commissioner for workmen's Compensation and the Registrar of Trade Unions. He was authorised to tender his offices to settle the disputes. The Commissioner of Labour was essentially a functionary of the Government. The factory system was at an infant stage of development, and very often the Commissioner functioned as a reluctant mediator. For example, a strike at Papanasam was in progress from the 3rd February 1930. The workers asked for the intervention of the Commissioner of Labour when he was at Madura at that time. (This was about the 14th). The section under 144 was used against certain persons who were helping the strikers. But the Commissioner of Labour had no discretion to intervene on his own responsibility. He could merely try to smoothen matters not
necessarily to appoint a court of enquiry, but to get at the facts of the case and talk the matter over with both sides

Staff at the disposal of the Commissioner of Labour were limited. So far as the Workmen's Compensation Act was concerned, he had no staff except his own clerical staff at headquarters, consisting of 25 clerks. So far as trade unions were concerned, he had limited number of staff to assist him. With regard to industrial disputes, he had no staff at all. The quinquennial wages census was done through the agency of the ordinary revenue staff, and the Commissioner of Labour had general control. The administration of factories was conducted through the Chief Inspector and his staff of inspectors and assistant inspectors. It should be noted that there was no lady inspector to look after the welfare of the women workers. The total number of inspectors was 7 in 1930, when the number of factories was 1630.64

Administration and implementation of legislative measures were in the hands of these limited bodies. They maintained annual reports on the working of different pieces of legislation. One Madras official told the Royal Commission on Labour, concerning the policy of prosecution of factory owners thus:

"Suppose I visit a newly registered factory. Although the factory owner will carry out the provisions of the Act without being told about them, I make detailed orders for everything that should be carried out. Give him some time and go on a second inspection six months after. If I see that
he has made some attempt to carry out my orders I do not take action. If he has made no attempt I prosecute him straightaway. But in the case of factories which have been registered for a long time if they allow the conditions to go very bad, if they take off fans or block off ventilators, I prosecute them at once”.

Fines imposed on the factory owners for the violation of factory laws were of minimal character. An inspector of one of the Madras factories told the Royal Commission on Labour in 1930 thus: Four of five years ago I wrote to the Commissioner drawing his attention to the inadequacy of the fines in one or two cases; he did not take any action then. 1) Of all, 30 per cent of my fines are above Rs. 100/-; the average is nearly Rs. 100/- for the number of prosecutions. There have been cases where magistrates levied a fine of Rs. 3 to 4 when I had spent nearly Rs. 200/- by way of travelling allowance and wasted a lot of time and energy to conduct the cases. II) the majority of cases I am not satisfied with the amount of fines”.

Regular inspections were made by the inspectors of Madras factories. The following Table gives us a clear picture of the inspections made during the years 1920-1921 to 1933-1934:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Inspections made to the Factories</th>
</tr>
</thead>
<tbody>
<tr>
<td>1920-21</td>
<td>987</td>
</tr>
<tr>
<td>1921-22</td>
<td>866</td>
</tr>
<tr>
<td>1922-23</td>
<td>1126</td>
</tr>
<tr>
<td>1923-24</td>
<td>1356</td>
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<tr>
<td>1924-25</td>
<td>1385</td>
</tr>
<tr>
<td>1925-26</td>
<td>1500</td>
</tr>
<tr>
<td>1926-27</td>
<td>2509</td>
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</tbody>
</table>
Sanitation was the subject of careful supervision by the inspection staff.\textsuperscript{67} During the year 1922-1923, in addition to inspections, 344 visits were made to unregistered factories and 10 factories coming under the provisions of the Factories Act were discovered.\textsuperscript{68} Fifty-nine visits were made to factories by night. Twenty-four surprise visits were made by the Inspector of Factories, resulting in three convictions being obtained, and in application being made for prosecution in seven cases.\textsuperscript{69} During the year 1923-1934, of the 986 factories actually working, 606 were inspected once, 339 twice and 24 thrice, the total number of inspection being 1356 as against 1126 in 1922. In addition 360 unregistered factories were visited with a view to bring them under the operation of the Act. One hundred and eighteen night visits, 112 Sunday visits and 46 other surprise visits were made.\textsuperscript{70} During the year 1924-1925 the number of inspections made was 1,385. Eighty-nine factories were not inspected for various reasons. In addition, 88 visits were made to factories but they were found closed.\textsuperscript{71}
Over 1500 factory inspections were carried out during the year 1925-1926. During the year 1926-1927, 2509 inspections of various factories were made. In addition 179 factories were visited but were found closed. During the year 1927-1928, 3293 inspections were made as compared with 2509 in the previous year. In addition, 239 factories were visited but were found closed. During the year 1928-1929, in addition to 58 surprise visits, 146 night visits and 190 visits on Sundays were made to see if provisions of the Factory Act were duly observed.

During the year 1930-31, 160 night visits, 327 Sunday inspections and 112 surprise visits were undertaken. During the year 1932-33, a number of night visits and surprise visits were made to find out whether the provisions of the Indian Factories Act were being observed and several prosecutions were instituted in consequence.

During the year 1933-1934, thirty-six out of the 1,503 factories in commission were not inspected, owing to the greater number of them being closed, while two were registered late and these were closed for the season. A number of Sunday surprise and special visits were made to the factories during the year. One hundred and seventy-four unregistered factories were also inspected. These visits were meant to act as check against the malpractices prevalent in the factories.
The legislative measures were subject to different interpretations by the administrators and factory owners. A classic example is the way in which they dealt with accidents. The Commissioner of Labour wrote in 1929 to the Secretary to the Government of Madras, Development Department thus:

“The Indian Workmen's Compensation Act does not apply to accidents which do not disable workmen for more than 10 days. The "serious" accidents mentioned in the reports on the working of the Indian Factories Act are not necessarily to be regarded as "serious" for the purpose of compensation under the Indian Workmen's Compensation Act. An accident which disables a workman for 21 days or more is a "serious" accident for purposes of the Indian Factories Act although it may simply be a case of temporary disablement for the purposes of the Indian Workmen's Compensation Act. In a number of cases, especially in cases of fatal accidents and those resulting in permanent total or partial disablements, compensation is not paid in the same year in which the accidents occur but only in the following year. If a workman meets with an accident towards the close of a year and dies in the following year before the employer submits the annual return, the same accident is called "serious" in the report on the working of the Indian Factories Act for the previous year and as "fatal" in the report on the working of the Indian Workmen's Compensation Act for the latter year”.

Much depended upon the interpretation of the Acts. Subtle violation of legal measures was not uncommon. What happened in the Coimbatore mills in 1930 is a case in point. N. S. Ramaswamy Aiyangar, President,
Labour Union in Coimbatore, wrote on 11th April 1930 to the Secretary, Labour Department, Madras thus:

“There are about 5 mills in Coimbatore town and its suburbs. They are mainly engaged in spinning. For some time past, all the mills are exacting work in the spinning side at nights from 7 p.m. to 12 mid-night and the total amount of hours worked is 10 hours, 5 during the day and 5 during the night. There is no provision for housing for the labourers in or near the mills. The labourers, a large majority of them, came only from distant villages, sometimes 5 to 6 miles from the mills. Getting night work of 5 hours without any reduction for increased strain of working under electric lights is itself objectionable. Usually night work of one hour is made equal to at least 1 1/2 hours during the day. This is a very serious hardship. Working at nights under electric light causes ill-health. Over and above this, the shift system is so arranged that many persons who work from 7 p.m. to 12 midnight are asked to go and enter the mill at 7 a.m. next morning and work on till mid-day. This means that a workman who has the shift leaves his home or village at about 7 p.m. and does work till mid-night and reaches his home again at about 1.30 a.m. and starts again from his house at about 5.30 to join duty at 7 a.m. Even a few minutes lateness is not excused and often times late-coming entails fines and loss of Rs. 2/- a month called bonus for regular attendance. On some occasions he is not permitted inside the mill for half a day and he loses both wages and the above said sum of Rs. 2/-. The labourer cannot take his food at proper times and his wife and family are inconvenienced and the health of his family and himself suffers by these untimely hours. He could hardly snatch 3 hours sleep because it takes sometime before he gets sleep after reaching home and he has to get up earlier to go to the mill. There are a number of other hardships to which the labourers are subject.’ But this heart-rending shift is killing. Modern science recognizes that sleep is more important even than food and there is no reason why factory owners should be permitted to deny even sleep to hard working labourers. Resolutions requesting the management to abolish night-work or, in the alternative, reduce it to four hours, making it equal to 5 hours of day work, or at least, changing the shift in such a way that a man who leaves at mid-night may not be compelled to come next morning but next day afternoon at 1 p.m. have all been unheeded. All this is a very serious state of affairs, and we hereby call upon the public and the Government to see that this state of things is remedied”.

The Chief Inspector of Factories made an enquiry and note to the Commissioner of Labour, Madras, on 4th July 1930 thus: “On enquiry with the Inspector of Factories, V Circle, it is understood that with the exception of the weaving, reeling, dyeing and finishing section, all the other
departments of the textile mills at Coimbatore work during nights according to the following shifts:

'A' shift 7 a.m. to 12 noon, and 1 to 6 p.m.
'B' shift 7 a.m. to 12 noon, and 7 p.m. to 12 mid-night.
'C' shift 1 to 6 p.m. and 7 p.m. to 12 mid-night.

The night shift referred to in the petition is the 'B' shift which engages about 30 per cent of the total strength of the department. The shifts are said to be interchanged once in 14 days, i.e. the operatives will have to work in the 'B' shift once in 6 weeks except in the case of the following mills:

1. Sri Ranga Vilas Mills-shift changed once a month.
2. Radhakrishna Mills-shifts changed once a week.

This department has however no authority to interfere in matters like this which affect the internal management of a factory as long as the actual fixing of the shifts is arranged in accordance with the health section of the Act. It seems to me this is a question to be settled by friendly negotiations between the employer and the employee.80

The Chief Inspector continued thus: “According to section 27 of the Factories Act no workman shall be employed for more than 60 hours a week, and according to section 21 an hour's rest should be allowed at intervals not exceeding 5 hours. So long as these rules are not infringed it appears to be open to a factory owner to fix the hours of work as he pleases.
The term 'day' has not been defined in the Factories Act, but the term 'week' is defined as "the period between midnight on Saturday night and midnight on the succeeding Saturday night". Presumably the day will count from midnight to midnight. So long as the provisions of sections 23, 24, 25, 26, 27 and 28 of the Factories Act are observed night shift working cannot be disallowed or restricted.\(^{81}\)

The Government informed the President, Labour Union, Coimbatore, that "the Government cannot interfere so long as section 21 and 27 of the Indian Factories Act, 1911, are not infringed".\(^{82}\)

Quite often the workers and factory owners remained ignorant of these legislative measures. The Commissioner for Workmen's Compensation Act noted in 1932: "Many of the employers are still as ignorant of the provisions of the Act as the workmen."\(^{83}\)

Not all the establishments sent the accident reports regularly to the Government. The total number of cases filed under the Act during the years 1925 to 1933 is given in the Table below\(^{84}\):

\[\text{Table 2}\]

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of cases filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1925</td>
<td>31</td>
</tr>
<tr>
<td>1926</td>
<td>96</td>
</tr>
</tbody>
</table>
During the year 1926 twenty cases of death, 49 cases of permanent disablement and 434 cases of temporary disablement were reported in 109 returns. The rest of the returns were 'nil' returns. Of the 20 cases of fatal accidents reported, compensation was deposited with the Commissioner in 12 cases. It was paid direct to the dependents in 4 cases, the amount paid being inadequate in 3 cases; and it was not given at all in the remaining 4 cases. The remarks above about non-payment of compensation and inadequate compensation paid by employers apply to permanent and temporary disablements as well.\textsuperscript{85} In 1927 eighteen cases of death, 63 cases of permanent disablement and 488 cases of temporary disablement were reported. It was found that in several cases of accidents resulting in death and permanent disablements either no compensation was paid or the sum paid was inadequate. In four cases of temporary disablement which occurred in the Government Press and one case of temporary disablement in the Penitentiary Branch Press no compensation was paid. In spite of a circular issued to all employers inviting their attention to the provisions of Sections
28 and 29 of the Act regarding the necessity for submitting to the Commissioner a memorandum of agreement for registration in certain cases where lump sum compensation amounts were paid, many cases had come to notice in which lump sum compensations were paid without submitting memoranda of agreements. The Commissioner for Workmen's Compensation Act, 1923, pointed out in his report for the year 1928 that there was a marked tendency on the part of the employers to repudiate liability for compensation on the ground that the accident was the workman's own fault. The total amount of compensation paid to the disabled workmen in 1928 in respect of these agreements was about Rs.9,100 and odd. The number of cases filed during 1929 was 128 against 237 in the previous year. The decrease was due to the amendment of section 8(2) of the Act under which sums not less than Rs. 10/- might be deposited with the Commissioner, whereas prior to the amendment there were many cases in which sums of less than Rs. 10/- were deposited. The total amount of compensation deposited with the Commissioners increased from Rs. 42,310/- in 1928 to Rs. 58,558/- in 1929. In 1930-31 the average amount of compensation paid in cases of death was Rs. 472/- and in the case of permanent disablement Rs. 192/-, the total amount of compensation deposited with the Commissioner was Rs. 41,752/- compared with Rs. 58,559/- in the previous year. The total amount disbursed was Rs. 38,295/in 1931-32. All but a small percentage of the establishment covered by the Act
sent in the previous returns. The total number of cases for disposal during the year 1932-33 was 172, including 19 pending at the commencement of the year. Of these, 154 cases were disposed off. A sum of Rs. 26,239/- was paid as compensation for death and disablement in 1932-33. The total amount of compensation deposited during the year 1933-1934 was Rs. 33,299.

Collectors and Divisional Officers were empowered by Government to receive claims and hold enquiries for the benefit of muftassal applicants. The return of accidents sent by employers under section 16 of the Act were, in spite of clear instructions, prepared in most cases incorrectly and some employers paid direct to the dependents of the deceased workmen in fatal accidents small amounts as compensation.\(^88\) Remarking on the Workmen's Compensation Act, the Labour department pointed out in 1926 thus: "It is still new and many workmen seem yet to be ignorant of the benefits conferred by it."\(^89\)

The Table- 3 illustrates the fact that the legislative measures had very little impact. Moreover some of these accidents were caused by machinery moved by mechanical power.

The accident reports came under the scrutiny of Government. When it was reported that the accidents were due to causes beyond the control of the workmen, the employers concerned were formally requested to conform to
the relevant sections of the Workmen's Compensation Act. They were asked to state their proposals.

Table-3

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Accidents</th>
<th>Fatal</th>
<th>Serious</th>
<th>Accidents caused by machinery driven by mechanical power</th>
</tr>
</thead>
<tbody>
<tr>
<td>1923-1924</td>
<td>938</td>
<td>8</td>
<td>41</td>
<td>--</td>
</tr>
<tr>
<td>1924-1925</td>
<td>986</td>
<td>11</td>
<td>196</td>
<td>77</td>
</tr>
<tr>
<td>1925-1926</td>
<td>1092</td>
<td>15</td>
<td>210</td>
<td>56</td>
</tr>
<tr>
<td>1926-1927</td>
<td>1263</td>
<td>15</td>
<td>267</td>
<td>57</td>
</tr>
<tr>
<td>1927-1928</td>
<td>1233</td>
<td>11</td>
<td>260</td>
<td>100</td>
</tr>
<tr>
<td>1928-1929</td>
<td>1358</td>
<td>12</td>
<td>258</td>
<td>108</td>
</tr>
<tr>
<td>1929-1930</td>
<td>1558</td>
<td>20</td>
<td>359</td>
<td>130</td>
</tr>
<tr>
<td>1930-1931</td>
<td>2164</td>
<td>19</td>
<td>436</td>
<td>156</td>
</tr>
<tr>
<td>1931-1932</td>
<td>1948</td>
<td>--</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>1932-1933</td>
<td>1623</td>
<td>14</td>
<td>355</td>
<td>131</td>
</tr>
<tr>
<td>1933-1934</td>
<td>1560</td>
<td>15</td>
<td>356</td>
<td>112</td>
</tr>
</tbody>
</table>

(This Table is based on the Reports on the Administration of the Madras Presidency for the years 1923-24 to 1933-34.)

In most cases, the employers admitted liability to pay compensations. In some cases, the employers denied liability on the ground that the accidents were due to the carelessness and negligence of the workmen. In many of the cases the employers ultimately admitted liability when it was pointed out to them that the Act required evidence of wilful disobedience to orders expressly issued for securing the safety of workmen and that "carelessness" and "negligence" would not necessarily absolve them from liability under the Act.⁹⁰
The machinery of the Trade Disputes Act was not used in Madras during the years 1929, 1930, 1931, 1932 and 1933. During the first quarter of the year 1930 three applications under Section 3 of the Act were received by the Government. One of these applications made in February 1930 was for the reference to a court of enquiry of a dispute between the employers of the Madura Mills Company, Papanasam, and their employees. The Government did not take any action on the ground that the application was defective. At the same time, the Government stated that: “It should not be assumed that they would have taken action upon an application in proper form, for upon a consideration of the circumstance of the case, they were of the opinion that no useful purpose would be found by setting up a Court of enquiry then”.91

Another application was received by Government in March 1930 for the appointment of a court of enquiry in connection with the same dispute. After examining the case, Government decided that the appointment of a court was not desirable and would serve no useful purpose.92 On 25th March 1930, the Madras Labour Union pressed on behalf of the employees of the Choolai Mills for the appointment of a Court of Enquiry.93 A detailed application was presented on the 15th April 1930.94 A settlement of the dispute was arrived at as a result of negotiations between the management and the employees of the Mills.95 Meanwhile, further particulars called for by Government had not been furnished. It was understood that the above application was not pressed. Government then decided not to appoint a Court of Enquiry.96

An application was made to Government on the 19th of September 1932 for the appointment of a Board of Conciliation under Section 3 of the Act in order to enquire into a dispute between Messrs. Spencer and Company Limited, Madras, and their ice salesmen. The President of the Ice
Salesmen's Union of Spencer and Company urged the Government to consider his request. But the Government refused to comply:

N. S. Kotiswaran, General Secretary, Gordon Woodroffe Dubash Transport Workers' Union, Madras, wrote to the Secretary, Public Works and Labour Department on 7th June 1933 thus: “I have, during the past two years or so had occasion to refer to the Labour Commissioner differences between the workers of the Madras Port Trust, Western India Match Coy., Spencer's Ice Salesmen Department and the present Gordon Woodroffe Dubash Transport Section and their respective managements and in practically every instance I have received a stereo-typed reply that the Labour Commissioner "cannot interfere in the matter"." 97

The most important public investigation undertaken by Government regarding the question of labour was, in fact, the Royal Commission on Labour in India, which was appointed on 4th July 1929. Its terms of reference were defined as follows: “To enquire into report on the existing conditions of labour in industrial undertakings and plantations in British India, on the health, efficiency and standard of living of the workers and on the relations between employers and employed, and to make recommendations”. 98

The Commission consisted of 12 members of whom in addition to the President, one represented the public in general, two the Government, four employers and four workers.99 The Commission made its reports in July 1931.100

The above analysis shows that reluctant officials and a policy heavily weighted in favour of factory owners constituted the salient features of the administrative and legislative measures.101 These measures were meant to curb and contain the growing trade union movement in Tamil Nadu. And yet the struggles of the workers continued.
END NOTES

3. Ibid.
4. G.O. Nos. 2048-2049, Law (General) Department, 30 November 1921.
5. Ibid.
6. Ibid.
7. Ibid.
8. Letter, 23.9.1921 from Guruswami Pillai, Permanent Way Chargeman, Madras Electric Tramways to the Commissioner of Labour, Madras, G.O. Nos. 2048-2049. Law (General) Department, 30 November 1921.
12. Ibid.
15. Ibid.
16. Ibid.
17. Ibid., p. 1045.

18. Ibid., p. 1046.


20. Ibid., pp. 61-62.

21. Ibid., p. 79.


23. Ibid., p. 920.

24. Ibid.


26. G.O. Nos. 3661-3662, Law (General) Department, 22 December 1924.

27. Ibid.

28. Ibid.

29. Ibid.

30. Ibid.

31. Ibid.


33. Ibid.

34. Ibid., pp. 171-172.

36. Ibid., pp. 171-213; 356-406; 908-934.

37. Ibid.

38. Ibid.

39. Ibid.

40. Ibid.


42. Ibid., pp. 86-87.

43. G.O. No. 1148-L, PW & L Department, 23.5.1927.


45. G.O. Nos. 77-78L, PW & L Department, 14.1.1929.

46. Ibid.

47. Ibid.

48. Ibid.

49. Ibid.

50. Ibid.

51. Ibid.

52. The Legislative Assembly Debates, Vol. III, Delhi, 1929, pp. 2674-2675.
53. Ibid., pp. 2677-2678.


56. Ibid.

57. Ibid.

58. Ibid., p. 2743.


60. The Legislative Assembly Debates, Vol.IV, New Delhi, 1933, p. 651.

61. Ibid.

62. Ibid.

63. G.O. No.1101L, PW & L Department, 3.4.1930.

64. G.O.No. 1707L (Confidential), PW & L Department, 9 June 1930.

65. Ibid.

66. Ibid.


69. Ibid.


78. G.O. No. 1985, Development Department, 13.11.1929.

79. G.O. No. 1693, Development Department, 4.9.1930.

80. Ibid.

81. Ibid.

82. Ibid.
83. **G.O. Nos. 1311-1312, PW & L Department, 17.6.1932**

84. The above Table is based on the following:
- **G.O. No. 1496-97L**, PW & L Department, 11.7.1927.
- **G.O. No. 1511L**, PW & L Department, 13.6.1928.
- **G.O. Nos. 1914-1915L**, PW & L Department, 3.7.1929

  Report all the Administration of the Madras Presidency for the year 1931-1932, Madras, 1933, p. 113.

85. **G.O. Nos. 1496-97L, PW & L Department 11.7.1927.**

86. **G.O. No. 1914-1915L, PW & L Department, 3.7.1929.**


88. **G.O. No. 1700L, PW & L Department, 11.11.1926.**

89. **Ibid.**

90. **G.O. Nos. 1311-12L, PW & L Department, 17 June 1932**

91. **G.O. No. 1797(52-5), PW & L, 13.7.1931**

92. **Ibid.**

93. **Ibid.**

94. **Ibid.**

95. **Ibid.**

96. **Ibid.**

97. **Letter No. 2734L, PW & L Department, 15.12.1933.**

99. Ibid.

100. Ibid.

101. Ibid.