Prior to 1956 the area covering the Kalkulam, Vilavancode, Thovalai and Agastheeswaram taluks of the present Kanyakumari District was called as South Travancore. By 1949, it came under the Travancore-Cochin State. The workers had to follow the rules and regulations of the system that prevailed in Travancore-Cochin. Under the Travancore system the workers were paid less because the wages of the working class were not fixed. Sanitation in factories was neglected. Lunch interval was virtually nil. When the people began to plan to seek better chances, the First World War broke out in Europe.\(^1\)

The war came to an end in 1919 and the League of Nations was formed. Many questions regarding the working class was moved but unfortunately Europe was tottering under the great depression of 1930.\(^2\)


\(^2\) Ibid., p. 544.
Working Class and the World Depression

Following the First World War there was a worldwide recession. Business houses did not function as they used to be. Yarn was at short supply. The weavers could not get sufficient work to make both ends meet. Hence they had to seek alternative jobs to earn their livelihood. This created problem in the handloom weaving sector. Further there was stiff competition from the mechanized mills and the Khadi products. The Khadi movement that was introduced by Mahatma Gandhi also created problems to the workers. Thus the workers could not compete with the mechanized production and many families were pushed to live in poverty.

Consumers Attitude

Due to the introduction of mechanized goods, attractive varieties of goods were produced. This brought in a change in fashion and taste among the consumers. The weavers could not adopt to the changing fashion or could not convert or change the conventional weaving instrument to the change. The inability of handloom weavers and to find organized markets dragged the handloom industry towards its

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4 Ibid., p. 38.

5 Ibid., p. 39.
Even then, the people did not like to leave the industry. In spite of all these hardships there was increase in the weaving community between 1921 – 1931 in Travancore. After this period, most of the weavers invested their hard earned money in lands with the fond hope that it would fetch them more income than weaving. But, it was not so. Following the efforts of working class the Minimum Wages Act was passed to pacify the workers.

**The Minimum Wages Act, 1948**

The genesis of the Minimum Wages Act is traceable to the Minimum Wages Fixing Machinery Convention 1928 of the International Labour Organisation which provides for fixing the Minimum Wages Act. The convention has become one of the mostly accepted instruments of the ILO. In 1927, the Royal Commission on Labour was appointed. It stressed the need for fixing minimum wages for workers employed in certain industries. In an attempt to find out to commend upon the payment of minimum wages a Labour Investigation

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Committee was appointed to suggest ways and means for remedy.  
Basing on the recommendations of the Committee, in 1945 the principle of minimum wages accepted. In 1946, the Minimum Wages Bill was introduced in the Central Legislature and it was passed in 1948.

The working class in general, the handloom weavers in particular clamoured for wage increase for a long time. But the Government was not in a position to do any help to any section of the working class. The minimum wages that workers clamoured for too could not be achieved. It was in this circumstances, the Minimum Wages Act was passed in 1936.

**Objective of the Act**

The statement of objects and reasons for the Bill states that the justification for statutory fixation of minimum wages is obvious. Such provisions as exist in more advanced countries are even more necessary to India where workers’ organizations are poorly developed and the worker’s bargaining power is poor.

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The Act extends the concept of social justice to the workmen employed in certain scheduled employments by statutorily providing for them minimum rates of wages. It is a piece of social legislation which provides protection to workers in employments in which they are vulnerable to exploitation by reason of the lack of organisation and beginning power and where sweated labour is not prevalent.\(^\text{13}\)

The Act extends to the whole of India. Provisions of the Act, therefore, are applicable to any employer who employs any person in a scheduled employment within Indian territory.

The Act is not applicable to all employments or industries. A schedule appended to the Act gives a list of employments covered by the Act. It covers an establishment regardless of the number of workers actually employed. Some of the employments are listed in Part I of the schedule. Part II of the schedule contains employment in agriculture and other allied activities.

The appropriate government may add to the schedule any other employment in respect of which it is of the opinion that minimum rates of wages should be fixed.

\(^{13}\) Misra, A.M., *op.cit.*, p. 278.
In Maharashtra, the provisions of the Act have been extended to all shops and commercial establishments covered under the Bombay Shops and Establishments Act, 1948.

The contract labour, falling within the purview of the Contract Labour (Regulation and Abolition) Act, 1970, has to be paid minimum wages under the Minimum Wages Act.\textsuperscript{14}

**Wages**

“Wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes house rent allowance but does not include:

(i) The value of any house accommodation, supply of light, water, medical attendance; or any other amenity or any service excluded by general or special order of the appropriate government;

(ii) Any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance;

(iii) Any travelling allowance or the value of any travelling concession;

\textsuperscript{14} Ibid., para 11, p. 275.
(iv) Any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment, or

(v) Any gratuity payable on discharge.

**Cost of Living Index Number**

The term ‘cost of living index number’ means the index number ascertained and declared by the competent authority by notification in the official Gazette to be the cost of living index number applicable to the employers in scheduled employments.

**Employer**

The term ‘employer’ means any person who employs one or more employee in any scheduled employment in respect of which minimum rates of wages have been fixed under the Act. The term ‘employer’ also includes Manager of a factory as defined under the Factories Act, 1948.

Head of department or any person is appointed for the supervision and control of employees or Chief Executive Officer of a local authority in case the scheduled employment is carried on under Central Government or a local authority. In any other case the person is responsible for supervision, control or payment of wages.
Employee

The term ‘employee’ means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment. This also includes out-workers to whom materials are given for processing at premises other than that of the employer or an employee declared to be an employee. But this does not include any member of the Armed Forces of the Union.

Fixing of Minimum Rates of Wages

When, in respect of an employment, the appropriate government has fixed and notified minimum rates of wages, the employer is bound to pay every employee engaged in that employment at rates not less than the rates notified. The appropriate government may review wages at such intervals as they think fit but not exceeding five years, and revise them, if necessary.

The appropriate government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which less than 1000 employees are employed in the whole State. The minimum rates of wages may be fixed (Section 3).

(i) For different employments

(ii) For different classes in the same employment
(iii) For adolescents, children and apprentices

Provision has been made in the act for the maintenance of registers and records in the prescribed manner (Section 11-18).

Obligations of Employers

(1) Once the minimum wages are notified and become effective the employer must pay to every employee engaged in a scheduled employment under him wages at a rate not less than the minimum rate of wages fixed by such notification for that class of employees.

(2) The employer may make deductions out of wages as may be authorized.

(3) The employer shall pay overtime at double the ordinary rate of wages for the period of work done beyond 9 hours on any day or 48 hours in any week or for the rest day.

(4) The employer must pay minimum wages in cash unless the appropriate government authorizes their payment wholly or partly in kind. The government may direct the supply of essential commodities at concessional rates by notifying it in the official gazette.
(5) Every employer shall issue wage slips in the form prescribed containing prescribed particulars to every person employed.

(6) Every employer shall get the signature or the thumb impression of every person employed on the wage group and the wage slips.

(7) The employer or his agent should authenticate the entries in the wage books and the wage slips.

(8) The employer allows a rest day with wages to the employees every week which ordinarily should be Sunday or any other day. No employee shall be required to work on a day fixed as rest day, unless he is paid wages for that day at the overtime rate and is also allowed a substituted rest day with wages.

(9) The employer shall not make deductions from wages except those authorized by or under the rules.

Registers, Notices, Abstract and Returns

Every employer is liable to pay minimum rate of wages in the scheduled employment, in terms of the relative Minimum Wages Notification is required to maintain:

(1) Register of wages containing the following particulars:
(i) The minimum rate of wages payable to each employee;
(ii) number of days for which each employee worked overtime for each wage period;
(iii) the gross wages of each employee for the wage period;
(iv) all deductions from wages, showing the kinds of deduction; and
(v) the wages actually paid to each employee for each period.

(2) Register of Overtime payment in Form IV.

(3) Muster-Roll in Form V.

(4) Register of Fines in Form I.

(5) Register of deduction for damage or loss caused by the neglect or default of the employees.

Every employer is required to

(i) Put up a notice in Form XIII containing the minimum rate of wages fixed and keep it in clean and legible condition.

(ii) Exhibit an extract of the Act and Rules thereunder with name and address of the Inspector in English and in the language understood by the majority of the employees. This should be kept clean and legible. (The Inspector will direct the place where notices and abstract are to be exhibited.)
(iii) Give annual return to the Labour Commissioner in Form III, and Exhibit a notice in Form XII in the public motor vehicles in case of employment in public motor transport.¹⁵

**Inspectors**

The appropriate government appoints inspectors for the purposes of this Act, and defines the local limits with which they exercise their functions. Within the local limits an Inspector can:

(i) Enter any premises or places where employees are employed or work is given out to out-workers in any scheduled employment in respect of which minimum rates of wages have been fixed.

(ii) Examine any register, record of wages or notices required to be kept or executed by or under this Act or rules made thereunder.

(iii) Examine any person whom he finds in any such premises or places and who he has reasonable cause to believe, is an employee employed therein or an out-worker.

(iv) Require any person given out-work and any out-workers, to give any information, which is in his power to give.

(v) Seize or take copies of such registers, records of wages or notices or portions thereof as he may consider relevant.

The Inspectors are public servants. Any person, who is called upon to provide any relevant information, is legally bound to provide information to the inspectors under the provisions of Indian Penal Act.¹⁶

**Authorities under the Act**

The appropriate government appoints, by notification in the Official Gazette for any specified area, an authority to hear and decide claims arising out of payment of wages at less than the minimum rates of wages and other incidental matters. The authorities so appointed have powers of a civil court. The authority so appointed can be:

(i) Any Commissioner for workmen’s compensation, or

(ii) Any officer of the central government exercising functions as a labour commissioner, or

(iii) Any other of the state government not below the rank of labour commissioner, or

(iv) Any other officer with experience as a judge of a civil court, or as a stipendary magistrate.

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An employee or any legal practitioner or any other official of a registered trade union, authorized in writing, or any inspector can apply to the authority for settlement of disputes with respect to non-payment or payment of less than the minimum wages.

Any such application can be made within six months from the date on which minimum wages become payable. However, the delay may be condoned by the authority if the failure to submit the application was for sufficient reason. The authority, after hearing the employer and conducting any enquiry as deemed fit may direct the employer to make payment of minimum wages as well as compensation, if any. If the authority is satisfied that the application made by any person was either malicious or vexatious, it may direct that a penalty be paid upto Rs. 50 to the employer.

The Act prohibits civil courts from entertaining any suits for their recovery of minimum wages payable under the Act.\footnote{Mishra, \textit{op.cit.}, p. 284.}

\textbf{Enforcement}

The Central government is the appropriate authority for the enforcement of the Act in relation to any scheduled employment carried on by or under the authority of the central government, railway
administration, a mine, oilfield, a major port, or any corporation established by the central act. The chief labour commission (central) is in charge of implementation of the Act in the central sphere. In the state sphere, officers of the industrial relations machinery are entrusted with the enforcement of the Act, in addition to the enforcement of other labour laws. In some states, a small number of whole-time inspectors are appointed exclusively for the enforcement of the Act. In some states, in addition to the officers of the labour department, officials of the revenue department, Panchayat departments and agricultural departments have been authorized to work as inspectors for the purposes of the Act.\textsuperscript{18}

**Offences and Penalties**

The Act lays down penalties for violation of the provisions of the Act. If any employer pays to any employee less than the minimum rates of wages fixed for that employee’s class of work; or contravenes any rule or order made by the appropriate government under Section 13 regarding hours of work, he would be punished with imprisonment upto six months or with fine of Rs. 500 or with both (Section 22).

\hspace{1cm}^\hspace{1cm}^{18} \text{Mishra,} \textit{op.cit.}, \textit{p. 284}.
Any contract of agreement whereby an employee relinquishes or reduces his right under this Act shall be null and void. However, the Act does not prevent an individual from entering into the agreement which is more advantageous or beneficial to him (Section 25).\(^\text{19}\)

In the earlier days, the imposition of fine was a fairly general practice in perennial factories and railways. There used to be other deductions from the wages paid to the workers, such as for medical treatment, education, interest on advances of the workers’ own wages, charities, and religious purposes selected by the employer. An important feature which added to the embarrassment of the workers at various places was comparatively the longer period in respect of which wages were paid. There was no uniformity in the payment of wages. Long intervals between wage payments invariably added to the inconvenience of the workers.

The Royal Commission on Labour in its report (1931) recommended, among other things, that legislation on deduction from wages and fines was necessary and desirable. The Commission examined the delays in the payment of wages and the practice of deductions from the wages of an employed person. In the light of its

\(^{19}\) Mishra, \textit{op.cit.}, pp. 284-285.
recommendations, the Government of India introduced a Bill seeking to regulate the delays and deductions in the payment of wages to industrial and plantation labour. The Bill was passed in 1936 and the Act came into force from 28th March 1937. In exercise of the powers conferred under the Act, the Maharashtra Government framed rules known as the Maharashtra Payment of Wages Rules, 1963.

The act is in three parts. Part I deals with the regulation and payment of wages by the employer. Part II specifies the heads under which deductions can be made from wages. Part III provides a machinery for enforcing specific claims arising out of delayed payments, deduction from wages, appeals, etc. It is a self-contained Act and provides its own machinery for the disposal of the claims. The Act contains 26 sections.

**Object of the Act**

The object of the Act is to regulate the payment of wages to certain classes of persons employed in industry in a particular form and at regular intervals, and to prevent unauthorized deductions from the wages. The Act is concerned merely with the fixation of wage periods and not with the fixation of wages.
Applicability

The Act is applicable to persons employed in any factory, railway, and to such other establishments to which the State Government may, by notification, extend the provisions of the Act after giving three months’ notice to that effect. In the case of industrial establishments owned by the Central Government the notification can be issued with the concurrence of the Central Government. Employees whose wages average less than Rs. 1,600 a month are covered under the Act.

Definitions

Wages: “Wages” means all remuneration (whether by way of salary, allowance or otherwise) expressed in terms of money or capable of being so expressed which, if the terms of employment express or implied were fulfilled, would be payable to a person employed in respect of his employment or of work done in such employment. It includes:

(i) any remuneration payable under any award or settlement between the parties or order of a court;

(ii) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
(iii) Any sum which by reason of the termination of employment of the person employed is payable under any law, contract of instrument which provides for the payment of such sum, whether with or without deduction but does not provide for the time within which the payment is to be made;

(iv) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force.

However, it does not include:

(i) any bonus (whether under a scheme of profit-sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a court;

(ii) the value of any house accommodation or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;

(iii) any contribution paid by the employer to any pension or provident fund and the interest which may have accrued thereon;
(iv) any travelling allowance or the value of any travelling concession;

(v) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or

(vi) any gratuity payable on the termination of employment (Sec. 2-vi).

Employed person: Employed person includes the legal representative of a deceased employed person.

Employer: Employer included the legal representative of a deceased employer.

Industrial Establishment: It means any

(a) tram-way service, or motor transport service engaged in carrying passengers or goods, or both by road for hire or reward;

(b) air transport service other than such service belonging to, or exclusively employed in the military, naval or air force of the Union, or the Civil Aviation Department of the Government of India;

(c) dock, wharf, or jetty;

(d) inland vessel mechanically propelled;
(e) mine, quarry or oil field;

(f) plantation;

(g) workshop, or other establishments in which articles are produced, adapted, or manufactured, with a view to their use, transport or sale;

(h) establishment in which any work relating to the construction, development or maintenance of buildings, roads, bridges or canals or relating to operations connected with navigation, irrigation or the supply of water, or relating to the generation, transmission, or distribution of electricity, or any other form of power is being carried on; and

(i) any other establishment, or class of establishments, which the Central or a State Government may, notify in the Official Gazette.

**Wage Payment**

The responsibility for the payment of wages under the Act is that of the employer or his representative. In the absence of the employer, a person who employs the labourers and with whom they enter into a contract of employment will be regard as the employer (Section 3).
No wage period shall exceed one month in any case. The main purpose of this provision is to ensure that inordinate delay is not caused in the payment of wages and that a long time does not elapse before wages are paid for the period for which an employee has worked.

Wages may be payable daily, weekly, fortnightly and monthly. But the payment thereof must not extend over a period longer than one month (month means a solar month; a period of four weeks or 30 days).

Where less than 1,000 persons are employed, wages shall be paid before the expiry of the 7th day and in other cases before the expiry of the 10th day, after the last day of the wage period. If for instance the wage period fixed is the first day of January to the thirty-first day of January an employed person working in any railway, factory or industrial establishment in which less than one thousand persons are employed would be entitled to receive his wages before the seventy day of February and in other cases on the tenth day of February in respect of the wage period of January.

In case the employer terminates the services of an employee, the employee is entitled to receive the wage earned by him before the
expiry of the 2nd working day from the day on which his employment has been terminated [(Section 5 (2)]}. The weekly or other recognized holiday is to be excluded in computing the second working day.

All wages shall be paid in current coin or currency notes or in both. The employer may, after obtaining the written authorization of the employed person, pay the wages either by cheque or by crediting the wages into his bank account (Section 6).

**Deduction of Wages**

Wages shall be paid to an employed person without deductions of any kind except those authorized by or under the Act. Withholding of increment or promotion (including the stoppage of increment at an efficiency bar); reduction to a lower post or time scale or to a lower stage in a time scale and suspension are not deemed to be deductions from wages (Section 7).

The term ‘deduction from wages’ has not been defined in the Act. However, the Act specifies the heads from Sections 7 to 13 under which deductions from wages may be made, namely, fines, deductions for absence from duty, deductions for damage to or loss of goods of the employer, deductions for house accommodation made available by the employer, deductions for amenities and services made available by the
employer, deductions for recovery of advances or for adjustment of over-payments of wages, deductions for recovery of loans, deductions for income-tax payable by the employee, deductions for payments to co-operative society, deductions provided under different statutes, deductions made with the written authorization of persons for payment of life insurance premium or national small savings.

Deductions may be made by an employer, with the written authorization of the employed person, from the wages payable to such an employed person, for payment of contribution to any welfare fund constituted by the employer for the welfare of employed persons and the members of their families, and also for the payment of the fees payable by the employed person for membership of any registered trade union.

There are also certain deductions peculiar to railways, such as deductions for recovery of losses sustained by railway administration on account of certain omissions and commissions on the part of the employees.

The total amount of deduction which may be made in any wage period from the wages of an employed person shall not exceed 75 per cent of such wages in case where such deductions were wholly or
partly made for payment to to-operative societies; and in any other case, 50 per cent of such wages [Section 7(3)].

There are certain conditions and limits subject to which fines may be imposed. These are:

(i) A fine can be imposed only for such acts or omissions as are specified by the employer and previously approved by the state government;

(ii) A notice specifying such acts or omissions must be exhibited on the premises in which employment is carried on;

(iii) A person involved must be informed in writing the reasons for imposing fine;

(iv) No fine shall be imposed on an employed person who is under the age of 15 years;

(v) No fine shall be recovered from an employed person by instalments after the expiry of 60 days from the day on which it was imposed;

(vi) The total amount of fine in one wage period shall not exceed an amount equal to 3 per cent for that wage period;

(vii) All realizations by way of fine have to be recorded in a register and must be applied only for such purpose as are beneficial to the persons employed in the factory or
establishment as are approved by the prescribed authority (Section 8).

The Act authorizes deductions for actual absence from duty. However, if 10 or more employed persons acting in concert absent themselves without due notice and without reasonable cause, such deductions may be made for a maximum period of 8 days (Section 9).

Deductions from wages for damage or loss caused to the employer by the neglect or default of the employed person have been laid down under the Act. Such deductions can be made only after giving the person concerned an opportunity of showing cause against the deductions. All such deductions and realizations are to be recorded in a register (Section 10).

The Act provides for deductions for different services rendered by the employer, recovery of advances and loans, payments to co-operative societies and insurance scheme (Scheme 11 to 13).

There are certain conditions imposed on deductions for recovery of advances as per the rules. These are:

1. An advance of wages shall not exceed four months’ wages.
2. The advance may be recovered in instalments by deductions from wages spread over not more than 18 months.
(3) No instalment shall exceed one-third of the wages for the month.

(4) The rate of interest charged for advances shall not exceed 6\%\% per annum.

Authorities

The Act makes provision for the appointment of Inspectors (Section 14). The inspector of Factories is also the Inspector under this Act.

The Act makes provision for the appointment of a person to be hear and decide, for any specified area, claims arising out of deductions from wages of delay in payment of wages (Section 15).

The aggrieved person himself, or on his behalf, any legal practitioner or any official of a registered trade union can submit an application to the authority within 12 months. Such application may be admitted if the applicant satisfies the authority that he had sufficient cause for not making the application within the prescribed period. A single application can be preferred before the authority in respect of claims for the same unpaid group. The authority may direct the employer to refund the amount wrongly deducted or the payment of the
delayed wages, together with the payment of such compensation as he thinks fit.

There are three distinct categories of persons prescribed as authorities under Section 15 (1) of the Act. They are:

(i) A presiding officer of a labour court, tribunal;
(ii) Any commissioner for workmen’s compensation;
(iii) Other officer with experience as a judge of a civil court or a stipendary magistrate.

Claims and Appeals

Claims arising out of deduction from wages and delay in payment of wages and penalty for malicious claims will be heard and decided by the authority appointed by the government for any specified area. Employees of the same unpaid group may file joint application for realization of the dues and compensation.

The authority under the Act can only adjudicate upon claims regarding deductions and delay in payment of wages and not upon any dispute in respect of wages.

An appeal lies against the decision of the authority to a Court of Small Causes in a metropolitan town and before the District Court elsewhere within a period of one month. A memorandum of appeal by
an employer shall be accompanied by a certificate by the authority to the effect that the appellant has deposited the amount payable under the deduction appealed against. Further the employer can appeal provided the total amount deducted exceeds Rs. 300. The authority and the court is empowered to order conditional attachment of property of the employer or other persons responsible for payment of wages. They have all the powers of a civil court under the Civil Procedure Code (Section 17, 17A and 18).

An employer shall stand discharged of his liability to pay unpaid wages if he pays them to the nominee of the deceased person and in case he is not able to do so, if he deposits them with the prescribed authority (Section 25-A).

Offences and Penalties

The Act prescribes penalties for offences committed under the Act and the procedure to be followed in the trial of offences. The jurisdiction of a civil court is barred in entertaining any suit for the recovery of wages or any deduction from wages (Section 21).

Obligations of Employers

1. To fix the wages-period not exceeding one month (Section 5).
2. To pay wages in cash or by cheque after taking written authorization of the employed person (Section 6).

3. To pay wages on any working day.

4. To make deductions permissible only under Section 7 from the wages of the employed person.

5. To ensure that deductions do not exceed 75% where payment is to cooperative society is to be made, and in other cases, deductions do not exceed 50%.

6. To seek, before imposing fines approval of list of acts and omissions from the prescribed authority.

7. Not to impose fines exceeding 3% of the wages on the employee.

8. To give show-cause notice to the employed person before imposing fines.

9. To recover fines within 60 days of the date of offence.

10. To afford facilities to Inspectors for entry, inspection, supervision, examination or inquiry under the Act.

11. To display abstract of the Act and the Rules in English and in a language understood by the majority of workmen.

12. To maintain following register in the prescribed forms:

(i) Register of wages;
(ii) Register of fines;

(iii) Register of deductions for damage or loss;

(iv) Register of advances.

Apart from maintaining necessary records and registers, the employer is required to display an abstract of the Act at a conspicuous place (Section 13-A).

**Obligations of Employees**

Every employee is entitled to:

1. To receive his wages in the prescribed wage period in cash or by cheque or by credit to his bank account (Section 3).

2. To refuse to agree to any deductions and fines other than those authorized under the Act (Section 7 and 8).

3. To approach within six months the prescribed authority to claim unpaid or delayed wages, unauthorized deductions and fines along with compensation (Section 15 and 16).

4. To appeal against the direction made by the authority if the amount of wages claimed exceeds rupees one hundred (Section 17).

Though the Minimum Wages Act was passed it did not satisfy the weavers at any cost. The salary of the working class was received
by the head weaver or the other middle men. Hence the weavers did not receive what was due to them. The sufferings of the working class went steps further. By this time, the Travancore Payment of Wages Act, 1941 was passed. By this time the Second World War broke out that affected the Handloom weaving industry very much. The Minimum Wages Act included all industries but the weaving industry was left out. The weavers were waiting for dawn of better days.

**World War II**

Unexpectedly the Second World War broke out between 1939-1942. Travancore being an ally of the British, had to take part in the war. She had to divert all the means and forces within her control to the war. Consequently, the handloom industry also became victim to the war efforts of Travancore Government. All the industrial productions such as cotton, yarn and cloths produced had to be supplied to the war front. As the Government had to send men to the war field many of the weavers engaged in the weaving industry had to be dispatched to the war field as auxillary forces. This caused shortage of labour force and fall in production.

There was a widespread scarcity of consumer and capital goods. This economic crisis affected the handloom industry also. There was
acute shortage of yarn supply. Weavers were not able to continue their work for want of yarn. In a bid to solve the problem, the Maharaja of Travancore introduced a ration system. The weavers were directed to enroll their names with the Commissioner of Handloom for the supply of yarn to them in control price. The owners of handlooms collected the yarn instead of the workers and sold them in black market and earned huge profits. At the same time they paid fewer wage to the workers. The workers had to starve either due to work or due to payment of wages.

**New Inventions in Weaving**

Around 1950 a novel improvement was introduced in handloom industry. During those days mechanized mills alone produced Turkey variety of cloth. But due to the extraordinary skill of the Vadassery weavers in weaving, they invented a device to produce Turkey variety in handlooms. The Turkey variety products were considered a

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20 Personal interview, Sankar, C., Thiruvananthapuram, 2.10.2011.

21 Paramasivam, a weaver from Sinnarasingam street at Vadassery altered his loom in such a way that it could produce Turkey variety of cloth also. Another extraordinary skilled weaver Subramanian of Pioneer Street, Vadassery invented new methods to carry over a number of designs in handloom turkey weaving. N. Muthuswamy, proprietor of Rajan Weaving Factory employed Paramasivam in order to utilize his invention. Followed by this the master weavers began to produce turkey variety in their handlooms.
special variety. Throughout Tamil Nadu, such products were generally termed as “Thengapoo” variety of cloth.\textsuperscript{22}

Nagercoil was the pioneer in producing such special variety of Turkey towels in handloom. Nowhere in India this invention was made.\textsuperscript{23} The special variety products attracted heavy demands from both internal and external markets. In India the northern states provided a potential market to this production. U.S.A. and Canada were the leading foreign countries which imported the special variety products of handloom.\textsuperscript{24} So entrepreneurs began to invest their capital in handloom industry. New handloom factories developed around Vadassery and Ozhuginassery area of Nagercoil.

The huge profit in special variety products and availability of yarn in control price attracted entrepreneurs from far off places too to start new factories in and around Nagercoil. Entrepreneurs from Madurai in a bid to use the special skill of the weavers established their handloom weaving factories at Nagercoil.\textsuperscript{25} As a result, around 1950,

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\textsuperscript{22} “Thengapoo” means the coconut gravel. The turkey towel resembles and makes an appearance that the coconut gravels are spread over the cloth. So the term ‘Thengapoo towel’ came into usage.

\textsuperscript{23} Personal interview, Arunachalam, N., Vadassery, 11.11.2010.

\textsuperscript{24} Personal interview, Sankar, C., Thiruvananthapuram, 2.11.2011.

\textsuperscript{25} Ibid.
\end{flushright}
there were more than ten handloom weaving factories.\textsuperscript{26} The organized handloom industry accommodated more than 2500 workers. Thus handloom industry, once a cottage industry now turned to be an industrial establishment.

The handloom weaving factories that were established in Kanyakumari District functioned well. A large number of labourers worked in the factories. The Factory Act that was in force during that time was not adopted. As a result the labourers did not enjoy the benefits of the Act.

**Factory Act**

In 1951-52, there was wage discrimination between one factory and another for the production of the same variety of cloth. The entrepreneurs themselves decided the wage structure according to their whims and fancies. In spite of huge profits, they were not willing to pay a reasonable wage to the labour force. Since the labour force were unorganized, they were not able to exercise their bargaining power to force the proprietors of the factories to give a reasonable wage.

\textsuperscript{26} At Vadassery and Ozhuginassery the important handloom factories were Rajan Weaving Factory, Monies Textiles, Ganapathy Textiles, Sivathanu Textiles, Kamala Weaving Factory, etc.

\textsuperscript{27} Personal interview, Sankar, C., Thiruvananthapuram.
Emergence of Labour Movement

In order to prevent the entrepreneurs to exploit the labourers, a movement was planned in 1951. It aimed to protect the genuine rights of the handloom labourers and expected to get reasonable wages. They had planned to fight for the welfare of the labourers. C. Sankar from Vadassery and L. Velayutham from Thamaraikulam were the architects in laying the foundation for the workers movement. They founded ‘Thovalai Agasteeswaram Taluk Factory Kaithari Nesavu Thozhilalar Sangam’. It was registered as per the provisions of Trade Union Act 1926, Section 28. Sankar acted as the President and Velayutham was the Secretary. Since it was the first trade union movement in handloom industry, the undivided Communist Party of India supported its attempts. The then District Secretary of the Communist Party of India G.S. Moni extended his full support and cooperation to the labour leaders in their endeavours.

The pioneers of trade union movement in handloom industry were not from the weaving community. They were alien to the industry. C. Sankar belonged to Vaniyar community. He was a freedom fighter and social worker. In 1952, he successfully contested the Nagercoil Town Assembly Constituency as an independent candidate. The Communist Party of India supported him. His election to the Travancore-Cochin State Legislative Assembly facilitated him to have close contact with the comrades of Communist Party of India. In due course he joined the Communist Party. L. Velayutham was a close associate and friend of C. Sankar.

Personal interview, Sankar, C., Thiruvananthapuram, 2.10.2011.
In each handloom factory, a Factory Committee was formed. The Executive Committee of the Thovalai and Agastheeswaram Taluk Factory Kaithari Nasavu Thozhilalar Sangam planned for the union activities. It coordinated the committees. Majority of the handloom factory labourers in and around Vadassery and Ozhuginassery enrolled themselves in the union.\footnote{30}

**1952 Agitation**

In 1952 the Thovalai Agastheeswaram Factory Kaithari Nesavu Thozhilalar Sangam served notices with a charter of demands to the entrepreneurs of all handloom factories in and around Vadassery and Ozhuginassery. The charter of demands were:

(1) Reasonable rise of wages.

(2) Equal wage for the same variety of products in all the factories.

(3) Introduction of wage slip or wage book system.

(4) Ten percent bonus on the basis of total annual wages.

(5) Minimum twenty working days in a month.

(6) Bring all the factories under the Factory Act in order to provide all the amenities specified in the provision of the Act.\footnote{31}

\footnote{30 Personal interview, Sankar, C., Thiruvananthapuram, 2.10.2011.}
\footnote{31 Handbill, September 1952.}
The entrepreneurs did not heed to the demands. So the leaders planned for an agitation. Gate meetings were organized in front of the factories. The labourers in order to insist their demands and attract the attention of the public and factory owners adopted slogan shouting and dharna. All these peaceful methods of agitations did not bear fruit. The entrepreneurs too turned a deaf ear. Hence, the trade unionists resorted to strike work. They served strike notice to the entrepreneurs, extending a copy to the Labour Commissioner, Trivandrum.

When strike notice was served, N. Muthuswamy, proprietor of the Rajan Weaving Factory was the first of the proprietors to accept the genuine demands of the trade union. The decision of N. Muthuswamy paved the way for the rest of the proprietors to decide the issue in favour of the labourers. But the proprietors of Sivathanu Textiles and Ganapathy Textiles were neither willing for a Compromise nor accepted the demands. Strike notice issued was withdrawn from the other factories except the above two.

32 Handbill, September 1952.
33 Strike Notice served to the factory owners, September 19, 1952.
34 N. Muthuswamy was always negotiable to labourers. He enjoyed a good reputation from the labour force. During his time, he utilized his good office to resolve many labour problems.
The leaders declared strike in Sivathanu Textiles and Ganapathy Textiles factories at Vadassery according to the schedule. In order to suppress the attempt of the labour force, the proprietors declared lock out.\textsuperscript{35} No compromise or amicable solution seems to be possible in the near future. Because of the prolonged lock out, the labourers who were suffering to maintain their families were forced to migrate to far off places in search of alternative employment. Many went to Maramalai and Karimani estates to work as annual labourers in the plantations to earn their livelihood.\textsuperscript{36}

Since lock out was declared and prolonged, the leaders in a bid to continue their agitation adopted another tactics. They sat in satyagraha in front of the houses of those two factory owners. When the satyagraha was carried out, there was a marriage function in the house of Ganapathy Weaving Factory proprietor. A tense situation prevailed. With the help of police force, the sathyagrahitis were removed from the scene. The police charge sheeted the leaders of sathyagraha.\textsuperscript{37} After this incident, the trade union activities suffered a

\textsuperscript{35} Circular to Workers of the mills, September 1952.


\textsuperscript{37} Personal interview, Sankar, C., Thiruvananthapuram, 2.10.2011.
sudden set back. Many labourers felt that the attempt of C. Sankar was not beneficial to the working class because due to the agitation, they lost their livelihood.

When the Labour Commissioner, Trivandrum received the copy of the demand notice and the strike notice served to the proprietors of Sivathanu Textiles and Ganapathy Textiles, the Assistant Commissioner of Labour invited the labour leaders and proprietors for a conciliation talk. Both the parties participated and the Assistant Commissioner of Labour held the conciliation talk but it failed. The two proprietors refused to accept the demands of the labourers. They refused to lift the lock out to facilitate the labourers to resume their work. So the government of Travancore and Cochin referred the said labour dispute for adjudication in the Labour Court. The Labour

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38 As far as trade union activities are concerned, sathyagraha in front of the houses is not a proper method to follow. It will induce personal hatred and enmity between the parties involved. Again Indians consider marriage as a divine religious institution. Any attempt to disrupt such auspicious function is intolerable. But the labourers as they found no other alternative to continue their struggle resorted to such an attempt. However, the sathyagraha caused misunderstanding and mistrust between the trade union and the Salar community. The Salar community which dominated the handloom industry at Vadassery considered the labour leaders as anti-social element. So the leaders found it very difficult to muster support from the labourers of Salar community.


40 Industrial Dispute Act, 1947 (Central Act XIV of 1947).
Court enquired the labour dispute and passed its judgement in favour of the labourers.\textsuperscript{41}

Accepting the major demands of the labourers, the Labour Court directed the two proprietors to lift the lock out. The Court upheld the claims of the labourers that the handloom weavers working under master weavers come under the purview of the Labour Act. It also declared that the provisions of the Factory Act covered the handloom industry also. The union and the factory owners accepted the judgement. The proprietors lifted the lock out and re-employed the workers.\textsuperscript{42}

**The After effect of the Movement**

The after effect of the Labour Movement was not very great. The labour forces claimed that they achieved their demands. But at the same time the factory owners claimed that they have delayed the payments of benefit to the workers. But at the same time there was Kaithary Nesavalar Atharavu Movement in Tamil Nadu. This Kaithary Nesavalar Atharavu Movement was felt at Kanyakumari district also.

\textsuperscript{41} Notes on the Labour Dispute, 1952, Commissioner of Labour, Trivandrum, p. 4.

\textsuperscript{42} Ibid.
By the struggle, the labourers were able to get uniform wages for the production of the same variety of cloth in all the factories. The labourers got six point and twenty five (6.25%) percent as bonus on the basis of total annual wages. This was the first time that the labourers of handloom industry got the bonus in terms of cash. The master weavers accepted to implement the provisions of the Factory Act. They guaranteed minimum twenty days of work to the labourers. The system of passbook was introduced for all the labourers. The daily wages of each individual was entered in his passbook. Thus the first labour struggle ended in favour of the weavers.\textsuperscript{43}

\textbf{Kaithari Nesavalar Atharavu Movement}

Between the years 1951-52 there was a widespread stagnation of handloom cloths throughout Madras State. This did not spare the industry in Kanyakumari District. The potential market of handloom products of general variety declined and it pushed the weavers in a sad plight.\textsuperscript{44} In order to boost the morale of the weavers, the general body of the Dravida Munnetta Kazhagam which met at Thanjavur decided to

\textsuperscript{43} Notes on the Labour Dispute, 1952, Commissioner of Labour, Trivandrum, p. 4.

\textsuperscript{44} Personal interview, Wahab, M.Y.A., Thengapattinam.
consider 4 April 1953 as “Kaithari Nesavalar Atharavu Thinam”. On that day the leaders resolved to purchase the stagnated handloom cloths and sell them to the public. In this statewide endeavour, at Madras, handloom cloths were purchased under the leadership of C.N. Annadurai. M. Karunanidhi sold them in the streets of Madras City.

At Nagercoil, Vadassery was the venue. Under the leadership of Athirampattinam N.S. Elango, the then D.M.K. leader in Nagercoil Town Secretary V. Subramaniam sold handloom cloths in the streets. This attempt induced mobilization of handloom products and thus it helped the weavers. But this movement was not aimed at the benefit of the labour force in the handloom industry. The benefit of the movement reached the master weavers and it did not improve the socio-economic condition of the working class.

In Kanyakumari District, the D.M.K. attempt in 1953 was limited to the Vadassery area alone. It failed to evoke impact on those places other than Vadassery. This was due to the fact that the handloom cloth stagnation did not affect the handloom industry in

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45 Personal interview, Subramoniam, V., Vadassery, 20.11.2012.
Kalkulam and Vilavancode taluks, while situation in the weaving category was under the Travancore set up. During the period between 1952 – 1956, the Travancore Tamil Nadu Congress started its struggle against the oppressive attitude of the Maharajas and his officials. In the struggle though the Nadar community formed the majority, the weavers from Thengapattanam, Puthukkadai, Aalanchi, Pootetti and Palliyadi joined in the struggle all along with the minority communities. They jumped in the liberation struggle with a feeling that was due to the negligence of the Government officials. They felt if they were in the union they will get relieved from the Travancore Tamil Nadu Congress (TTNC) launched a struggle called the Merger of Tamil speaking area as of Travancore with Tamil Nadu. Expecting much benefits from Tamil Nadu than they got from Travancore the weavers from Palliyadi, Nesarpuram, Karukki, Kanjikuzhi, Vazhathottam, Thengapattanam and Pootetti, Eraniel and the whole of Vilavancode taluk joined the T.T.N.C.

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48 In Kalkulam and Vilavancode taluks, the chief handloom product was “Manjakari Thuppatti”. It was a kada piece cloth made up of 20 number yarm in which a large turmeric marking was made in every four muzham. Such products were in great demand among the Syrian Christians of Central Travancore. So the 1952 handloom product stagnation did not affect the handloom industry in the western taluks of Kanyakumari District.