CHAPTER V.

Industrial Relations in the Textile Mill Industry of Ahmedabad.

Guilds of artisans, recognised to be precursors of modern trade unions and with many elements of similarity between them irrespective of physical distances, can be traced back in India to the Sixth century B.C. Membership in an Indian Guild was usually from the same caste, since occupations were castewise. These guilds were so powerful that those who disobeyed them were banished; those who broke their contracts with them had their property confiscated and even the King had to accept everything cruel or kind dictated by them. Narrating the power of a guild in Ahmedabad, Hopkins says, "Thus in Ahmedabad, as I was told a banker who had half his house tiled got into a quarrel with a confectioner and could not get the other half of the house tiled till the sweetmeat guild had told the tile-guild that it might resume work for the representative of the banker's guild.". No wonder in the same town of Ahmedabad, later on there developed a trade union movement very well organised and equally powerful.

Little authentic information is available on industrial relations in mills of Ahmedabad prior to the First World War. Scanty facts pertaining to the industrial life in mills of Ahmedabad but useful for understanding the tone and quality of industrial relations may however be recorded.

Frank Tannenbaum: A Philosophy of Labour, pp.21-22.
*Quoted by Tannenbaum from Hopkins's: India; Old and New; p.22
Whereas the first mill in Calcutta in 1817 was operated by girls exclusively brought from Glasgow and who died on account of the change of environment*, all the sixtythree workers of D.B. Ranchhodlal's 'Shahpur Mill' were local recruits. In those days though mechanical processes of production demanded more tenacity than skill, it was difficult for workers coming from the lower strata of society whom social rigidities prevented formal education and for whom only manual work was permissible, to adapt themselves to them, i.e. mechanical processes of work in mills. In those days, social rigidities primarily and demands in agriculture secondarily prevented the mobility of labour. Presumably, labour was scarce in Ahmedabad as it was in other industrial centres. Technicians were Foreigners, mostly Englishmen and must have a substantial difficulty of communication. "Imitation, gestures and broken words picked up from each side must have made their contribution to the creation of a workforce language that supplied a minimum measure of understanding to the two communicating parties."*. Rates of absenteeism mainly high on account of the village mindedness of workers required employers to maintain up to fifty per cent excess work force.

In what follows is collected the available information about the role and place of the worker in the industrial relations system of mills in Ahmedabad on the eve of the First World War.*

* S.D. Mehta: Ibid: p. 175
* S.D. Mehta: Ibid: p. 177
* The author is deeply grateful to Shri Narhari Bhatt upon whose article in the 'Maajoor Sandesh' he has drawn very heavily to understand the industrial worker of pre First World War days.
Mills used to commence their operations at six O'clock in the morning and continued to work till eight O'clock in the evening. Some of the departments commenced work earlier than the time scheduled for the starting of the work in the mill. The worker arriving before the scheduled time used to receive an inducement payment of a pie (1/192 Re.) from the watchman. He carried with him food cooked in the dawn and gulped it in the afternoon in the vicinity of the loud machine or outside in the sun, wherever the space for it was available. Normally drinking-water was not easily available in mills and the worker was called upon to obtain it from some indefinite source. As the night would fall and shadows of darkness would spread out themselves like the worker's poverty, mills would close down and the worker would set out for his notional home. Lest on the way he should collide against something invisible in darkness as he had been doing everything against misfortune, he would kindle the ends of a stick covered with rags dipped into oil. Many infants of workers had the privilege of seeing their fathers only on holidays, since they would be asleep at the time of their departure and arrival. The mother of an infant working in the mill would make a cradle out of the ends of a piece of jute cloth tied to machines nearby and make it sleep in it by swinging it. Sometimes she used to entrust the infant to the care of somebody else at the monthly cost of two rupees. Chivalry was exhibited in permitting woman workers to leave mills ten minutes earlier than male workers after day's
confinement for fourteen hours.

For a 'hapta'—the period consisting of fourteen to sixteen days—a doffer used to get emoluments of twelve annas for half day's service and a rupee and a half for full day's service. The fortune of a warper and a weft piecer were respectively two rupees and eight annas and two rupees and twelve annas per 'hapta'. Since it would be difficult to make both ends of the family meet in such meagre rates of payment, parents used to wake up their children at dawn either by sprinkling water on their faces or by beating them if they refused to arise by the comparatively more civilized former alternative and would send them to work in mills. Many parents were forced by economic considerations to extract full day's work from their children. Since the Factory Act did not permit a child to work for more than half day, it would work in two different mills to make up full day's drudgery. Presumably, parents' feelings were not different from those cited by Taunnanbaum and quoted below.

"I hope you will get Ten Hour Bill passed; I have two children, one seven and the other thirteen at work at factories and I have not had the least stroke --- for the last thirteen months. He told me that they were earning seven or eight shillings a week .... That little girl has to go a mile and a half very early to her work, and she comes home at half past eight and all I see of her is to call her up in the morning and send to bed and it almost makes my heart break. I know that I am living by the death of that child." *

* Taunnanbaum: ibid: p.44
In mills it was common to beat and abuse the worker. Taking the worker round the mill with his face besmeared with the black material, was the strongest punishment meted out to him. All powers regarding the punishment to be done to the worker were concentrated in the jobber who was selected on his capacity to recruit the largest number of workers. Workers were classified as 'aveji' (badli or temporary) and 'bahal' (permanent). An 'aveji' worker did not receive the regular presence allowance, the bonus and the payment for holidays. The jobber had all powers to convert a 'bahal' into an 'aveji' and vice versa. Conveniently mills used to transfer a 'bahal' from a certain machine to another and convert him into an 'aveji'.

For small offences for which no enquiries were made or could be dreamt of, wage cuts were made for the worker. It should be stated in fairness that often the punishment in the form of wage cuts imparted to the worker by the rule of the thumb was done not to the wrong-doer but to the innocent. For carrying with him an inflammable article including the match-box or for going home after putting in nine hours' work due to being indisposed, the worker's day's wage was forfeited. There were no rules concerning leave and holidays which were sanctioned per the will of the jobber. If the jobber would be good enough to confirm that orally he had granted leave to the worker, it would be sanctioned. But occasions were not rape when the all-powerful and rapacious jobber would plead ignorance about his having
sanctioned the leave though he might have and the worker would lose his wage for the absence. If the worker wanted to leave the mill for good, it was required of him to intimate the mill of his intention to do so and if he failed to do so, his accumulated wage would be forfeited. If the worker approached the manager for the redress of his grievance, he would be fined. If any part of the machine was damaged or it broke down, irrespective of whether it had happened so due to the worker's fault or not he would be fined. If the worker was ill-treated which more often than not he was, and he would leave the mill, his accumulated wage was forfeited. The funniest part of it all was that as a worker started doing work in the mill, it was presumed that he knew all these unwritten rules of industrial relations system.

If the payday happened to be a holiday, wages would be distributed on the next working day, twenty to twenty two days after the month was over. Ad interim payments were made to the worker in some mills at a nominal rate of interest. Outside the mill premises, moneylenders and Pathans used to advance money to workers at rates of interest varying from three hundred to one thousand percent. Sometimes some mills used to make it convenient for these lenders to collect their dues from workers.

Sometimes at the end of day's work the worker was required to go out and sell damaged cloth in the open market. In doing so, sometimes he would not only lose his wages but would also be called upon to add something from his own pocket. In a poem probably written by a worker and quoted below the
worker has expressed his sentiments on the system of selling damaged cloth in a way lively and unusual of him.

(2) "Come, buy of me, come; come buy, come buy;
Buy lads, or else your lasses cry, come buy.
Of me, / of one who has toiled
for the whole day long,
and who hangs at me
about the streets
to sell my share of cloth
lest the wolf at the door
draw too near,
come my generous Lords!
come buy,

Come, buy of me, come, come buy, come buy."

Sometimes the workers was even required to purchase instruments like pickers necessary for the work in the mill. Often deductions for doing charity and paying tax on water and such other purposes were made by mills from the wages of workers.

No body except the stretched clouds, wide earth and infinite time was responsible for the maintenance of the family of the worker if he died of an accident in the mill or was disabled thereby. Some agents would breath a sigh of relief
by getting the dead or disabled worker removed out of the premises of the mill. Some of them even did not pay for the funeral of the deceased worker or for the medical charges incurred by the disabled worker.

The worker was greatly under the influence and control of the jobber. If the jobber gave up the job and joined another mill, many workers under him also used to give up their jobs and join him in his new assignment at lower wages. And that would create an inducement for the mill to reduce wages in other departments also.

Once the worker resumed his routine in the mill, he was not easily allowed to go out even to answer calls of nature. In some of the mills, passes were issued to the worker for going out for answering natural calls. If a worker had already gone out for answering the call of nature the other worker wanting to go out for the same purpose, had to wait till one who had gone out earlier, returned.

Working conditions in mills were unimaginably horrible. Breakages were countless and heat and moisture in some of the departments were so intense that some of the workers would faint or lose mental poignancy and create a 'hullad' (riot). Amongst workers there was a specific technique for starting the 'hullad'. As a certain symbol would be circulated amongst workers, they would give up work and assemble on the bank of the lake 'Chandola'. Packets of long hair and bangles would be sent to non-striking
workers as symbols of feminine cowardice in order to humiliate them. Officers of the mill or mills in which the 'hullad' occurred would go to lake 'Chandola' to persuade 'strikers' to resume work. Sometimes strikers would take to their heels on seeing those officers. Sometimes negotiations ensued between the leaders of strikers and these officers and as strikers' demands were accepted, they would resume work. Sometimes those who lead workers during the 'hullad' were victimised when the situation would become normal. The 'hullad' was so much apprehended of by citizens of Ahmedabad that no sooner would it become known that it had occurred, shop-keepers would close their shops and go off homes. An instance is on record when the military had to be called in to disband the workers who had created the 'hullad'. In the 'hullad' which took place sometime before 1914, workers had broken the pans of a mill; the 'hullad' of the year 1914 in the Raipur Mills had lasted for about eight days. It should be pointed out that these riots had secured a wage increase of 266% to doffers and an increase of 100% to warpers and weft piecers.

Normally the worker and his family resided in a room ten feet long and eight feet broad. Its walls made of clay were black like coal with dirt enveloping them. The entrance to the room would be so small and low that a tall man would have to bend low to pass through it. One corner of the room was utilised as a kitchen. In another corner clothes and utensils of clay and metal, both of them dirtiness in carnate could be found in disorder. Even the clay container of water used to be very dirty and even its outside would be covered
with dust and dirt. The routine of the dinner of the worker could be briefly described thus. The male would keep the 'dal' (pulses soup) and vegetables in metal utensils and the 'chapati' on a piece of paper or on the floor and gruf them. Children would go out of the room with "chapatis" in hands, sit on a dingy bed and eat them. The dinner ceremony of ladies was not more orderly and civilised than that of their children. Due to the scarcity of time cleansing utensils was an unnecessary and luxurious affair to the worker. Interalia due to the scarcity of water the worker's children would have a bath for months. For weeks continuously ladies also would not bathe themselves until the agitation of lice in their long hair compelled them to do so and apply some castor oil in it. Many ladies in the worker's family used to have only one pair of a 'sari' and a petticoat to put on and they used to wash them conveniently once in a month. The tenement of a worker usually consisting of a room would be lighted with a kerosene lamp emitting more streaks of smoke than light.

Bonds of family life were rare in case of the worker and the members of his family as well. The worker used to spend a sizable sum of his income on liquor. His wife used to spend money on purchasing sweets and eating them in the market itself. It is not difficult to imagine what a negligible portion of income of the family the worker must be spending on his children and looking after them.

A large part of the income of the family of the worker was spent on wine, the payment of interest on debt and snacks in the bazaar. The income of the family of the
worker was even otherwise low. Further very little of it was contributed for running the house. And therefore more often than not quarrels used to flare up between the worker and his wife.

The lot of the Harijan i.e. the untouchable worker of mills was worse than that of his confreres of higher castes. Along with ladies of his castes he was allowed to work only in reeling departments and was paid at the rate of three nayas paisa per day. Thanks to jobber Ratnaji of the Gujarat Ginning Mill and who hailed from Surat that the untouchable worker was given an entry into the mill. Later on Mohammedan jobbers also helped him in getting into different mills. In those days many accidents used to occur in throttle departments of mills and workers used to consider it very unsafe to work in them. Workers from upper castes were usually not agreeable to work in them. The untouchable worker was therefore prepared to work in them. In those days the untouchable worker was prevented from going or moving into departments other than one in which he was employed and stationed. Social rigidities from which the life in the mill also was not immune was responsible for that phenomenon. The wife of the untouchable worker was not able or allowed to collect water from public wells or taps. She was therefore required to fetch it from the River Sabarmati be it far or near. Since the wages of the Harijan worker were very low, lower than even the meagre wages of workers of higher castes, he could not get his clothes washed with soap even once in a month.
In what follows are presented some poems collected from the files of the Majoor Sandesh between the period 1924 to 1928. They seem to have been written by the workers themselves. Be it so or not they were well represent workers' feelings on the industrial relations system in the cotton textile mill industry of Ahmedabad prevalent up to the year 1930.

THREE POEMS.

(1) Behold,
these lack-lustre, lifeless multitudes of men,
that bring their blood and bone
to spill
in the mill
of greedy and grasping self.
Whence this pain?
And whence this poison?
Wherefrom can flow the staying power
To think it all quite over?
To reflect? To think? — What mockery?
What hope in hearts so signed by misery?
What emotions? What happiness? What art?
What philosophy of life?
What hope of truth where every start
leads to the labyrinth of fruitless strife?

It is evening and my heart is athirst for my
fireside!

In my heart is the yearning to return to my house
where scanning the horizon, her hand on the door-frame, she
must be waiting for me! Sweet as the side of the Ganges is
the restful recess of a happy heart at the end of the day's
labour!

And below of my roof, shall I foregather with my
children and forget the fever of it all, shall shake up the
silence of the night with the song of the glory of God by
candlelight.
O my comrade - superior! Delay me no longer! It is twilight, you see! and my heart is athirst for my fireside;

Praise be to you, O Lord!

'Level them to the ground': that should be our only gospel. What force is there that we need fear? No, None, not even God Almighty! Intelligence? We have it. Power? We have it. They are but fools. Therefore, thrash them! Do they ask for leave? Do they strike work? Do they talk back? Do they look you in the face? There is but one answer to it all: a heavy hand. Therefore, whip them. After all, what are they? Only labouring slaves.

The Lot of Technicians in the Industrial Relations System on the Eve of the First World War:-

The lot of the technician in the industrial relations system of mills of Ahmedabad, on the eve of the First War, in contrast to that of the worker and his own these days, was very fortunate. In those days the process of production was very simple. Further the supply of the
technician was highly inelastic and he was well-paid. 
Technicians in most of the mills were Englishmen who compelled agents to treat them with respect and courtesy. In the absence of the organisation and the legislation for labour, the technician could deal with it completely arbitrarily. 
And in spite of all these advantages enjoyed by him, due to radical departures in his life from the Hindoo way of life, upper Hindoo castes, used to look upon someone from amongst them joining the profession of the technician in the mill very unfavourably. An old Brahmin technician in a mill in Ahmedabad who has made an enviable fortune in the industry narrating his experiences pointed out thus: "I joined the mill industry with great reluctance and against my wish. Work in the mill, when I joined it first, was so much looked down upon that nobody would like to marry his daughter even to a well-paid technician in the mill."

In those days there was no statute, no law in India on industrial relations and labour organisations. It was therefore to be presumed that the Master Servant Relationship between a mill company and its employees was governed by the Contract Act and Principles of the English Common Law. According to Blackstone's Commentaries Vol. 1, p. 422, the Master Servant Relationship, "is founded on convenience whereby a man is directed to call in the assistance of others, where his aim, skill and labour will not be sufficient to answer the cases incumbent upon him."*

Below are mentioned some of the tenets of law which governed

--- Quoted in O.P. Aggarawala: The Industrial And Labour Law Digests Vol. I. p.277 ---

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the mill employee relationship in those days.*

A) The employee had the right to leave the mill when the period for which he had contracted to serve, would be over. When that contractual period was not specific and either of the sides wanted to terminate the relationship, it was obligatory on it to serve a notice to the other party to that effect. The period of notice would be same for either of the parties.

B) In the absence of the contract to the contrary workers could strike work by a common agreement amongst themselves or according to the custom. This right to strike was nevertheless subject to following limitations.

1) Employees could not withdraw their services for the contract period,

2) The employer mill could not be prevented from substituting strikes by other workers.

3) The striking employee could not force the employer mill to take him back to work against his wish.

4) The striking employee could not force the employing mill to pay him for the strike period.

C) The right of a worker whether a member or not of a union which ordered a strike, not to strike work was as fundamental as the right to strike mentioned in clause (2) of B above.

D) Employees could seek the protection of the Government against violent methods used by the employer mill to intimidate workmen on strike. Similarly employers were

* Labour Gazette, October 1921 p.25-26
entitled to Government protection against any attempt of strikers to injure their property. Non-strikers or workers who took up the employment vacated by strikers were entitled to full protection from Government against any possible violence at the hands of strikers.

From 1914 to 1930:

A new Chapter was opened in the history of industrial relations in mills of Ahmedabad, with the establishment of the T.L.A. The teething period of the infantile T.L.A. was very troublesome for its promoters and organisers. Except possibly Mr. Ambalal Sarabhai, no mill agent of Ahmedabad conceived of or accepted that a well-developed labour organisation is in the interest not only of workers, but the management as well, for it is easier and better for the management, to discuss and deal with problems of workers with their organisation rather than with individuals amongst them. On the contrary most of the senior officers of mills and agents, looked upon the T.L.A. with unbound suspicion and apprehended that if it grew strong, their power to deal with labour without rhyme or reason would come to an end, a concerted resistance would be offered to right a wrong done to workers and workers would become irresponsible to work and indisciplined in their behaviour. They therefore thought it the wisest to nip the growing enemy of the T.L.A. in its infancy and tried their best to prevent the projection of the T.L.A. into their mills. If by chance, the union of workers affiliated to the T.L.A. was formed in any department of the mill, they tried their utmost to break it
with the help of the powerful class of jobbers. Workers who joined the union were intimidated, beaten and threatened with dismissals. Their leaders were victimised. If the officials of the T.L.A. approached the management to redress the grievances of workers who had joined the T.L.A., no heed was paid to them, they were ill-treated and there would be a deliberate delay in the disposal of workers' grievances to exhaust the patience of the T.L.A's officials and to exhibit them inefficient in the eyes of workers. In this respect the writer was told an interesting story by a Manager of very long standing in a mill. Its gist is as follows:-

Sometime in the year 1922, a woman worker was raped during a mill's working hours. She approached the T.L.A. to get the worker who had raped her punished. A Secretary of the T.L.A. took up the matter with the head of the department of the worker, who had misbehaved and proposed to him to punish him. The head of the department was a relative of the agent, of more doubtful virtue than the worker concerned and arrogant. He did not entertain either the Secretary of the T.L.A. or the complaint of the worker properly for a long time and ultimately decided that nothing should be done in respect of the proposal of the Secretary of the T.L.A. because in the process of raping, it is the man and not the woman that is the loser. In vain, for two years or more the Secretary of the T.L.A. tried to persuade with different authorities in the mill the case he had taken up but realising that nothing was going to be done in the matter, ultimately gave it up.
Promoters and organisers of the T.L.A. were made of a stuff sterner than what was imputed to them by agents and officers of mills. They therefore successfully met with their attempts to demolish their institution. In an industrial centre other than Ahmedabad some officials of the T.L.A. were once even beaten with an umbrella by the order of the agent of a mill. The strength and fortitude of the organisers and the promoters of the T.L.A. in defending their institution against the attacks of agents and officers of mills emanated from their sincerity of purpose and steadfast clinging to and translation into practice of the teachings of Gandhiji on industrial relations in dealing with workers and mills. This is illustrated by two incidents cited below:

An official of the T.L.A. had once gone to Shri A, an agent of a mill in Ahmedabad for some work and Shri A pressed him heavily to have something hot or cold to drink. With reluctance he agreed to have a cup of lemon water but when it arrived he took it and poured its content outside. Mr. A. took it as a wild insult and never again offered to him even a cup of water. The behaviour of the official of the T.L.A. as the incident reveals, was by no means courteous. But it was motivated by the idea that a labour leader desiring to work honestly for labour should as far as possible follow, namely avoiding even a glass of water from the side of employers.

In November 1922, negotiations were going on between the T.L.A. and the M.O.A. regarding the latter's decision to
reduce the scarcity allowance granted to spinners by an award of arbitration in the year 1921. The announcement of the decision of the M.O.A. had made spinners restive. On 10th November against the advice of Miss Sarabhai, the President of the T.L.A. and pending negotiations between the T.L.A. and the M.O.A., 9,000 workers of the throstle department of twenty-nine mills went on a lightening strike. The strike came to an end on 13th November, when the President of the M.O.A. agreed to abide by the award of arbitrators given in October 1922. But Miss Sarabhai was not satisfied with the behaviour of strikers. As she felt that they had violated the accepted principle of the T.L.A. of no strike pending negotiations, she dissolved the union of throstle workers. Only when throstle workers apologised to her, for their behaviour and assured her not to behave similarly in future, she reorganised their union.*.

The General Strike of 1923.

On 2nd December 1922, the General body of the M.O.A. resolved that, "in view of the marked decline in the cost of living and continued depressed condition of the local textile industry, wages of operatives should be substantially reduced," in all departments. The M.O.A. was prepared to settle the issue of the wage cut proposed by them, through the arbitration of Mr. Mangaldas Parekh and Miss Sarabhai, on behalf of the workers. It was also prepared to refer the dispute which had arisen out of its resolution to an Umpire for a binding decision if arbitrators failed to come to an agreement. But the T.L.A. was not similarly prepared for an arbitration on the

* Bombay Labour Gazette, November 1922.
dispute and wanted the M.O.A. to sign an arbitration deed with the following conditions.

1) Strict observance of past final awards by defaulting mills.

2) The settlement of the question of the interpretation of a clause in the bonus award of arbitrators in October 1922.

3) The settlement of the scale of minimum wages along with a sliding scale of wages above the minimum according to profits of mills.

4) A time limit of six weeks to three months to decide the question of the reduction of wages.

The M.O.A. refused to sign the arbitration deed on the grounds that it was not customary to do so and the T.L.A. did not represent workers of the one-third of mills in Ahmedabad. The T.L.A. could not effectively meet these arguments and the M.O.A. therefore decided to effect a general wage cut for operatives of all departments by one-fifth i.e. twenty percent, from 1st April 1923. In response to this decision of the M.O.A., the T.L.A. called out a general strike from the same day on which the wage reduction was to be effected.

To avoid the strike which was to begin on the next day on 31st March 1923, W.C.F. Andrews who had come to Ahmedabad on a visit, approached the M.O.A. on behalf of the T.L.A. with the following terms.

1) All disputes outstanding between the M.O.A. and the T.L.A. including the one on the interpretation of the bonus
award of October 1922, should be settled within two days of the arrival of Principal Dhruve in Ahmedabad.

2) The dispute regarding the reduction in wages proposed by the M.O.A. should be settled through the prevalent voluntary arbitration system before 16th April 1923.

3) Pending the settlement of that dispute, wages should not be reduced but paid as before.

4) The minimum and the sliding wage scales proposed by the T.L.A. should be settled within three months.

The M.O.A. felt that the conditions proposed by Mr. Andrews were more humiliating than those proposed by the T.L.A. for an inclusion in the arbitration deed and refused to come to terms with the T.L.A.

The first and the only general strike waged by the T.L.A. against mill agents, in its long and eventful history, began on 1st April 1923 and lasted for a little more than three months. 43,000 operatives of fifty six out of sixty one mills in Ahmedabad joined the strike. Two member mills of the M.O.A. and three non-member mills did not promulgate the wage reduction and continued to be run during the strike.

As the strike was proceeding Principal Dhruve tried to bring it to an end by bringing about a settlement between the T.L.A. and the M.O.A. He proposed to Miss Sarabhai that workers should be called upon to return to work and all their demands except the withdrawal of the proposed wage cut and proper interpretation of the bonus award should be withdrawn. The T.L.A. would have been prepared to effect a compromise on the line suggested by
Principal Dhruve. For in the struggle with the M.O.A. it had practically lost all ground. And what Principal Dhruve had suggested was reasonable, expedient and in conformity with the view of some of the policy makers of the T.L.A. But it is doubtful whether M.O.A. would have been prepared to compromise on the dispute on the same line as Principal Dhruve had suggested. For from the day of the resolution of the wage cut to the end of the strike, Mr. Mangaldas Parekh was not prepared for any give and take on the wage reduction proposed by the M.O.A. And during the strike, the strength of the T.L.A. had diminished very greatly and that of the M.O.A. had increased very greatly. Therefore there was no reason for them to compromise on the position they had taken up. Further, by not agreeing to the arbitration proposed by the M.O.A., the T.L.A. had fallen the M.O.A. had gone up, in the eyes of the public.

Ultimately about 4th June 1923, on behalf of the T.L.A. Shri Shankerlal Banker agreed to a 15.5/8 per cent general wage cut for operatives and also to refer the question of the interpretation of award on bonus to the binding decision of F.X. D'souza, District and Sessions Judge of Ahmedabad and the strike was thus withdrawn.

An information in the Labour Gazette of June 1923 that the decision to withdraw the strike was taken as a result of compromise independently arrived at between Mr. Kastoorbhai and Principal Dhruve, is not likely to be correct. The withdrawal of the strike was brought about as a result of the compromise arrived at between Mr. Banker and
Mr. Parekh and the acceptance by the former of terms dictated by the latter. Possibly in those days, unlike today, Mr. Kastoorbhai had little effective weight in the M.O.A. which was dominated by Mr. Parekh who was not likely to allow much importance to be given to Mr. Kastoorbhai. That might be so because of his predisposition against Mr. Kastoorbhai for the group he and Shri Sarabhai had formed against Mr. Parekh in the M.O.A. in the year 1918.*

As a result of this long strike, the industry lost two and a half million working days, sixty nine lakh pounds of yarn and sixty eight lakh yards of cloth; workers lost wages to the tune of Rs. 28 lakhs; and the T.L.A. lost greatly in terms of its reputation and membership.

For mills, the year 1922 was not as good as 1921 and the recession had already commenced. In 1922 the percentage rate of profit to investors' money was 24.08% against 45.73% in 1921. But by itself 1922 was not an year so bad as to warrant a wage cut. For cutting down wages, agents with their earthly shrewdness did not want to wait for the deterioration in conditions to proceed a point when mills made losses. They wanted to forestall. Gandhi and Mr. Banker were in the jail and their advice was not available to the organisers of the T.L.A. who were still new to the field of industrial relations. So they took up the position that as long as mills were making profits, it would be absurd to talk of the wage cut or allow the proposal for it to stand the test of arbitration. Even if the proposal of the M.O.A. to cut wages when mills were making profits, was absurd, there was nothing wrong in allowing it to be

*Revealed in an interview by a veteran participant in the industrial relations system in mills of Ahmedabad.
put up before the arbitration. If Gandhiji were not in jail, possibly he would have told the organisers of the T.L.A. the very same thing. In the arbitration possibly the wage cut, if at all it would have been awarded, might have been less than one, the T.L.A. was forced to accept on account of the failure of the strike it had called out.

An incident important for judging the tone and quality of industrial relations in mills in 1925, and quoted below has been picked up from the "Majoor Sandesh", the news organ of the T.L.A. of the same year.

A representative to the T.L.A. from the weaving department of a mill suspected that whereas picks of cloth woven were seven and a half the payment was made to weavers for seven picks only. He conveyed his suspicion to friends. As the management of the mill came to know about it, it dismissed him. Thereupon organisers of the T.L.A. approached the authorities of the mill with a request to reinstate the dismissed representative. As no heed was paid to their request by the management, they approached the agent with the same request. He agreed to reinstate the representative if he submitted an apology for instigating and agitating workers. The representative submitted the following apology. "I do not think I have tried to instigate or agitate workers against the management. If nevertheless due to my pronouncements in inadvertence workers have been agitated or instigated against the management I am sorry for it." The management of the mill was not satisfied with this apology and forced the representative to write another apology and in order to
humiliate him exhibited it on the notice board for the knowledge of workers. When Secretaries of the T.L.A. came to know of all this they summoned a meeting of the Board of Representatives to discuss the humiliation to which the representative was put. The Board passed a resolution condemning the attitude of the management of the mill as authoritarian and asked the aggrieved and victimised representative to resign from the mill. This is all that the T.L.A. could do. It would not be improper to conclude from this episode that in 1925 it was difficult for the T.L.A. to right a wrong done by mills to its members.

However by the year 1928, the T.L.A. seems to have become a stronger organisation. That might be due interalia to Mr. Nanda's victory in the Municipal election in the previous year over a millowner. Mr. Nanda received 1137 votes as against 746 by his rival and the recruitment of new, hard working, sincere and intelligent officers into the T.L.A. In 1928, the T.L.A. took up bolder and stronger attitude in its dealings with mills and the M.O.A. It asked the M.O.A. to use its good offices in settling long-standing and important disputes with mills and also warned the M.O.A. that if its letters would not be replied to within a stipulated period it would be required to take extreme steps including strike. According to the Labour Gazette of November 1928 as a result of this stiffer attitude adopted by the T.L.A., the attitude of agents to it changed and the opposition offered to it by managements dwindled considerably.
In consonance with the decision to take up a firmer attitude in dealing with mills and the M.O.A. the Joint Board of Representatives of the T.L.A. passed the following resolution on 19-9-1928.

"Due to the constant obstruction and opposition of officers to the T.L.A. in certain mills workers are not able to join it in spite of their desire to do so. Hundred percent unionism is essential in the interest of workers. Therefore, in mills in which sixty percent of workers happen to be the members of the T.L.A., the rest of workers should be persuaded to become members. If in spite of persuasion they refuse to join the T.L.A., the Secretary should do the needful to prevent members of the T.L.A. from co-operating or working with non-members. This meeting empowers the Secretary to do so. Further it is not desirable for the union to depend only upon the sympathy of mills for cent per cent unionisation and attempts should, therefore, be made to establish residential unions of workers."

This resolution was widely criticised on the ground that it intended to intrude on the freedom of workers not to organise which is as fundamental as their right to organise. Apropos the resolution, the Labour Gazette of November 1928 reports thus: "The campaign of union development undertaken recently has met with open hostility in some mills and with indirect obstruction in some others."
With the adoption of the stiff attitude and the passing of the above mentioned cent per cent membership resolution tensions were bound to arise between the T.L.A. and officers of mills. Incidents quoted below support that conjecture.

In the mill S the spinning master H did not like officials of the T.L.A. approaching him for the redress of workers' grievances and tried to dislodge the union in his department by preventing the collection of subscriptions in the premises of the mill. Even when a representative named Kalidas was found collecting subscriptions outside the premises of the mill, Mr. H dismissed him. Secondly when some of the workers refused to cleanse machines after six p.m., possibly after working hours, they were fined. Thirdly when Lallu Rama, a representative to the T.L.A. reported to it that a worker was so much beaten by the assistant spinning master that blood came out of his nose, he was dismissed. It was rather difficult for the T.L.A. to accept all this lightly. It wrote to the M.O.A. to use its good offices to bring the officers of the mill round and to place these incidents before the permanent board of arbitration for ensuring justice to victimised workers. Finding that on the ground that the episode of Kalidas's dismissal was old and out of date the M.O.A. was reluctant to move the arbitration board for the settlement of these disputes, the T.L.A. warned the M.O.A. that unless it moved the arbitration machinery, it (the T.L.A.) would be forced to launch a strike in the mill S. At this purge from the T.L.A. the M.O.A.
moved the arbitration machinery. During the arbitration proceedings, Gandhiji, representing workers, expressed the view that no dispute however old could be prevented from being placed before arbitration. The arbitration board decided that the punishment done to workers was very heavy, and should be reduced. They also ordered the reinstatement of Allu Rama.

An episode similar to one described above regarding mill H happened in the mill G not long thereafter. As some of the workers of the mill enrolled themselves as volunteers of the corps of the T.L.A. they were dismissed. When the Secretary of T.L.A. approached the concerned officer of the mill to enquire of him why they were dismissed he was ill-treated. Later on when for the same purpose he approached the agent of the mill he told him that he (the agent) was not only not opposed to the idea of workers organising themselves but wanted their organisation to flourish and become stronger. But he refused to disclose why workers were dismissed. The T.L.A. therefore pressed the M.O.A. to require the mill to explain why workers were dismissed. Thereafter the mill agreed to explain in a day why workers were dismissed. But in doing so it took five days instead of a day and its agent went off to Bombay and overstay there. During the absence of the agent, officers of the mill went on with threatening workers for forming unions and employed a jobber specially dis- to/organise unions. But he had to be removed on account of a very strong opposition offered to him by workers. The
officers of the mill also promulgated rules that not more 
than two workers should meet together in chawls and nobody 
should go in workers' chawls after 7 p.m.. They also attempted 
to prosecute dismissed workers. The T.L.A. offered a 
rigorous opposition to these tactics of officers of the mill 
to disorganise unions of workers and ultimately succeeded 
in getting twelve dismissed workers reinstated and in 
obtaining a promise that five other workers would also be 
reinstated if they were found innocent in an enquiry.

A conflict lasting for six months which took place 
between the T.L.A. and the mill B in 1928 was more severe 
and strenuous than those described above. What had happened 
was this. With the blessings of their agent, workers of 
the threshing department of the mill B, decided to form a 
union and to affiliate it to the T.L.A. In a meeting 
called upon to decide on the formation of the union, a 
jobber issued a threat that if the union was formed he 
would disrupt it. But workers did not pay any heed to his 
threat, decided to go ahead with their decision and elected 
two of their representatives to the Board of Representatives 
of the T.L.A. The next day possibly the jobber who had 
threatened to disrupt the union if it was formed dismissed 
the two representatives. When the Secretary of the T.L.A. 
approached the agent of the mill to understand why the 
formation of the union was looked at with an eye of askance 
and the representatives were dismissed, he told him that 
himself he was not opposed to their organisation by workers 
but it was the jobber's power to employ or disemploy a
worker and if he was against the formation of the union of workers he was helpless. The contention of the agent need not be taken to be prima facie far from truth. For it was pointed out to the writer in an interview by an old spinning superintendent of a mill that by 1928 senior managements were not as much against unions of workers as jobbers were; because unionisation by workers would have drastically reduced powers and privileges of jobbers but not those of senior managements to an identical extent. To revert to the history of the conflict, the Secretary of the T.L.A. was not satisfied with the approach of the agent. But he was rendered helpless and forced to call out a strike when the jobber concerned discharged forty five other workers for an adherence to the decision to continue to unionise in the midst of reprisals. By way of a retaliation to the strike the management of the mill declared a lock-out. According to the "Majoort Sandesh of 1928", the strike was very successful and inspite of temptations such as wine to drink, promise to make special payments for the religious occasion of the 'Diwali', creation of temporary tenements in the compound of the mill offered by the authorities of the mill to 'loyal' workers who would not participate in the strike, except about twenty workers who happened to be relatives of jobbers, the mass of workers abstained from attending the mill. Attempts of the mill to break the strike by importing workers from outside Ahmedabad and prosecuting strikes also did not meet with success. And ultimately the mill capitulated by
recognising the union of the textile workers, agreeing to collect subscriptions of workers on behalf of the T.L.A., and reinstating dismissed workers. It may be pointed out by way of information that the Joint Board of Representatives of the T.L.A. had condemned the attitude of the management of the mill and resolved to create a fund to help workers of the mill B on strike with the subscription of an anna by each worker of the Ahmedabad textile industry.

On 12th December 1928, in the mill C whose previous tussle with the T.L.A. has been already narrated two workers named Vira Sawa and Mitha were summoned by the jobber, taken into a room and beaten by the jobber and officers of the mill. On the instruction of the officers the jobber besmeared their faces with a black material and took them round the mill. Later prosecution in the court revealed that the mill's charge against Vira Sawa was that he had misbehaved with a lady worker in the mill. Of course, the court decided that it was phoney and Vira Sawa was an old, straightforward man. The judgment of the Court has appeared in details in the "Majoor Sandesh" of 1929. Apart from it that Vira Sawa was innocent it is necessary to point out that in those days it was not unusual for men and women in mills to take unlimited liberties with one another.

In To return to the incident, Vira Sawa was taken so badly by the humiliation to which he was put that he tried in vain to commit suicide. When the Secretary of the T.L.A. came to know of the plight of Vira he approached the agent of the mill and successfully persuaded him to hold along
with him a joint enquiry into the incident reported by Vira to the T.L.A. Before the inquiry by the agent and the Secretary of the T.L.A. began, officers of the mill put forth a filler that the incident of the type reported by Vira had not occurred. Animated and ruffled by the filler, workers of the mill approached the agent to ascertain from him whether like officers he too was predisposed about the not happening of the incident. The agent promised to answer to them the next day. But on the next day he refused to answer to them on the ground that an approach was not made to him in writing. It is not difficult to guess that this evasion of an answer by the agent must have made workers very suspicious of the bonafides of the agent and officers of the mill. When the enquiry by the agent and the Secretary of the T.L.A. began, the mill presented a lawyer to put its case before them. The Secretary of the T.L.A. objected to the engagement of the lawyer by the mill on the ground that it was against the accepted custom of solving disputes in the textile mill industry of Ahmedabad. Since no agreement could be arrived at on the point between the Secretary of the T.L.A. and the agent of the mill, enquiry proceedings had to be abandoned sine die. After successfully sabotaging the enquiry in this way the mill expressed a desire to refer the dispute to the permanent board of arbitration of Gandhiji and Mr. Mangaldas Parekh knowing well that Gandhiji was not in Ahmedabad and was not likely to come there too soon. The possible motive in mill's behaviour in sabotaging the enquiry and the expression of the desire to refer the dispute
to the arbitration might be to prevent facts unpleasant to it from coming out and delay their assessment in order to blunt the edge of workers emotions pitched high against it to a level of harmlessness. Weight is added to this conjecture by the mill's rejection of the T.L.A.'s proposal to permit Kaka Kalelker to work as a substitute arbitrator for Gandhiji and commence arbitration proceedings quickly. The Ahmedabad worker is quick-witted. Workers of the mill smelled the delaying tactics of the mill and against the advice of the T.L.A. went on strike to bring the authorities of the mill round. Since the strike continued for a month and a quarter until Gandhiji returned to Ahmedabad there is room for presuming that the T.L.A. which had earlier advised workers not to strike might have later on supported it. No sooner did Gandhiji come to Ahmedabad, the permanent board of arbitration took up the dispute for consideration. The Board decided that before it could enter into the merits of the dispute it was necessary to establish an atmosphere of peace in the mill and advised strikers to resume work and to the mill to absorb them. Initially the mill was reluctant to absorb strikers. It pointed out that their posts were filled up by other workers. But ultimately it relieved substitutes for strikers, absorbed them and abided by the advice of the arbitration.

After the closure of the dispute in the mill in this way three prosecutions relating to it were filed in the Court of Law.

The first complaint was filed by Vira Sawa against
the jobber R and the assistant spinning master for taking him round the mill after besmearing his face with a black material. After a detailed examination of pros and cons of the complaint before it, the Court found the accused guilty of the charge and fined each of them rupees one hundred.

The second complaint was lodged by the Jobber R against Mr. Khandubhai Desai, then the Assistant Secretary of the T.L.A. and fifteen others charging them of defamation. The contention of the complainant was that with the signatures of hundreds of workers appended to it, the principal defendant Mr. Desai had written a letter to the mill charging him of accepting bribes, harassing workers and indulging in unfair practices. This, maintained the complainant, was maliciously done in order to defame him. That the defendant had a grudge against him, maintained the complainant, was clear from it that even when previously he was with the mill H, the defendant had instigated workers under him (complainant) to strike work and humiliate him.

The Court ruled that in the strike in the mill H, where the complainant was previously employed not only had the defendant not instigated workers under the complainant to strike work but actually advised and successfully persuaded them to resume work. After a detailed examination of the relevant evidence the court came to the conclusion that the complainant was guilty of every charge levelled against him in the defendant's letter to the mill and therefore the defendant should be honourably acquitted.

During the strike an inspector of the T.L.A.
accompanying a resident tenant of the chawl owned by the mill was forcibly prevented by a watchman of the mill from entering it. The third complaint was relating to it.

The Court held that relatives and invitees of tenants had a right to enter the chawl even though the mill did not like their entry into it. The Court rejected the argument advanced by the mill that tenants had been served with a notice to quit the chawl and were no longer the de facto owners of it with a right to allow any one whom they liked to come into it. It held that as long as the mill did not acquire from tenants the possession of the chawl all rights of tenancy including the right to entertain their friends and relatives in their rooms, continued to be vested in tenants.*

Role of the Jobber.

It may now be interesting and useful to understand the role of the Jobber in the industrial relations system of Ahmedabad in the period 1918-1930 under review.

As far as functions of the jobber were concerned, he combined in himself a formidable series of functions and to such an extent that the Royal Commission on Labour characterised him "almost ubiquitous" in the Indian factory system. He was normally promoted from the rank after full experience of the factory. Primarily he was responsible for

*Judgments on all the three complaints have been translated in "Majoor Sandesh" of the year 1929. Most of the material relating to skirmishes between mills and T.L.A. has been taken from files of the "Majoor Sandesh" of years 1929 to 1935.
the supervision of labour at work. On many occasions he had however to act as an assistant mechanic and had to help in keeping machines in running order. In those days the recruitment of workers, the assignment of jobs to them and transferring them one place to the other as the situation in the mill required, were in the hand of the jobber. In short, the security of workers' job was almost entirely dependent upon the jobber. In those days, as even now, direct contact between the rank and file in mills and the top management was conspicuous by its near absence. But whatever contact that existed, was through the jobber. Whenever the employer wanted to notify a change to workers, he would call upon the jobber to do so. The employer also derived the information regarding the needs and desires of workers from the jobber. Often the jobber's functions transcended the premises of the mill. He might lend money to the worker generally at exhorbitant rates of interest and sometimes helped him in finding a residential accommodation in overcrowded slums. So much about the functions of the jobber.

With so many functions and powers concentrated in him, it was natural that the jobber would misuse them. For employment, reemployment after a period of unsanctioned and sometimes sanctioned leave, overstaying the leave period, getting good machines to work on, moving away from the work or machines for a longer period and retaining the job, the worker was required to pay to the jobber a fee or a small amount regularly from his wages; sometimes he was
required to entertain the jobber with liquor or through his wife or by periodical offerings in kind. How rapacious and mean-minded some jobbers had become is well illustrated by their behaviour after the resolution of the Throstle Workers' Federation in the T.L.A. in 1924. In view of the growing unemployment due to recession in the mill industry, the federation had quite reasonably resolved that ladies and preferably married ladies whose husbands were employed should be relieved from mills first when posts were reduced. Jobbers capitalised on the resolution the most. They started telling women workers that the T.L.A. had resolved to drive away all ladies from mills and they could retain their jobs only if they oiled their palms. This trick worked very well on women workers most of whom were illiterate and ignorant. In a false propaganda like this apart from minting money the idea of jobbers was to discredit the T.L.A. the utmost in the eyes of workers. For they knew it well that with the T.L.A. gaining strength their powers and privileges vis-à-vis workers were bound to diminish greatly.

The jobber himself had at times to subsidise the head jobber and some members of the lower management. The "Majoor Sandeesh" of 26-2-1927 reports that the assistant spinning master in an Ahmedabad mill was dismissed for taking bribe regularly from jobbers and workers under him. It need not be presumed that employers were unaware of the system, a widely prevalent one, of the lower management and jobbers exacting bribe from workers. On the authority of the Royal Commission on Labour it could be stated that either they did
not make serious attempts to do away with it or took it to be something natural and inevitable.

Another weakness of the jobber arose out of his responsibility of the supervision over ladies working under him. The jobber would enjoy with ladies in mills heartily and with impunity. It is said that workers were so much under the control of the jobber that he alone whose wife was comparatively the most beautiful and in the service of the jobber was permitted by the jobber to be elected the T.L.A. representative. The interviewee, an experienced and old labour worker who revealed this to the writer, warned him not to read too much in that form the point of view of sex morals or modern standards of sex behaviour. For according to him, in those days there was nothing unnatural or unusual in males and females in mills taking unlimited liberties with each other in working hours or jobbers and their bosses flirting with female workers when mills were working.

A reference has already been made to the point that often the jobber used to lend money to workers. Sometimes he acted as an intermediary in securing the loan to the worker. The Royal Commission pointed out that the anxiety of the jobber not to reduce any control over the worker indebted to him was greater than that of the employer. A narration which appeared in the 'Majoor Sandesh' of 7-2-1927 will explains how the jobber tried to maintain his hold over the worker and burrow him thereby. The gist of it is this: The jobber I allowed the worker M to stay with him. It is even possible that he might have induced him to
do so. I used to usurp all earnings of M and therefore when M was completely fade up with his exploitation he tried to get out the clutches of I by staying separately from him. Annoyed by the disobedience as he conceived it of M, I discharged him from the mill and there ensued a terrible fight between the groups of M and I, in which I's brother was murdered.

An incident bearing on the sex weakness of the jobber and his exploiting the worker through cheaper advances to him was reported to the writer by an experienced and responsible labour worker of Ahmedabad and also of very long standing. The jobber had advanced money to the worker cheaply with the condition that he would be permitted the company of the latter's beautiful wife. As the jobber would visit the worker's residence, the worker used to go out to leave his wife and the jobber comfortable. Eventually the lady got so much infatuated with the jobber that she murdered or got murdered her husband and moved into the jobber's house for good.

Explaining the growth of all these evils in the jobber, the Royal Commission pointed out thus: "The effect of the absence of prospects is especially marked on the jobbers. These men, selected from a large number of fellow-workmen, would in other countries form the recruiting ground for higher subordinate ranks. The fact that the jobber has ordinarily no prospect of going further, strengthens the temptation to take fullest advantage of the position he has
attained and we believe that if such a prospect (and education necessary for it) existed, a different type of jobber would emerge." (The Report of the Royal Commission on Labour p.29).

Labour Legislation:

The Factories Act was first passed in India in the year 1881. In the year 1921, the Government of India proposed to make certain amendments to it. In response to the invitation of the Government to express its views on the amendments proposed in the Factories Bill, the M.O.A. pointed out that it was not in favour of the idea of fixing up in factories a compulsory holiday at the end of the week of sixty hours; the maximum and minimum ages of children employed should be respectively fifteen and ten and not fifteen and twelve as was proposed in the amendment bill; that in the hot season the rest intervals should be of two hours and in other seasons, the interval should be of one hour. With reference to the provision in the amendment bill on humidity to be maintained in factories the M.O.A. pointed out thus: "We fully endorse the suggestion of disallowing such humidity as would injure the health of employees but we beg to suggest that mills in Ahmedabad generally manufacture heavy-sized cloth and this process requires special arrangements of humidity. Any limit of humidification which would safeguard the interest of millowners as well as the health of employees would be welcome."*

Before in accordance with the International Labour Convention of Washington of the 1919 the Factories of Act of

*Labour Gazette September 1921 pp.25-26
1922 provided for a week of sixty hours it was already introduced in the textile mill industry of Ahmedabad by the arbitration award of the 29th October 1920. In tracing the correlation between the reduction in working hours from sixty to fifty-four and the reduction in earnings of operatives likely to follow as a result of it, the Royal Commission on Labour was of the opinion that workers were not likely to be worse off; for in a shorter spell of work they might concentrate on work more and that might help them make good the likely reduction in their earnings. As against it in deciding to reduce working hours in mills to sixty in a week in order to maintain workers' earnings intact, in Ahmedabad in 1922 the arbitration had awarded an increase in wage rates.

The Indian Legislature did not accept the Ahmedabad employers' view that the minimum age of children should be ten years for an employment in factories. It fixed it at twelve years. Later on, the majority members of the Royal Commission endorsed that decision of the Legislature. A minority of the members of the Commission wanted it to be raised to fourteen.

The Legislature did not also concede to the point of the M.O.A. that there should be no compulsory holiday at the end of the week. The Factories Act provided for a weekly rest day which normally fell on Sunday, but it could be substituted by a religious festival such that there should be no continuous work for more than ten days. By way of information it may be mentioned that the Government was in favour of keeping a uniform holiday for long weeks for

all factories, but the legislature did not agree to it.

The Legislature did not also accept the V.O.A.'s suggestion that rest intervals should be for two hours in the hot season and during other seasons the interval should be of an hour. The Act laid down that ordinarily an hour's interval should be given to operatives. However it gave the latitude that at the request of operatives, an hour's interval could be broken into two equal instalments and in factories where the working day was not more than eight and a half hours and operatives so desired, the Local Government could permit men only to have half an hour's interval. This was subject to the further limitation that not more than six hours' work could be done continuously if an hour's interval was given and not more than five hours' in other cases.

Another important restriction affirmed or created by the Factories Act of 1922 was designed to prevent the employment of ladies at night between 7 P.M. and 5.30 A.M. These times could be modified by the Local Government so long as the gap of 10½ hours was retained between the two intervals. The Royal Commission reported in 1931, that workers and employers did not show the readiness to experiment with shorter intervals and preferred to have a single long interval. Its report says, "Experience in other countries shows that fatigue can be diminished by frequent short intervals and although the Indian operative is generally to be slow off the work more endeavours should be made to discover the best form of intervals. The long continuous spells of work have probably some responsibility for the frequency of unauthorised
intervals, and if hours are to be reduced', it is more
important that they should be lessened."*

The Genesis of the Trade Union Act.

A reference has already been made earlier to some
legal aspects of the relationship between employers and
employees before labour legislation making substantial
modifications in them developed. Under the English Common
Law governing the contractual industrial relations, the trade
union movement was threatened with criminal and civil
liabilities and penalties. It is a well-known even in the
history of trade unionism in this country that in 1920, The
Buckingham and Carnatic Mills filed a suit against Mr. B.P.
Nadia, the leader of the Madras Labour Union, claiming
damages for inciting workers to commit a breach of their
contract of service by going on a strike in response to
the call of the union. It is also well-known that the decision
of the Court to decree the suit against the union was received
with a shock by trade Union workers of India. Ultimately in
1921, the Indian Legislative Assembly passed a resolution
to enact a legislation for the registration of trade Unions
and their protection against civil and criminal liabilities.

The Government of India's views on the contents of the
proposed Trade Union Legislation:-

1) If labour unions were enabled and encouraged to
define their objects, methods and organisation, a step
would be taken in the right direction. By registration trade
unionists would obtain for their unions the right to sue and

* The Report of the Royal Commission P.46
the right to control their offices and funds and further they would have a recognised status and position in the eyes of industrialists and the public. Full recognition by employers might or might not follow but it would be neither desirable nor possible to compel employers to recognise all unions.

2) The definition of a trade union should generally follow that in the English Act of 1876 and that benevolent and similar purposes should be included within the scope of trade union activities. As far as the recognition of political objects of a union are concerned elections to the Central and Provincial legislatures, municipal and local bodies having the power to raise money, should be covered.

3) Section 27 of the Contract Act that "every agreement by which one is restrained from exercising lawful profession, trade or business is to that extent void" should not apply to registered trade unions. The interference of the Court in the internal managements of unions should be excluded.

4) The registration of the unions should be optional. But unregistered unions should not be considered to be illegal. The registration should give the union a legal entity with definite rights and privileges. It would be most undesirable to countenance picketing in any form.

5) Trade Unions should not be unreservedly exempted from civil liabilities for tortious acts in the earlier stages of development. No act of Union officials
should be made the ground for claim on trade union funds unless it was proved that the governing body of the union constituted as per law, had sanctioned the act.*

Millowners' Association Bombay on the Trade Union Bill.

In response to an invitation by the Government of India to express its views on the proposed Trade Union Bill, in a strongly worded memorandum, the Millowners' Association of Bombay, pointed out that the proposed legislation for the registration and protection of trade unions was premature in that the desire for it had not come spontaneously from workers. The legislation should be such, maintained the memorandum, as would protect workers from their outside leaders who exploit them for political ends. The memorandum quoted the Chairman of the Steel Corporation in the United States to the effect that even in the U.S.A., only a small percentage of workers were members of trade unions and the self-appointed leaders of unions were maintaining them through intimidation, over-persuasion, false promises and misrepresentations to and vicious methods towards workers. If such was the danger of trade unions to workers in the U.S.A. where workers were educated, maintained the memorandum, it was likely to be much greater in India where workers were ignorant and illiterate and represented a very small fraction of the total population. The memorandum did not also accept the view that the time was ripe for passing the legislation for the protection of trade unions because there was an advancement of democratic ideas in the country in

* Labour Gazette October 1921 Pp. 19, 20
general and an awakening among workmen in particular.

Very bluntly the memorandum stated that Bombay Millowners did not want to oppose any measures of a practical nature designed to secure an adequate protection to and the permanent well-being of workpeople themselves; but they deprecated the policy of slavish adherence to the provisions in the then prevalent English Trade Unions Act which appeared to be foreshadowed in the conclusions arrived at by the Government of India.

The memorandum strongly pressed for the compulsory registration of unions on the ground that it was not believable that "the desirability of the Union possessing a legal entity will be so powerful a consideration as to outweigh in the minds of the workpeople or their political supporters, the many disadvantages, from their point of view, of the legislation proposed, particularly in regard to the administration and audit of union funds."

It was pointed out in the memorandum that if registration were compulsory, it would prevent the mushroom growth of unions*. And lastly, mentioned the memorandum, unions should be given the privilege of picketing when it was found that they had become responsible.

The T.L.A. on the Trade Union Bill:

In the 'Majoor Sandesh' of 7-2-1925, the T.L.A. expressed its views on the Trade Union Bill. They are summarised below.

In the sub-clause (4) of section 15 on objects for

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*Labour Gazette: November 1921 pp. 27, 28, 29.
which trade union funds may be spent, no doubt the expression 'social' purposes is mentioned. But since the word 'social' is placed between educational and religious, it is doubtful whether it will so interpreted that a trade union could use its funds for activities such as saving the member from the malpractices of a lender, giving medical facilities and loans to members and supplying cheap grains to members and non-members."

"Welfare and betterment of workers are dependent on labour legislations enacted by legislatures. Trade unions should not therefore be prevented from participating in politics and securing seats in legislatures. On the conditions and lines on which trade unions are permitted in England to participate in politics and publish their news-papers, Indian Trade Unions should also be allowed to participate in politics.

Principles in the English Act that if a member of the union waged a strike with the knowledge of the union neither he nor the union could be prosecuted and the onus of proving that it had the previous knowledge of the intention of its member or members to wage a strike should not be on the union, should be incorporated in the Bill.

Children below the age of fifteen should be allowed to become members of a trade union.

The provision that the name of the union can be changed with the consent of 2/3 members is likely to put trade unions in a difficulty. It may be changed thus. If

*The full text of the Trade Union Legislation as was proposed to be enacted has appeared on pp.189-192 of the Labour Gazette*
60% of the members of a union are present in its meeting and 2/3 of them (60%) agree to it, the name of the union can be changed.

In their letter No.L.925 of 30-8-1924 to Provincial Governments, the Government of India made some remarks on the Trade Union Bill it wanted to enact. * In the letter, the Government of India stated that the whole character of the bill on trade unions depended upon whether their registration was compulsory or voluntary and it was in favour of the voluntary registration for the following reasons. It would be unwise to impose general restrictions on combinations for trade purposes. Compulsion necessarily involved penalties for evasion and if the registration was compulsory, those who failed to register the union would have to be punished. In England, that was regarded as inequitable and unjust. Unions must, therefore, be given a reasonable inducement to get themselves registered.

On the extent to which agreements between members of a trade union should be enforceable, the Government felt that while members of a trade union could not through a suit be forced to strike or refuse to strike or to accept any agreed conditions of work, agreements such as those regarding the payment of subscriptions and the payment of benefits under the trade union rules, should be enforceable in civil courts.

On objects of trade unions, the Government stated

*Labour Gazette: October 1924: pp. 187, 188, 189
saims not strictly related to trade unionism, care had been taken to prevent the dissipation of trade union funds on such objects and it was within the discretion of the Registrar to refuse to register an organisation which did not propose to include bonafide trade union purposes. The Government mentioned that while trade unions would be free to advocate political policies, they could not be allowed to spend funds for political objectives as the bulk of their members had little interest in political activities.

The Government stated that there should be a regular auditing of the funds of the union; it was unwise to exclude outsiders from the executive of a union, but that in the interests of trade unions themselves a majority of the members of the executive should belong to the industry itself.

And lastly, pointed out the Government, it had earlier discussed the possibility of making the executive of the trade union responsible for preventing the issuing of orders authorising picketing in any form. But objections to it had a considerable force. And therefore it was decided not to have any provision relating to picketing in the Bill.

For reasons not easy to comprehend, six years after the Legislative Assembly's resolution in 1920 to have the legislation on the Registration and Protection of Trade Unions the act on it was passed in the year 1926.

Five years after the passing of the Trade Unions Act, the Royal Commission recommended the grant of
franchise to registered unions, a reconsideration of limitations imposed on the activities of registered unions and free auditing of the accounts of unions. It also recommended that two-third members of the executive committee of the registered union should be insiders.

On the demand for a compulsory recognition of trade unions, particularly registered ones, made immediately after the passing of the Trade Unions Act, the reply of the Royal Commission that no law can secure that genuine and full recognition which is desired, for recognition may mean much but also nothing is clearly evasive. It would have been seemly and appropriate for the Royal Commission to recommend that the recognition of a registered union with a majority should be made compulsory.

To the strong criticism of the Bombay Millowners against outsiders in the trade union movement and to which a reference has been made earlier, the Royal Commission gave an effective answer. They said: "The claim to be allowed to deal only with 'ones own men' is frequently little more than an endeavour to secure that the case of men shall be presented by persons who are not likely to prove assertive.... The leader who is not honestly working for the good of the union is not likely to have a long innings.... The less healthy traits in a union are more likely to be eliminated by toleration than by repression."

In 1912 a Committee appointed by the Government of Bombay reported to it on the settlement of industrial disputes. Among general measures the Committee suggested the
standardisation of wages, employers' sympathetic and promotional attitude to trade unions, their recognition, the establishment of works committees and the apportionment of profit for bonus for the permanent benefit of workers. Among the more specific proposals the Committee suggested the establishment of Courts of Inquiry for the conciliation of disputes. On the ground that an all-India legislation on similar lines was contemplated, the Government of India prevented the Government of Bombay from passing the legislation covering these recommendations. For reasons best known to the Government of India no such legislation was enacted till 1929 in which the ineffective Trade Disputes Act was passed. Later on in 1934, the Chairman of the Bombay Industrial Disputes Committee claimed* that had their report been promptly acted upon, as the Government of Bombay wished to do, we would have been spared of many strikes. It is nevertheless doubtful whether by themselves alone Courts of Inquiry could have prevented or settled major industrial unrests.

Working Conditions.

In those days, as even now, there used to be plenty of dirt, dust and fluff in the atmosphere of many mills. The following table indicates reasons for the mortality of Bombay factory work people. *

<table>
<thead>
<tr>
<th>No.</th>
<th>Disease</th>
<th>% of workers who died of the disease</th>
<th>No.</th>
<th>Disease</th>
<th>% of workers who died of the disease</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Diarrhea</td>
<td>10%</td>
<td>4</td>
<td>Tuberculosis</td>
<td>6.4%</td>
</tr>
<tr>
<td>2</td>
<td>Plague, small pox and Leasles.</td>
<td>8.5%</td>
<td>5</td>
<td>Respiratory</td>
<td>30.2%</td>
</tr>
</tbody>
</table>

*Kanji Dwarkadas: 45 years with Labour, P. J. Sandilead's survey in the Labour Gazette, October 1921.
Very high percentages of deaths due to diarrheal and respiratory diseases could be imputed to excessive dirt, dust and fluff in factories. Similar figures for the workers of the mills of Ahmedabad may not be available. But these figures are likely to be applicable to and true of them too.

On the basis of readings taken in the weaving shed of five mills of Ahmedabad, Mr. Maloney pointed out depressing facts relating to working conditions. Some of them are noted below*.

Ventilation, pointed Mr. Maloney, was nominally by roof windows, but as a matter of fact, for the greater part of the year, ventilation is negligible.

In all mills, said Mr. Maloney further, live steam was used to a large extent in assisting in raising the degree of humidity even during the hottest portions of the year and its disastrous effects on temperatures and comfort were readily seen. He suggested that in order to improve working conditions to a reasonable level of comfort, the dry bulb temperatures of the sheds would have to be at least five degrees lower unless air movement was increased.

"Hard physical work under present conditions",

*Labour Gazette, December 1923.
said Mr. Maloney referring to working conditions, is an absolute impossibility. Even standing still and wearing the very lightest clothing, one becomes saturated with perspiration almost immediately. And though workers may become acclimatized to (these) conditions to some extent, the time which they waste in the mill compound and their generally distressed and listless appearance afford convincing proof that years of usage do not make them entirely immune. This points to the necessity for adopting all practicable measures for reducing temperatures to a minimum; but except in isolated instances very little is attempted in this direction."

According to Mr. Maloney, according to experts on weaving, the loss of production due to discomfort caused to workers by bad working conditions, must be about twenty four cent.

According to the Labour Gazette of January 1924 comparative incidences of accidents in factories of Ahmedabad and Bombay were as shown below:

<table>
<thead>
<tr>
<th>Period</th>
<th>Centre</th>
<th>Accidents due to</th>
<th>Accidents by result</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Machinery Other</td>
<td>Fatal Serious Minor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>in motion causes.</td>
<td>No. %age No. %age No. %age No. %age No. %age</td>
</tr>
<tr>
<td>Janry. to</td>
<td>Bombay</td>
<td>450 72% 177 28% 6 0.65% 50 8% 571 91.5%</td>
<td></td>
</tr>
<tr>
<td>Decr. 23</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Janry. to</td>
<td>A'bad</td>
<td>58 31% 13 19% 4 5% 25 35% 42 60%</td>
<td></td>
</tr>
<tr>
<td>Decr. 23</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

During the period under review mills used to deduct money from workers' wages by way of fines for disciplinary
purposes, damages sustained by them and fees for services rendered. An estimate by the Bombay Labour Office in the year 1926 that deductions from wages by way of fines for the disciplinary purpose amounted to one percent of the wage bill, besides being in all possibility an underestimate, ignores that "average loss per worker, however, is little indication of the hardship involved in fines and this can be serious in individual cases." (Royal Commission). The suggestion of the Royal Commission that the maximum deduction by way of fines from worker's wages should not exceed half an anna in a rupee was later on incorporated in the Payment of Wages Act.

On the custom prevalent in mills of handing over the damaged cloth to weavers for selling it out in the market the Royal Commission’s view was that the deduction should not exceed the wholesale price of goods damaged. As regards deductions for services rendered with the consent of employees and such as medical attendance, education, interest on advances and the supply of tools useful in work, the Royal Commission opined that deduction should not exceed the value of the service rendered.

Another type of unusual deductions pertained to charities, religious purposes selected by the employer gift to the agent for a marriage in his family, a bribe to the inspector at the time of the examination of the boiler and the worker's absence on the first day of the new 'hapta'. The deduction for the last purpose amounted to two days wages
inclusive of the bonus. The non-payment of wages on account of the closure of the department due to overproduction resulting from the extraction of heavier work from operatives or for the stoppage of work in the weaving department due to the shortage of beams and wafts could also be considered instances of defacto deductions. These deductions were not only very heavy but also highly unjustified. According to the "Wajoor Sandesh" of 1925 the incidence used to be 15 percent in the wages of Rs.24 p.m. in case of the workers of the throstle departments.

On the areas occupied by the working classes in Ahmedabad, the Royal Commission commented thus: They "present pictures of terrible squalor. Nearly 92 % of the houses are one-roomed; they are badly built, insanitary, ill-ventilated and overcrowded, while water supplies are altogether inadequate and latrine accommodation is almost entirely wanting."

According to the Labour Gazette of October 1922 the incidence of overcrowding in houses of Ahmedabad was much less as compared to that of Bombay and Karachi. The following table indicates that.

<table>
<thead>
<tr>
<th>In rooms with</th>
<th>Percentage of persons in:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bombay</td>
</tr>
<tr>
<td>10 persons &amp; above</td>
<td>13.7 %</td>
</tr>
<tr>
<td>6 to 5 persons</td>
<td>22.1 %</td>
</tr>
<tr>
<td>5 persons &amp; under</td>
<td>64.2 %</td>
</tr>
</tbody>
</table>

The table cited below on the position regarding housing in London in the year 1911 indicates that the overcrowding in the tenements Ahmedabad though less than that in
was much greater than what it was in London.

<table>
<thead>
<tr>
<th>Rooms</th>
<th>Percentage of population living in them.</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>6 %</td>
</tr>
<tr>
<td>Two</td>
<td>15 %</td>
</tr>
<tr>
<td>Three</td>
<td>20 %</td>
</tr>
<tr>
<td>Four</td>
<td>17 %</td>
</tr>
<tr>
<td>Five</td>
<td>11 %</td>
</tr>
<tr>
<td>Six and more</td>
<td>25 %</td>
</tr>
</tbody>
</table>

It may also be mentioned that between 1913 and 1923, average monthly rents of one room working class tenements in Ahmedabad increased from Rs.1:2:4 to Rs.3:5:6 i.e. by nearly 191.63%. For working classes of depressed and lower communities of Ahmedabad there were 11 water-taps for 12,000 families in the Raykhab area and 21 water-tap for 3000 families in the Shahpur area. According to the "Majoor Sundesa" of 1924 to the working class families of lower castes, water was available on an average for two minutes in a day.

Absenteeism in Ahmedabad mills was 2 % in September 1924 as against 15.9 % in the whole of the Bombay Province*. That was so possibly because 65 % of work-people in Ahmedabad came from the same district or adjacent areas and the rest hailed from adjoining parts*. Another factor that accounts for low absenteeism in the Ahmedabad mills is the traditional

* Labour Gazette July 1925.
* Labour Gazette September 1924.
* Royal Commission Report F.10
money-mindedness of the workers working therein.

During the period 1914-30 though major industrial unrests were practically absent in mills of Ahmedabad minor eruptions or skirmishes were not. Lightening strikes were often called out by workers without the consent of or the consultation with the T.L.A. more particularly in the beginning and sometimes in the middle of the period under review i.e. 1914-1920. The T.L.A's characteristic reaction to this was: - "Lightening strikes often called out on petty issues involve mills as well as labour in a big loss. They also create an ill-will between them. Since the betterment of workers is dependent upon the prosperity of mills, workers should not impulsively take steps that entail losses to the industry. T.L.A therefore cannot support a strike called out without prior consent." (The "Majoor Sandesh" of 1925).

In what has been said so far there is no presumption that employers were always wrong-doers and workers the wronged and the honest. The "Majoor Sandesh of 18-1-'25 narrates an interesting incident relating to workers' dishonesty. Workers of the Mill a complained in the T.L.A. of excessive breakages of yarn which they alleged were beyond their control and repair. In an enquiry by the Secretary of the T.L.A. and the Manager of the mill it was revealed that workers were deliberately breaking yarn with their hands to prove that breakages were excessive. No wonder the Secretary of the T.L.A. immediately made Throstle Workers' Federation pass a resolution condemning the behaviour of complainants.
In April 1928 communists who had just come into their own in the textile mill industry of Bombay perpetrated a prolonged strike.*. The Secretary of the T.L.A. was invited to Bombay to study the strike situation. It is unfortunate that in articles written by him on the strike in Bombay mills in the "Majoer Sandesh", after his return from Bombay, an outright condemnation of the methods employed by communists in the strike is nowhere to be found. It is still more unfortunate that well-known though it was that the strike was financed in part by Moscow, the T.L.A. did not object to the collection of about Rs.3000 by communists from Ahmedabad workers in order to prolong the strike. Very soon the T.L.A. was to pay a price for this flirtation with communists.

During the period under review inspite of a vigorous opposition from employers and particularly jobbers offered to the T.L.A. it became more powerful and its assertion began to count. To that extent the plight of operatives, their being beaten, ill-treated and compelled to offer bribes to jobbers and others lessened. But they did not disappear.

The Period 1930-1947.

During the Satyagraha movement of the thirties Mr. Ranchhodlal Shodan an agent of a mill in Ahmedabad was arrested for leading a batch of volunteers to Dandi. Before courting the arrest, he sent the following message* to workmen in Ahmedabad. "In the national struggle started by Gandhiji

*Any one wanting to study issues involved in and the merits of the strike may refer to Labour Gazettes of May 1928 to October 1928, '45 years with Labour' of Kanji Dwarkadas pp. 48, 48, 47 and the Report of the Bombay Strike Enquiry Committee
you have been more active than agents. You are worthy of the training Gandhiji has been giving to you. Since I am connected with you, I have certain expectations also from you...

This incident is likely to be unique in histories of industrial relations. It is also a rebuff to the marxist theory that the interests of the capitalist and the proletariat are poles asunder, conflicting and irreconcilable. For it proves that the capitalist and the proletariat can experience an identity of purpose for the national good.

Just as in case of the national scene communists felt that if Gandhiji could be won over or converted, the Indian National Congress and through it the whole country would capitulate to them, in case of the labour movement, they though that if a dose of communism could be injected into the T.L.A., it would be taken over by them and they would be able to capture hold over the proletariat. As in case of the Indian National Congress they started with the tactics of infiltration into the T.L.A.. The visit of Mr. Sakalatwala to the T.L.A. in 1927, his meeting under the auspices of the T.L.A.:— ironically with Sardar Patel as the President of the meeting—the entry of persons like Mr. Dhanwant Oza in the staff of the T.L.A., were all termite attempts to penetrate into the T.L.A. In Mr. Nanda, a scholarly, overrighteous, gentleman with a deep faith in Gandhism and a lurking liking for Marxism, communists thought, there was a soft penetrable ground'. But with vigilant men like Mr. Banker and Mr. Khandubhai Desai round and in the confidence of Mr. Nanda, presumably, the infiltration
tactics failed. With its failure or may be in addition to it, communists lodged the new offensive, an external one, of weakening and crushing the T.L.A., by fomenting strikes and creating industrial unrest. The story of the industrial unrest in the Ahmedabad textile industry during the thirties is one of intensive separate attempts of agents, the mill bourgeoisie and communists to undo the existence of the T.L.A. As a senior officer of the T.L.A. put it: "During the thirties communists' was the task of calling out strikes in order to crush the T.L.A. and ours' was one of breaking them." With Mr. Banker, Mr. Nanda and Mr. Desai in the jail due to the Satyagraha Movement and the T.L.A. in charge of relatively fresh persons, communists thought their task of finishing up the T.L.A. through the creation of a virulent industrial unrest was easy. They were mistaken.

The Industrial Unrest:

In the year 1933, the mill 'L' had remained closed on the pretext of excessive stocks. As it reopened, many old workers were substituted by fresh recruits, possibly to punish them for joining the T.L.A. As the M.O.A. refused to concede to the T.L.A's demand for using its good offices in settling the dispute on the non-absorption of old workers and so on the ground that the mill had not violated any tenet of the accepted code of conduct for labour and capital in Ahmedabad, the T.L.A. called out a three strike. Thirty(days after the commencement of the strike, the mill agreed to absorb old workers and the strike was
withdrawn. This prolonged strike had brought the mill so much to books that later on when it was threatened with a strike for cutting wage rates in the weaving department, it immediately restored earlier wage rates.

A very good example of how communists were creating dissatisfaction for the T.L.A. among its members and even workers' representatives to it is available from the strike in the mill 'S' in the year 1934. These are the facts of it:

On the insinuation of communists and against the advice of the T.L.A. workers' representatives from the mill to the T.L.A. called out a strike on hearing the rumour that weavers' wages were likely to be cut down in the mill. The representatives to the T.L.A. also sought separation from it. Communists had cast the dye so well that the persuasion of the Secretary of the T.L.A. to workers to resume work failed. The Joint Board of Representatives of the T.L.A. was therefore compelled to disaffiliate the weavers' union in the mill. Ultimately as the mill decided to and started functioning with new contingents, dismissed workmen went to the Secretary of the T.L.A. and apologised to him for their misconduct. Thereupon the Secretary of the T.L.A. approached the agent of the mill and successfully persuaded him to absorb them.

Similar strikes, not authorised by the T.L.A., took place in three other mills of Ahmedabad in the year 1934.*

The T.L.A. called out a strike in the mill 'M' in the year 1934. It was revealed to the writer by a gentleman.
* The "Majoor Sandesh" 1-8-1934.
* Details for them may be sought in the "Majoor Sandesh" of 23-2-1934 and 18-9-1934.
* The "Majoor Sandesh" of 27-10-34.
now a moderate socialist but actively associated with communists in those days that in vain they tried to take an advantage of it. This strike was promulgated against the dismissal by the mill of three representatives of workers to the T.L.A. One of them who has now risen to be the Vice President of the I.W.T.U.C. and was also a member of the Parliament till 1962. The strike was probably too long and strong to permit the mill to survive.

The Communist Offensive:

With the release of the accused in the Meerut Conspiracy Case by the end of 1933, the communist offensive against the T.L.A. was intensified. For communists the moment was opportune for launching the offensive because politically they were in the wilderness.* Comrade Bradley visited Ahmedabad sometime in 1933, addressed a meeting of colleagues and fellow-travellers and called upon them to liquidate the T.L.A.. This also was revealed to the writer by a gentleman present in the meeting. How penetrating the offensive was, can be realised from it - as was revealed to the writer by an ex-employee of the T.L.A. - that an offer of handsome bribe was made for supplying the inside information from the T.L.A.. Of course the offer was rejected.

A labour union of communists named the Mazdoor Union with a nominal membership was the agency through which the offensive was launched. The Union was publishing a weekly named 'Kamdar' and inciting workers to go on strikes.

During the strike in the mill 'L' in 1933 - to which a

*Overstreet and Windmiller: Communism in India: pp.122-155
* Labour Gazette: April 1933.
reference has already been made - at the meeting of workers organised by the Mazdoor Union Barrister Uurle who was later on probably the Minister in the popular Congress Kher Ministry and Prof. Swaminarayan were the principal speakers. It is difficult to comprehend how Professor Swaminarayan, a highly innocent mathematical genius fell into the hands of communists when nationalism was at its crest in the country.

In July or August 1933, an official of the Mazdoor Union went on a hunger strike against a mill. The agent of the mill however refused to negotiate with the Union and advised the workers for redressing whose grievances the hunger strike was apparently undertaken, to approach him through the T.L.A. They therefore resigned from the Mazdoor Union. However by the same time the Mazdoor Union succeeded in the strike in Mill V and got the head-jobber dismissed for the charge of bribery and corruption levelled against him (A).

When the Delhi Agreement reducing wage-rates of workers was arrived at between the T.I.A. and the M.O.A. the Congress Socialist Party, established in 1934, appointed a Committee of three persons to persuade workers to reject the agreement and the Party called out a strike which took place in thirty-two mills and involved 22,500 workers in it.

In November 1934, the Mazdoor Union was declared unlawful and several of its workers were tried and imprisoned. Later on two more members of the defunct Mazdoor Union were tried for disobeying the District Magistrate's order to them.

(A) Labour Gazette : August : 1933 p.897
not to leave Ahmedabad and for participating in communist activities. Mr. Mohmed Yusuf one of the sentenced and who later on settled in Kanpur and is even now active there and Mr. Mangalsingh the other accused to be sentenced were respectively awarded the rigorous imprisonment for two years and six months. These punishments were reduced in an appeal to the Higher Court. (B)

The Gujarat C.S.P. Conference which was held in Ahmedabad on 22nd and 23rd June 1935, announced its intention to organise labour on the basis of class war and to oppose the class collaboration. (C). Sometime in 1936 the meeting of the executive of the Gujarat C.S.P. at Dhapad described the T.L.A. as a company union, condemned it and pledged its support to The Mill Kamdar Union which it seems was brought into existence by fellow-travellers, members of the C.S.P. and communists due to the declaration of the Mazdoor Union as unlawful. On 3rd May 1936, the Mill Kamgar Union convened a Conference in Ahmedabad. It was presided over by Mr. S.A. Dange. (D). Leftists with all their vengeance against Sardar Patel tried in vain to disorganise two of his meetings in Ahmedabad in 1934 and 1935. The Sardar persuaded them in the meeting to become constructive rather than disruptive in approach. He even said that if those who talked of abolishing capitalism could organise an institution of workers better than the T.L.A. he was prepared to be their "Soldier". Mr. Dinker Mehta the first volunteer to be injured during the Bardoli Satyagrah.

(B) Labour Gazette: April: 1935.
(C) Labour Gazette: July: 1935.
(D) Labour Gazette: 1936
very dear to the Sardar and now the General Secretary of the M.K.U. and important representative of the C.P.I., was also it seems, involved in disorganising the Sardar's second meeting. (E).

On account of the M.O.A's going back on its promise given to the T.L.A. during the Delhi Pact to standardise wage rates and the clandestine wage cuts made in weaving departments, there was no scarcity of discontent among operatives of the mills of Ahmedabad in 1937. Therefore leftists organised a central strike Committee which presented eighteen demands on behalf of mill workers to the M.O.A. and launched strikes in thirty seven mills of Ahmedabad. These strikes involved 30,000 workers. The M.O.A. refused to negotiate with the Central Strike Committee and called upon mills at the request of the T.L.A. to withdraw wage cuts in weaving departments. Like leftists the T.L.A. was also interested in an increase in wages of mill workers, but it wanted to get it through the Bombay Textile Labour Enquiry Committee. The strike fever of 1937 was so virulent that workers who did not wish to join it were intimidated and assaulted and the Government was required to promulgate the application of the section 144 of the I.P.C. in some mill areas on 16th November and to the whole city of Ahmedabad on 19th November.*.

Agents and Workers.

In 1934, the M.O.A. resolved to appoint a Committee to defend their interests and avert losses arising from the violation by the T.L.A. of the Code of conduct between (E) Majoor Sandesh 3-10-1934 and 3-10-1935.

* Labour Gazette December 1937 P.271.
labour and capital. If any member refused to act upon the verdict of the Committee, according to the resolution, he could be fined up to Rupees 10,000. (A).

Addressing agents of mills of Ahmedabad Sardar Patel said this in 1935: "I have been telling millowners that your ways are improper and do not augur well for the future. If you harass workers you will suffer. Nobody will tolerate injustice long. Millowners take up a discount from coal, cotton, store and machinery purchases and insurance. They do not want to miss their brokerage even from wages. They must get from the industry only their due for their labour." (B).

The advice of the Governor of Bombay to the agents in 1937, is interesting. He said, "Your recent troubles have shown that your organisation is not comprehensive nor completely effective. It seems to me essential that you should bring in all the employers and improve the discipline of your members so that the reasoned agreements of the majority should not be upset by the refusal of the few to co-operate. It is also essential that you should look with an impartial eye on the grievances of labour. The recent strikes have shown that there are active agencies abroad which will seize on every real grievance to foment trouble and to increase their own power for bringing about strikes .... you know better than anyone what rates of wages the industry will stand... within those limits remove all grievances which you know to be genuine." (C).

(A) The "Majoor Sandeesh" 17-2-1934.
(B) ---do--- 7-11-1935.
In 1959, many millowners were keen on cutting wage rates in order to mitigate what they thought was the depression. As Mr. Kastoorbhai did not share their view, he made way for Mr. Haridas Achratlal for the Presidentship of the M.O.A. He was so keen on reducing wage-rates that in order to achieve it, he did not mind sacrificing the arbitration system or taking direct action against workers. Along with one or two other millowners, he approached Sardar Patel to seek his advice on the propriety of reducing the production in mills. The Sardar appears to have castigated them for their lines of thinking and refused to entertain them until the M.O.A. was registered under the B.I.D. Act. The Sardar's weight and influence on the millowners of Ahmedabad even before he became India's Deputy Prime Minister was, it appears, so great that they conceded to his advice, decided to get the M.O.A. registered under the B.I.D. Act and temporarily forgot all about reducing wage rates. (A)

Workers and the Ahmedabad Municipality.

On the assumption that a single room tenement of 10' x 10' x 10' was necessary for four members of a working class family, in 1930 the T.L.A. calculated that there was a deficit of 26,179 tenements for workers in Ahmedabad. (B) Mr. Nanda successfully fought hard in the Ahmedabad Municipality and got his scheme of additional five hundred working class tenements to be built with a tax cost of Rs. 400 to Rs. 500 per each mill sanctioned. But the millowners outwitted him.

A) The Majur Sandesh 17-8-1939.
B) For its methodology and depth of calculations, this survey which has appeared in the Majur Sandesh of 1930 is exemplary.
by persuading the Government of Bombay not to sanction its implementation. They promised to the Government to build up one thousand tenements themselves. From a position of no say in 1924 by 1937, the T.L.A. seems to have effectively consolidated its position in the Ahmedabad Municipality. Out of 36 members elected to the Ahmedabad Municipality on general seats 9 belonged to the T.L.A. (C).

In 1936 Shri Nanda and Shri Khandubhai Dessi were elected from Ahmedabad as representatives of labour to the Bombay Legislative Council. The question whether they should contest the election or not which substantially meant whether the T.L.A. should participate the national parliamentary politics or not, was discussed amongst policy makers of the T.L.A. for nearly six months. Reportedly, all of them except Mr. Nanda were against participating in elections to the Council. But ultimately Mr. Nanda's opinion appears to have prevailed. Possibly in order to qualify Mr. Nanda and Mr. Dessi for contesting the election, the T.L.A. was registered under the Trade Union Act in good time before their nominations were filed. In course of time Mr. Nanda was appointed the Parliamentary Secretary of the Prime Minister Kher who was also the Labour Minister. Among the achievements of Mr. Nanda and Mr. Dessi during their short stay in the Council, major ones were the appointment of the Bombay Textile Labour Enquiry Committee and the enactment of the Bombay Industrial Disputes Act of 1938.

Before an account of the contents of the B.I.D. Act

(C) The "Majur Sandesh" 10-12-1936 and 25-0-38 p. 91.
is given a brief reference to legislations on industrial disputes enacted before it would not be out of order. In 1929, the All India Trade Disputes Act was passed. It provided for the appointment of Courts of Enquiry and Boards of Conciliation. The procedure for the appointment of these bodies had been found to be so cumbersome that the Act was rarely made use of during its existence. In 1934, the Government of Bombay passed the Bombay Trade Disputes Conciliation Act. It was applicable only to the cotton textile industry of the Bombay City. It provided for the appointments of a Labour Officer to secure the redress of the grievances of workmen and the Commissioner of Labour as the Chief Conciliator. The major conspicuous limitation of the Act was that it did not make conciliation compulsory before the direct action was resorted to.

Some of those professing to represent the point of view of labour opposed the B.I.D. Bill in the legislature on two grounds, namely that it was designed on the basis of the machinery evolved in Ahmedabad for the settlement of disputes and secondly it restricted the power of workers to strike. Replying to these criticisms Mr. Khandubhai Desai had pointed out that it was fundamentally incorrect to label the T.L.A. as a company union when during 1926 to 1936 it had called out as many as 139 strikes most of which were successful; if the pattern of settling disputes in Ahmedabad had justified its existence to be in the interest of all concerned parties there was nothing wrong in

* The "Majur Sandesh" of 1938.
extending it to other places; leaders of workers from Bombay who clamoured the most on the limitations prescribed in the Bill on the right to strike were the least entitled to do so. Because most of the frequent strikes called out by them had failed and had forced the Bombay worker to accept a 25% wage cut. That had in its turn compelled the Ahmedabad worker also to accept a wage cut of 64% in 1936.

The B.I.D. Act of 1938.

The machinery created by the B.I.D. Act for the settlement of industrial disputes in the textile mill industry of the Bombay Province may now be reviewed.

The Act created the institution of the Registrar of Trade unions to whom they could apply for their registration under the Act. Section 7 of the B.I.D. Act pertaining to the said registration read as follows: "Any recognised union, which has for the whole of the period of six months next preceding the date of application under this section a membership of not less than 5 percent or any other union which has for the said period a membership of twenty five percent of the total number of employees employed in any industry or occupation, as the case may be, in any local area may apply .........."

The registrar could not register more than one union for an industry and an occupation (craft). When two or more eligible unions (under sec.7) applied for the registration, he had to give preference to the union with the largest membership. If in any area an industrial union
had been registered unless the occupational union had more than twenty five percent membership in the same occupation it could not be registered. Nor could a union formed in the interest of employers be registered (sec.8).

On an application made to him, the registrar was obliged to cancel the registration of a union provided he was satisfied that any of the conditions mentioned below existed:

1. At the time of its application or the registration the union was not qualified to be registered as per section 7.
2. It was registered under a mistake or a fraud or a misrepresentation.
3. If the recognition of the union had been withdrawn and its membership was below 25%.
4. If an occupational union had a membership below 25% and an industrial occupation for the area was registered.
5. The union was conducted in the interest of employers.
6. The Industrial Court desired the cancellation of the registration of the union.

The Act divided the unions into two categories of qualified and representative unions. If in any local area there was no registered union, one with five percent membership in the industry or the occupation be declared the qualified union for the respective category. If its membership fell below five per cent or the Industrial Court so desired
or another union in the craft or the industry as the case may be was registered, the declaration of its being a qualified union had to be withdrawn. A union with twenty five percent membership in an industry for the local area or the craft could be declared the representative union. All conditions under which a qualified union was liable to lose the declaration of and its status as the qualified union were mutatis mutandis applicable to the representative union.

Further if registration of the representative union under the Trade Union Act was cancelled then also it was to cease being called a representative union.

A union whose registration under the B.I.D. Act or the declaration as the qualified or the representative union was cancelled, was under certain conditions, permitted to apply for the registration or the redeclaration as the qualified or the representative union. Against the decision of the registrar on the cancellation of the registration or the declaration as the qualified or the representative union, it was permitted to apply to the Industrial Court for justice and fair play.

The Act created the institution of Standing Orders pertaining to its schedule I and in order to define exactly the relationship between the employer and the employee. The employer had to submit Standing Orders to the Labour Commissioner. He had to settle them in consultation with employees or their representatives in order to make them applicable to units in the industry. Employers or
employees aggrieved by the settlement of any Standing Order could appeal against it to the Industrial Court. The Industrial Court could revise the Standing Orders settled by the Labour Commissioner if any new matter or evidence was brought to its notice or if it felt that the Commissioner did not exercise due care in settling the Standing Orders or if there was an apparent mistake in their settlement or if there was sufficient reason for changing the Standing Order.

The act made it obligatory on employers desiring a change in Standing Orders (schedule I) or schedule II, to serve to employees a notice of their intention to effect a change. Employees desiring a change in Standing Orders or any industrial matter must through their representative union intimate to their employers of their desire to effect a change in either of them. If subsequent to the notice, the views of employers and employees coincided on effecting a change desired by any one of them and an agreement was arrived at between them, it was to be registered. If the Labour Office were to act on behalf of or to represent workers, he was to enter into an agreement with the employer only in consultation with workers.

If no agreement between employers and employees in respect of the notice of change was possible and the party which gave the notice was very keen on effecting the change, it was required to prepare and send its case for it, to the conciliator for the local area. If the conciliation failed, a detailed report regarding the dispute was to be
sent by the conciliator to the Chief conciliator. The latter would forward it to the Government and it would publish it.

On the failure of or during the pendency of the conciliation proceedings, the Government could refer the dispute to the Board of Conciliation. At the request of the party supplying any information in the conciliation proceedings it was to be kept confidential. The Conciliator or the Board of Conciliation had powers similar to those of a Civil Court conducting a suit under the Civil Procedure Code. The conciliation proceeding were normally to be over in two months.

The Act termed the agreement to refer the present or the future disputes to the arbitration as the submission. In the absence of the agreement to the contrary, it was irrevocable. The submission regarding future disputes was revocable by six months' notice to the other party. No conciliation could be ordered where the submission existed. Where there was no provision in the submission for the appointment of an arbitrator or where by the Act of parties or any other circumstances, the appointment of the arbitrator or the umpire was not possible, the dispute had to be referred to the arbitration of the Industrial Court. In conducting the arbitration proceedings, powers of the Industrial Court were similar those of the Civil Court trying a Civil Suit under the Civil Procedure Code 1908 Schedule II. Under the S.I.D. Act of 1938, the Government could refer a dispute to the arbitration only if the submission existed. In 1941, quite sometime after the popular
Kher Ministry had laid down reins of power, the Governor of Bombay amended the B.I.D. Act. The amendment gave the power to the Provincial Government to refer any dispute to the arbitration of the Industrial Court if it was satisfied that the continuance of the dispute was likely to cause serious or prolonged hardship to a large section of the community or seriously affect an industry and prospects and scope for employment in it or was likely to cause a serious outbreak of disorder or a breach of the public peace'. (sec. 49 A).

Under the B.I.D. Act a strike or a lock-out was illegal if it was commenced or continued or declared,

1) before standing orders submitted to the Commissioner of Labour were settled by him or by the Industrial Court; or

2) before the expiry of one year from the date on which standing orders came into operation; or

3) without giving a notice of change as per section 28; or

4) in cases where the notice of change had been given and no agreement had been arrived at before the statement of the case was received by the registrar; or

5) before conciliation proceedings were over or two months after the completion of the conciliation proceedings; or

6) in cases where a submission relating to disputes was registered, until it was lawfully revoked; or

7) in contravention of the terms of a registered
With the addition of section 49A which made arbitration compulsory, a provision was added to situations under which a strike or a lock-out was illegal. It was this: "in cases where an industrial dispute was referred to the arbitration of the Industrial Court under section 49A until the date on which arbitration proceedings were completed or the date on which the Award of the Industrial Court came into operation, whichever was later, the resort to a strike or the lock-out was illegal."

Under the Act, a registered agreement, a settlement, a submission or an award were binding upon all persons parties thereto. Further when a representative union was a party, any agreement or a settlement or a submission or an award, the Provincial Government had the power to make them applicable to other employers and employees in the same industry or the occupation as the case may be. The act also clearly laid down how long in different situations a registered agreement or a settlement or an award were to be applicable.

On the machinery provided by the E.I.D. Act for the settlement of disputes, the opinion of the Bombay Textile Labour Enquiry Committee was that it was dilatory and apt to be inconclusive." Elaborating the same point the Committee said: "Whatever the merits of the machinery for settling disputes of a complicated nature affecting a large number of workers, it is obviously not the most suitable one for
deciding whether justice has been done in individual cases as those of dismissals. For such matters the creation of a speedier and more conclusive machinery is desirable.".

Apropos the Committee recommended the establishment of Labour Courts. Later on the B.I.R.Act which was substituted for the B.I.D.Act provided for the establishment of Labour Courts. But whether inspite of the establishment of Labour Courts in Maharashtra and Gujarat, justice is easily, cheaply and always done to individual workers, when a wrong is done to them, is still an open question.

Not long after the B.I.D.Act came into force, the voluntary arbitration machinery in existence in Ahmedabad since 1928, broke down. It had worked relatively more advantageously to labour. Its working was relatively quick and stood in contrast to the delaying techniques of Ahmedabad millowners. The T.L.A. continued to press the M.O.A. to revive it. Files of the "Wajoor Sandesh" bear it out. From all these, there is a ground for presuming the initiative for scrapping it might have been taken by employers.

Most of the collective disputes in the textile mill industry of Ahmedabad after the outbreak of the Second World War, pertained to dearness allowance and bonus. But facts relating to a drawn out dispute between the mill 3 and the T.L.A. presented below are interesting.

The first, the second, the ninth and the tenth dates of the month of January 1941 were holidays. On the 4th day of the same month the mill had remained closed on account of the

arrest of Shri Maulana Azad. The mill therefore wanted its employees to work for an extra hour for the four days and promulgated that on those days the mill would commence work at 7 a.m. instead of the usual 7.30 a.m. and close down at 6 p.m. instead of the usual 5.30 p.m. The T.L.A. objected to the mill's scheme on the ground that it was not customary in the Ahmedabad mills to extract extra work from labour gratuitously. It persuaded workers to attend the mill as per old and normal timings. On the first day fixed for the additional work, 101 out of 1100 workers came to the mill at 7.30 a.m. and left it at 5.30 p.m. The next day as they came at 7.30 a.m. they were prevented from attending to work and dismissed. A dispute therefore arose between the T.L.A. and the mill and was referred to the Industrial Court. The mill's contention was that coming late and leaving the work earlier by some of the workers amounted to an illegal strike. The T.L.A.'s contentions were that taking extra work from workers gratuitously was not customary in Ahmedabad mills and secondly the prevention to workers from attending to work amounted to a lock-out. Both the changes effected by the mill were, according to the T.L.A., illegal.

The Industrial Court came to the following conclusions.* The mill was in order as far as statutes were concerned, in demanding extra work from workers; the partial cessation of work in combination by workers was a strike; it was illegal as it was not called out after the exhaustion of

remedies provided by the B.I.D. to avert it; the employer's refusal to reemploy strikers was not a lock-out because the same persons were not compelled to accept terms or conditions and the dismissal of workers for misconduct without the observance of the procedure laid down by Standing Order No. 22 of the B.I.D. Act amounted to an illegal change. For the sake of clarity it may be mentioned that the strike was defined by the B.I.D. Act as "a total or partial cessation of work by employee---- acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work where such cessation or refusal is in consequence of an industrial dispute...." The same act defined the lock-out as "The closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ persons employed by him, where such closing, suspension or refusal occurs in consequence of an industrial dispute and is intended for the purpose of compelling those persons or of aiding another employer in compelling persons employed by him to accept any term or condition of or affecting employment."

After the decision of the Industrial Court, the T.L.A. tried to settle up the dispute with the mill and requested it to absorb the dismissed workers. But its efforts did not succeed. The fate of the conciliation proceedings on the dispute was not any different. The obstinate policy of the mill of not coming to terms with the T.L.A. may be
the reflex of the obdurate and non-sympathetic attitude to
the T.L.A. - possibly it continues - of the extremely
conservative agent of the mill. May be in the judgment of
the Industrial Court he had acquired an opportunity of
humiliating the leadership of the T.L.A.

Attempts at settlement having failed, as a sequel
to the judgment of the Industrial Court the T.L.A. induced
two illegally dismissed workers to file a suit against the
mill for punishing. Thereupon the mill filed a counter-suit
against the officers of the T.L.A. for inciting workers
to go on an illegal strike.

Defending their position the Secretary of the T.L.A.
urged the Court that the strike was called out on the assumption that the mill had declared a lock-out in order not to
do justice to workers and no sooner did the T.L.A. come to
know that the strike was likely to be declared an illegal one, it withdrew all the propaganda for its continuance.

Further, said he, under the B.I.D. Act, the question of
penalising a union's officers for calling out a strike arose
only if it was continued after it had been declared illegal by the Court. But the Magistrate did not agree with the
interpretation of the provisions for strikes in the B.I.D.
Act put forth by the Secretary of the T.L.A. and fined him,
his colleagues and the mill for actions illegal under
the B.I.D. Act.

There is no intention of the writer of defending
the attitude of the mill of extracting additional work
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gratuitously. No exploitation in any form can be defended.
At the same time it needs to be pointed out that had the
T.L.A. cared to ascertain that statutorily the mill was
justified in demanding extra work from labour on account of
many holidays in the proceeding and the succeeding weeks and
not called out a strike but negotiated with the mill for an
additional payment for extra work, it might have acted the
Gandhiji's way.*

Recruitment.

During the period under review (1930-47) there was
no shortage of labour in mills of Ahmedabad. Methods of
recruitment were far from satisfactory and gave rise to
bribery, corruption and favouritism. The jobber continued
to be chiefly responsible for the recruitment of workers.
Even in the textile mill industry of the Bombay city, where
the decasualisation of 'badli' (temporary) workers was done
through the 'Badli Control Scheme' the eminence of the jobber
had not diminished appreciably. By 1941, Labour Officers
were appointed in many mills of Bombay but not in those of
Ahmedabad. Their functions were to "supervise recruitment,
prevent abuses, ensure a fair deal to labour and generally
to assist the management in all labour matters." "The
services which these officers can render," pointed out the
Textile Labour Inquiry Committee (p.344)" will however be
'invaluable only if their work supplements the legitimate
activities of trade unions and is not intended to be a
substitute for them". These are historic words.

*The material concerning the dispute has been collected from
the labour Gazette April 1941,
"The Majoor Sandesh" of 5-2-1942, 5-3-1942 and 11-6-1942.
Provision for Leave.

According to the Standing Order 11, at the discretion of the mill an employee was entitled to a month's leave after the service of an year. The order regarding the grant or refusal of leave had to be issued expeditiously. If the leave asked for by the operative was sanctioned a leave pass had to be issued to him. If it was refused or postponed, facts and reasons relating to them had to be recorded and supplied to the operative if he so desired. If the operative desired an extension of leave he had to be informed in good time in writing, whether his request was complied with or not. Even if the operative overstayed the leave period his lien on the job would continue if he returned within eight days of the expiry of the leave period and explained satisfactorily, why he had not resumed in time.

The standing order 12 provided for ten days casual leave to the operative in an year.

The "Majoor Sandesh" of 25-6-'42 points out that the same mills which would remove the worker under Standing Order 11 for overstaying the leave period did not furnish to him in writing why his leave or its extension had not been sanctioned though the same Standing Order had made it imperative for them to do so. That according to the T.L.A. was a misuse of the Standing Order and if it was carried too far it would require it (the T.L.A.) to press for a suitable amendment to the Standing Order.

Suspensions and Dismissals:

The Standing Order 22 of the B.I.D. Act provided for
the following regulation for suspensions and dismissals. "An operative may be suspended for a period not exceeding four days or dismissed without notice or compensation in lieu of notice if he is found to be guilty of misconduct.

'The order of suspension shall be in writing and may take effect immediately on communication thereof to the operative. Such order shall set out in detail the alleged misconduct and the operative shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry the order is confirmed or modified, the operative shall be deemed to be absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded, the operative shall be deemed to be on duty....' No order of dismissal shall be made unless the operative concerned is informed in writing of the alleged misconduct and is given an opportunity to explain circumstances alleged against him. "In awarding punishment under this standing order the Manager shall take into account the gravity of the misconduct, the previous record, if any, of the operative and any other extenuating or aggravating circumstances that may exist. A copy of the order made by the Manager shall be supplied to the operative concerned."

To some extent this Standing Order was undoubtedly likely to prevent wrongful dismissals of workers. But it had left too many powers with the manager. And there is not much hope for presuming that an average manager of a mill in Ahmedabad with the low level of rationality superimposed
upon him by conservative agents, with little impact upon him of liberal traditions and education, always afraid of the agent and trying to save the skin, would interpret the Standing Order in its spirit and not the form. Most of the judgments of the Industrial Court reported in Labour Gazettes, pertained to complaints for suspensions and dismissals. The writer has a hesitation in believing that they were all lodged in bad spirit. The power of dismissal may be vested in the manager. But the Standing Order should have provided that it could be used or effected only in conformity with the judgment of a selected body of workers. Even then its misuse may not be entirely eliminated.

Loitering:

According to the Royal Commission, Ahmedabad Millowners had pointed it out to it that in Ahmedabad mills whereas nominal working hours were ten, actual working hours were only seven and workers used to loiter for the rest of the period. Even after the nominal hours for working in the mill were reduced by an hour per day, the same complaint was repeated to the Bombay Textile Labour Inquiry Committee. Defending the position of workers before the Committee the T.L.A. had pointed out that due to indescribably bad working conditions and a complex of factors beyond his control, it was not possible for the worker to work for more than four hours continuously in the mills. But the following comments of the T.L.A. on loitering ("The Majoor Sandesh" 1-7-1934) are interesting: "We have never encouraged the system of loitering by workers. They may
reasonably go out for a while in order to get some rest after strenuous work. But workers are an important organ of and partners in the industry. We are therefore naturally as anxious as any successful industrialist would be to see that they contribute to the production the most effectively and efficiently. But we do not think that by imposing strict regulations and disciplinary measures on them, it would be possible to increase their efficiency. The latter is a function of the affinity to the industry, the right understanding of the responsibility and the voluntary co-operation. All these will grow with workers' education. Our advice to workers is that they must be constantly vigilant to and also endeavour to increase their efficiency. They should be careful not to cultivate the habit of loitering. Workers' responsibility to the industry is not small. Just as we demand our rights we must also discharge our duty efficiently. Those workers who do their work sincerely and firmly also obtain their rights without giving up firmness."

Contract Labour:

An evil of not a small magnitude that existed in Ahmedabad mills was the system of contract labour, which was not under the employ of mills. It was paid, managed and controlled mostly by contractors engaged by mills on the lump sum payment basis. According to the millowners' evidence before the Bombay Textile Labour Inquiry Committee (report p.365) the system of contract labour spared them the trouble of engaging and supervising over unskilled labour. But the disadvantages of the system appear to be overwhelming. The
contractor did not pay to his labour in proportion to the work done by it. There were no regulations concerning its working hours and conditions. The "Majoor Sandesh" of 1-1-'42 describes the conditions of folders in mills under contractors to be no better than those of slaves.

Secondly on account of strong competition amongst themselves contractors were induced to offer their services by bidding lower prices. That in its turn considerably endangered the security and stability of workers' wages and employment prospects. This is collaborated by an incident reported in the "Majoor Sandesh" of 2-1-'42. In the mill B, a contractor resigned on 3-1-'42 and informed his employees, members of the T.L.A., that with the cessation of his relation-ship with the mill their services would be terminated. The new contractor who resumed duty on 15-1-'42, refused to employ them. In those days the mill B was at tangent with the T.L.A.; As the old contractor's employees were members of the T.L.A., in a spirit of vindictiveness the agent might have instructed the new contractor not to absorb the old contractor's employees. After persuading the mill and the contractor in vain to absorb the old contractor's employees, the T.L.A. referred the matter to the Industrial Court. In a later judgment the Industrial Court held that as the contractor's employees were not on the role of the mill and did not possess permanency passes the B.I.D.Act did not apply to them. It was in the fitness of things that the B.I.D.Act of 1947 which replaced the B.I.D.Act, explicitly recognised contract labour to be in the employ of mills. But it has to
be pointed out to the credit of the M.O.A. that in August 1942 it directed mills to pay a dearness allowance of Rs. 5 to contract labour earning less than Rs. 75 per month.

In the year 1943, an agreement regarding the payment of bonus to workers by mills for the year 1942 was arrived at between the M.O.A. and the T.L.A. When for the convenience of the mill the worker might have worked day and night continuously or was promoted from the doffer to the piecer to the oilman, some of the mills in order to save a part of the bonus payable to the worker used to consider his services to be intermittent. Such an attitude of mills could only breed workers dissatisfaction to them.

The behaviour of the M.O.A. and mills in the payment of dearness allowance to workers was also characteristic. As per the agreement between the T.L.A. and the M.O.A., mills were to pay the dearness allowance for the past month before the fifteenth day of the month. But many mills would not do so. The M.O.A. had justified the mills' behaviour of paying the dearness allowance later than the time stipulated for it on the ground that as the Labour Gazette was not being punctually published, mills did not get the Cost of Living Index in time for the computation of the quantum of dearness allowance. This argument was questionable. No doubt in those days the Labour Gazette was not published punctually. But to avoid inconvenience to workers the Bombay Labour Office used to send the Cost of Living Index to the M.O.A. in time and in advance of its publication in the Labour Gazette.

* The "Majoor Sandesh" of 21-8-1943.
Permanency Passes:

One of the Standing Orders required that permanency passes should be given to workers who put in more than two months' continuous service. Some of the mills not only do not abide by this Standing Order but even discharged workers of long services but without permanency passes, arbitrarily. The T.L.A. therefore gave a test notice to a mill that workers with two months' continuous service and badli workers with two months' continuous service on posts of permanent nature should be given permanency passes. The mill deemed the notice to be of a general nature and informed the M.O.A. about it. The M.O.A. in its turn informed other mills about it and the matter was carried into the conciliation. Even today in not a few mills in Ahmedabad there are workers of very long standing services and who have not been given permanency passes. It may be hoped that the T.L.A. could prepare a mill-wise, occupation-wise, service record of workers and campaign, if necessary, to get permanency passes to all workers entitled to get them.

Even in the year 1942, attempts to beat workers or disorganise unions of the T.L.A. were not totally absent. At the same time the worker's assault on the officer of the mill sometimes resulting into his death was also not totally absent; Vide the Majoor Sandesh 17-4-1944. How impulsive the worker was in his behaviour is described in an incident reported in the "Majoor Sandesh" of 30-12-1943. It was this. A worker had some tension with the jobber. But on the ground that he (the Spinning Master) abuses him, he (the worker)
requested the spinning master to relieve him of his job. The Spinning Master advised him to deliberate on the matter before resigning. But he insisted on resigning and was therefore relieved. Later on he went to the T.L.A. and told an officer there that he had made a mistake in resigning his job and he should help him in getting it back.

From 1947 Onwards:

When against its wish the Government of India dragged the Indian Nation into the Second World War, the Indian National Congress directed its ministers and legislators in various provinces to resign offices. Accordingly Mr. Nanda and Shri Khandubhai Desai withdrew from the Bombay Legislature. They were reelected to the same in 1946. Mr. Nanda was appointed the Labour Minister in the popular Kher ministry. He broadened the Bombay Industrial Disputes Act into the Bombay Industrial Relations Act of 1947 and repealed the former.

The B.I.R.Act.

Under the Article 254(2) of the Constitution of India and section 31(1) and (2) of the Industrial Disputes Act of 1947 in case of a conflict between the provisions of the B.I.R.Act and the I.D.Act, in the States of Maharashtra and Gujarat to which the B.I.R. Act applies, the provisions of the B.I.R. Act would prevail.

The B.I.R.Act applied to specific undertakings in the textile and sugar industries and banking companies. In Devjibhai Chokshi v Calico Mills (1958 I.C.R.Bom. 1944) it was held that even the retail shop of the mill is not an
integral part of it and therefore the act does not apply to its employees.

Employee:—

Earlier, under section 3(13) of the Act, clerks, menials and contract labour in undertakings to which the Act applied were deemed to be employees. Now officers drawing a monthly salary of less than five hundred rupees are also considered to be employees under the Act.

Further an 'employee' who has been dismissed or discharged from employment on account of any dispute relating to a change in respect of which a notice has been given before or after the dismissal or discharge is also included within the ambit of the term.

The phrase 'a person employed by the contractor in section (3) has been almost acrimoniously discussed in numerous cases. In Umedsingh v Marsden Mill (A) it was held that for an employee of the contractor to be deemed an employee of the undertaking, the following conditions must be fulfilled:

1) He must be employed by the contractor to do any work for him;

2) that such work must be in the execution of a contract by the contractor with the owner of the undertaking

3) the contract must be for the execution of the work which is ordinarily a part of the undertaking (B).

Textile and sugar industries see Notifications No.2847/32/2 dated 14-3-1939 and 1131/46 of 4-10-52 of the Government of Bombay.

(A) A.I.R. 1959 Bom.143(1957),II,LLJ 658;1958 ICR(Bom)459 (H.C.Bombay).

(B) Quoted in Industrial & Labour Law Digest Vol.I Aggarawala P.184.
Section 12 of the Act enjoins on the Registrar of Unions the duty of maintaining the list of Approved Unions. An Approved Union is the innovation of the B.I.R. Act. Obligations regarding the regularity of meetings of the Executive Committee, Government audit of their accounts and avoidance of resort to strikes so long as means of settlements and conciliation are available, are prescribed under the Act for Approved Unions. At the same time they are privileged to inspect any place where their members work, to collect union dues on the employer's premises and obtain legal aid from the Government in important proceedings before the Labour Court and the Industrial Court.

Under the act there are three categories of unions, namely the Representative Union, the Qualified union and the Primary union. A union with fifteen per cent membership in the industry as a whole for three months before the application for registration can become a Representative Union. If in any local area no Representative Union exists, a union with five percent industrial membership can take its place as a Qualified Union. But if in any local area neither a Representative nor a Qualified Union exists, one with fifteen percent membership in any occupation of the industry can take their place. The sine qua non of such a Primary Union becoming the representative of workers in the industry is its being placed on the list of Approved Unions.

In order of preference the Representative Union, the Qualified Union, the Labour Officer if authorised by
employees, persons elected by employees or employees themselves and the Labour Officers are entitled to act or appear as representatives of employees. In the Textile Labour Association v the Millowners' Association 83 I.C. Bombay 1957, it was held that the whole scheme of the act is such that where a Representative Union chooses to speak or act on behalf of workers, members, individual workers can neither act nor be heard and except in exceptional circumstances indicated in Sec.115A, the award must be passed in terms of the agreement presented by the Representative Union; it does not matter if individuals or a group of workers are not a party to that agreement and not agreeable to it.*

Change:

Under the B.I.D.Act courts did not go behind and examine the propriety of orders of managers under the Standing Orders. But under sub-section (4) of section 42, if an employee desires a change in respect of any order passed by his employer under the Standing Orders or any industrial matter arising out of the application or the interpretation of Standing Orders or any industrial matter specified in Schedule III, he will approach the employer with a request for effecting such a change. If the Representative Union is not able to come to an agreement with the employer within three months of its approach to the employer, it can apply to the Labour Court for the desired change. An employer intending to effect a change in any matter in schedule II, shall give a notice of change to the representative of employees elected by employees or employees themselves and the Labour Officers are entitled to act or appear as representatives of employees. In the Textile Labour Association v the Millowners' Association 83 I.C. Bombay 1957, it was held that the whole scheme of the act is such that where a Representative Union chooses to speak or act on behalf of workers, members, individual workers can neither act nor be heard and except in exceptional circumstances indicated in Sec.115A, the award must be passed in terms of the agreement presented by the Representative Union; it does not matter if individuals or a group of workers are not a party to that agreement and not agreeable to it.*

* T.L.A. v M.O.A. 1957 II LL J 83 I.C.(Bom) quoted by Aggarawala in his Industrial and Labour Law Digest p.245
employees. Any employee desiring a change in respect of any industrial matter not specified in Schedule I or III, shall give a notice of such intended change through their Representative Union.

Under section 51, wherever a Representative Union exists or where more than 15% of the employees in any undertaking are members of a registered union a Joint Council will be set up if the employees and the union so agree. Any change other than the change in a Standing Order may be proposed in the Council of employers and employees.

An agreement arrived at within seven days of the notice of change has to be registered. A settlement arrived at within two months from the date of the completion of the conciliation proceedings which follow as a matter of course to the notice of change on which the agreement cannot be arrived at is deemed to be an agreement. If an agreement on the dispute arising out of the notice of change is not arrived at in the conciliation the matter may go to the arbitration. An award in arbitration will, like the agreement or the settlement, be binding on both the parties.

Arbitration:

By a written agreement between an employer and the representative union, any present or future dispute may be referred to the arbitration. Broadly such a submission is irrevocable. The State Government may refer the industrial dispute between employees to the arbitration of the Labour Court or the Industrial Court and the employers of such disputing employees may be made parties to such an arbitration.
If as a result of any industrial dispute, a serious out-break of disorder or a breach of public peace is likely to occur or a serious hardship to a large section of the public is likely to be caused or the industry and employment prospects are likely to be seriously affected, the Government may refer the dispute to the Industrial Court under section 73. A Representative Union on the approved list has been given the conditional privilege of referring any dispute to the Industrial Court. In Shree Sayaji Mills v. Majoor Mahajan Mandal the constitutional propriety of - from the point of view of the professed equality in the eye of law - only labour getting the privilege of referring disputes to the Industrial Court was challenged. But the Industrial Court rejected it on the ground that labour and capital are not similarly situated; labour has taken up certain disabilities which employers have not.*

In an interesting case of T.L.A. v L.A.T. (1957 I.C.R. Bombay, 642 High Court Bombay) it was held that courts constituted for the disposal of industrial disputes were entitled to dovetail principles of the Arbitration Act into the arbitration system of the B.I.R.Act.

Illegal Change:

Any change in an industrial matter in Schedule I or II which affects the condition of employees adversely or is likely to lead to an industrial dispute and undertaken (i) without following the procedure prescribed for effecting such a change; or (ii) before the date on which settlement or award...

*1951 II LLJ 118; 1950 ICR (Bom) 618 (I.C.Bombay) quoted by Aggarawala.
comes into operation; or (iii) two months after the completion of conciliation proceedings; or (iv) in contravention of a binding settlement, award or registered agreement during the period it remains in force under sec. 116, shall be deemed to be an illegal change. The Labour Court has the power to effect a change or withdraw an illegal one. Employees cannot go on a strike only by reason of the fact that the employer has made an illegal change or contravened standing orders. In certain conditions the court may order the employers to compensate the employees directly affected by an illegal change effected by the employer.

**Direct Action:**

Direct action is prohibited in case of petty disputes relating to schedule I and III and in contravention of a binding settlement, the award, the registered agreement or where the arbitration is available and the dispute is referred to it for the settlement. In other cases the direct action cannot be taken till the conciliation proceedings are completed. To be deemed not-illegal the direct action has to be undertaken within two months of the completion of the conciliation proceedings. Even after the conciliation proceedings are over the direct action cannot be taken if by powers vested in it under section 73 of the B.I.R.Act the government refers the dispute to the Industrial Court for the arbitration. A direct action which is not illegal can be intercepted by the Government by referring the dispute, the root cause of the resort to action, to the arbitration.
Mostly governments do refer disputes likely to result in a resort to a direct action to the compulsory adjudication. It is the Labour Court which can decide and finally so whether the direct is legal or not. Therefore under the scheme of the B.T.R. Act the right to a direct action has been more or less liquidated in the theory and the practice of it.

Victimisation:

Section 101 provides for the prevention of victimisation of workers for the trade union activities. But even now, instances of the victimisation of honest insiders in trade unions preventing employers from doing wrong things do occur.

_After 1950:_

In the Tripartite Labour Conference for the year 1950, a comprehensive Industrial Relations Bill and an Industrial Disputes (Labour Appellate Tribunal) Bill were put up for the discussion. On the Industrial Relations Bill, the A.I.T.U.C. was of the opinion that there was nothing good in it and any legislation restricting the right to strike and making adjudication compulsory was not acceptable to it. Even Mr. Ashok Mehta described it as a reactionary bill and opined that compulsory adjudication weakens the labour movement. Reacting to the bill late Mr. Hariharnath Shastri of the I.N.T.U.C. pointed out that if employers were empowered to recognise any union they liked, they would create satellite unions of their own. When the question of the recognition of the union came up before the conference Mr. Ashok Mehta expressed the view that where an industrial union does not exist and there are many unions competing for recognition,
it should be decided by the majority votes of workers. Mr. Hariharnath Shastri and Mr. Somnath Dave, the Secretary of the T.L.A., opposed Mr. Mehta's suggestion on the ground that in the recognition of a union, unorganised workers should have no say and they also expressed the view that the recognition should be awarded to the union with the highest membership. The T.L.A.'s and the I.N.T.U.C.'s opposition to the establishment and the continuation of the L.A.T. are known facts of the history. In the conference Mr. Somnath Dave pointed out that in so far as the L.A.T. was meant to iron out angularities and variations in state tribunals' judgments, he was not opposed to it in principle. But he expressed the fear that the addition of the L.A.T. in the Industrial Judicial System would involve delay in settlement of industrial disputes. He also deplored that in the industrial jurisprudence courts went by the case law and were not prepared to accept new principles; that discussions in courts were mainly on technical points and legal niceties and matters were not decided per excellence on merits and principles of social justice; that courts sometimes even did not recognise standards evolved by labour and capital by a mutual understanding.

The author has an impression, slightly hasty and not backed by thorough study and scrutiny that the Industrial Relations Bill of 1950 which appears to have been aborted due to political pressures had certain very welcome features. For example, it was comprehensive and would have done away with a multiplicity of labour laws. Its critical examination by
concerned parties and labour economists even at this stage with a view to making certain whether its revival would be for the general good or not, might not be a waste of time.

As a result of the award of the Industrial Court of Bombay in 1948 the Minimum wage in the textile mill industry of Ahmedabad was fixed at rupees twenty eight per month. Therefore watchmen in mills whose wages were rupees seventeen per month were raised to the minimum under the award. Thereupon some mills withdrew certain real wages that were being given to them. As the Labour Court and the Industrial Court did not approve of their said action they went in appeal to the L.A.T. The mills took up the stand that the change of the withdrawal of real wages though considered illegal by lower courts had become legalised in view of the fact that no legal action in the matter concerning them had been taken for three months after they were effected. Mr. Somnath Dave of the T.L.A. contended before the Appellate Tribunal that pending negotiations with mills it would not have been conducive to good relations to file an application in the said matter before the Court. The L.A.T. ultimately endorsed the decisions of the Labour Court and the Industrial Court.

Long after the abandonment of the system of voluntary arbitration in 1935, in 1952 the M.O.A. and the T.L.A. came to an agreement "that all disputes between mills and the Textile Labour Association and between the Ahmedabad Millowners' Association and the Textile Labour Association should be settled outside the Court, in the first instance
by negotiations and in case no agreement is arrived at by mutual discussion, then by (voluntary) conciliation or by (voluntary) arbitration...."

With the coming into existence of this agreement not all disputes in the Ahmedabad textile industry were necessarily settled outside the court. In a dispute between the City of Ahmedabad Spg. & Wvg. Co.Ltd. and the T.L.A., the question arose whether the Labour Court could interfere with the award of private arbitration or not. The mill had charged the arbitrator of judicial misconduct in not consulting it in the dispute which concerned it. The L.A.T. deciding the appeal of the mill held that "the powers of the court to remit or modify or set aside an award under the Arbitration Act are exercisable by the appropriate court in relation to arbitrations under the Bombay Industrial Relations Act."

"Later on /in (1957)11 LLJ.435 the Bombay High Court also appears to have endorsed the decision of the L.A.T. in an appeal preferred against it by the T.L.A..

Loitering.*

Loitering by workers is an evil of considerable dimension in the mills of Ahmedabad. In 1953 the M.O.A. gave the T.L.A. a notice in that respect with the following points.

1) All workers should present themselves for duty at the scheduled hours.

2) They should not leave their respective places of duty within an hour of the commencement of the shift, before and after the recess and when the shift ends.
3) During the shift no worker should go out of his department without the permission except for a purpose other than one relating to his work and for more than twenty minutes. The permission to go out will be given according to the convenience of the department and in such a way that at a time all workers in the department cannot go out of it.

4) Any worker violating clauses (1), (2) and (3) would be considered absent for the period for which he goes out for loitering and his wages would be deducted in respect thereof in accordance with the provisions of the Payment of Wages Act.

As per the arbitration pact of 1952, the matter concerning this notice was referred to the arbitration of Mr. Vasawada and Mr. Kastoorbhai Lelbhai. The arbitrators could not agree with each other and submitted differing awards. Main points relating to them were as follows:

Mr. Vasawada's contention was that there could be no difference of opinion on it that loitering by workers during working hours is an evil. But in his opinion, the immediate decision to do away with it was likely to affect adversely the psychology of workers and create complications. According to him for eradicating the evil of loitering, a constructive approach jointly by the T.L.A. and the M.O.A. was necessary. Working conditions in most of the Ahmedabad mills being very much below the accepted normal standards pertaining to them, according to Mr. Vasawada, their joint investigation by the M.O.A. and T.L.A. should be first of all
made. Thereafter agreements should be made with each mill to carry out suggestions made in the respective investigations pertaining to it and in the meanwhile, according to Mr. Vasawada representatives of the T.L.A. should instruct workers not to loiter and enquire into workers' complaints relating to working conditions. Further according to Mr. Vasawada, the M.O.A. should instruct mills to solve workers' complaints relating to working conditions in consultation with the T.L.A.

Mr. Kastoorbhai wanted the M.O.A.'s proposals to be given a trial for three months. But Mr. Vasawada did not agree to it. Mr. Kastoorbhai agreed with Mr. Vasawada's contention that working conditions in Ahmedabad mills were very much below their accepted standards and compared to those in western countries. In accordance with the A.T.I.R.A. survey and the Kanpur Textile Enquiry Committee Report, he was agreeable to giving workers freedom from work during the shift for 20% time; 6% of it being for answering calls of nature and 13% for rest. He disagreed with the T.L.A.'s stand that loitering should be prevented only by appeals to workers. He did not accept the argument that workers should be allowed to loiter because working conditions are bad. In the end of his award he pointed out that if the T.L.A. felt that working conditions are subnormal, Labour Court is open to it for appeals and getting them improved upon. A contention like this manifests a condescending and supercilious attitude on the part of the arbitrator; nor does it stand in harmony or conformity with the attitudes of other arbitrators.
in the history of industrial relations in Ahmedabad. But on the whole it appears that the millowners do not entertain the problem of subnormal working conditions seriously. The same thing consequently appears to be true of the T.L.A. also. If in conceding to employers demands for rationalisation had the T.L.A. insisted on the improvement of working conditions, much change for the better in them could have been brought about by now.

The Bonus Agreement:

Disputes on bonus used to arise practically every year in the textile mill industry of Ahmedabad during and after the Second World War. Ultimately in 1955, the T.L.A. and M.O.A. entered into a unique agreement on the payment of bonus for the period 1952-'57. The agreement was effected without renouncing the general principles enunciated in decisions and awards of arbitration boards, the Industrial Court, the L.A.T. and the Supreme Court in respect of bonus and rights and privileges created thereunder. The agreement provided that the claim of employees for bonus would only arise if there is an "available surplus" out of profits, after making an adjustment for prior charges laid down in the L.A.T. Full Bench Formula. After the "available surplus" was computed, mills were required to pay to their employees, bonus ranging between the minimum 4.8% and the maximum of 25% of basic wages earned during the year. If the quantum of "available surplus" was more than enough for paying the maximum bonus specified in the agreement, the excess of it over the aggregate payable was to be notionally "set on" as a reserve
for the payment of bonus in subsequent years. If the "available surplus" with a mill was no more than that required for the payment of minimum bonus, the bonus would be fixed after deducting Rs. 10,000 from the "available surplus". If the "available surplus" with a mill was so small as not to warrant the payment of even the minimum bonus under the agreement, the mill would be entitled to "set off" the excess amount from the "available surplus" in subsequent years. By the excess amount is implied the difference between the quantum of bonus and the "available surplus" for the year concerned. And lastly if the mill is making losses or its profit position is such as is not sufficient, even for being adjusted against prior charges, in order to maintain industrial peace and the goodwill of its workmen, it would pay the minimum bonus under the agreement subject to the right of "set off" in subsequent years.

The pact justified its existence for the period for which it was stipulated. The T.L.A. wanted it to be continued. But it wanted that since the taxation was reduced from 51% to 45%, in the adjustment of it as a prior charge, its amount should be reduced pro rata. It also wanted that the amounts "set off" and "set on" under the 1952-57 agreement should be carried forward in calculations to be made under the proposed new pact. The M.O.A. did not agree to either of these contentions of the T.L.A. and therefore the T.L.A. appealed to the Industrial Court to order the continuation of the pact for one more year. After protracted discussions before it by the concerned parties
the Industrial Court conceded to the appeal of the T.L.A. Thereafter 48 mills paid the bonus for the year 1958 but eighteen mills preferred to appeal to the Supreme Court against the order of the Industrial Court. The Supreme Court refused to endorse the decision of the Industrial Court.*.

Later on an ad hoc bonus agreement between the T.L.A. and the M.O.A. was arrived at in respect of the payment of bonus for four years from 1959 onwards. But the eighteen mills which had, under the leadership of Kr. Kastorbhai, appealed to the Supreme Court even now refuse to pay the bonus for the year 1958 according to the terms of 1952-57 agreement and therefore recently the T.L.A. has decided to non-co-operate with them; i.e. to help them in the rationalisation only strictly according to the course of law and not by mutual understanding.

In June 1950, the T.L.A. gave a notice of change to the M.O.A. that a scheme of gratuity at the rate of one month’s total wages per every year of service terminated by mills on grounds of old-age, invalidity, incapacity or natural death should be framed. The demand made by the T.L.A. was not accepted by the M.O.A. and therefore the dispute was taken to the Industrial Court. Pending the settlement of the dispute the Employees Provident Fund Act came into operation. It was urged to the Court that in view of the coming into existence of the Employees’ Provident Fund Scheme the acceptance of the demand for gratuity should be postponed. The Court upheld that prayer pointing out that if sufficient margin of profit was left after the provident fund liability

was met it would be open to either of the parties to move the Court in respect of the gratuity scheme.

On the ground that during the existence of Industrial Court's earlier award of 1952 rejecting the T.L.A's demand for framing the scheme of gratuity in the textile industry of Ahmedabad, the Voluntary Arbitration Board refused to entertain the T.L.A's fresh application in the matter of gratuity. Before the publication of the Board's award the T.L.A. moved the Industrial Court to modify its earlier award. Thereupon the Industrial Court complied with the T.L.A's demand for introducing the scheme of gratuity. Against the said decision of the Industrial Court twenty mills of Ahmedabad lodged an appeal with Supreme Court but it rejected it. According to the decision of the Industrial Court endorsed by the Supreme Court the following scheme of gratuity became operative in mills of Ahmedabad.

1) If an employee dies during the service or becomes physically or mentally unfit for further service he should be paid the gratuity at the rate of one month's total wages for each year of completed service; (2) on the voluntary retirement or resignation or the termination of service by the company for ten years of completed service he should be paid the gratuity at the same rate as specified in (1) above, (3) In the case of the termination by the company of the service of the employee ranging between seven and ten years and five and seven years respectively he should be paid the gratuity equal to 75% and 50% respectively of that specified in clause (1) above.

* Civil Appeal No. I of 1959 in the Supreme Court.