

INTERNATIONAL LABOUR OFFICE

INDIAN BRANCH

C 1903/69

Report for August 1934.

N.B.-Every section of this Report may be taken out separately.

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*1. H. S. E. 11 for
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References to the I. L. O.

The Leader dated 3-8-1934 publishes the full text of the speech of Mr. Jamnadas Mehta at the 18th I.L.Conference in support of reduction of hours of work.

* * *

The July 1934 issue of H.E.H.the N.S.Railway Employees' Union Bulletin, Secunderabad, publishes the communique issued by this Office on 17-7-1934 under the caption "The International Labour Conference and Indian Railway workers". The communique is based on the observations of Mr. Jamnadas Mehta, Indian Workers' delegate, at the 18th I.L.Conference, on the report submitted to the Conference by the Government of India under Article 408.

(The communique was also published in Labour Times, Madras, and Indian Labour Journal, Nagpur; vide page 2 of our July 1934 report).

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The Indian Labourer, Madras, dated 10-8-1934 publishes a Tamil translation of the communique issued by this Office on 17-7-1934 under the heading "The International Labour Conference and Indian Railway Workers".

* * *

The July 1934 issue of the Indian Textile Journal, Bombay, publishes the communique issued by Mr. R.R.Bakhale regarding the election of Mr. N.M.Joshi to the Governing Body of the I.L.O.

(For a list of other papers which published the communique, vide page 9 of our June 1934 and page 3 of July 1934 reports).

* * *

The July 1934 issue of the Indian Textile Journal, Bombay, and the July 1934 issue of H.E.H. the N.S.Railway Employees' Union Bulletin, Secunderabad, publish the communique issued by this Office on 11-7-1934 summarising the results of the 18th I.L. Conference.

(For a list of the papers which published the communique in July, vide page 6 of our July 1934 report).

* * *

Labour Times, Madras, of 1-8-1934 publishes a long summary of the Conventions adopted by the 18th I.L.Conference. The summary ^{is} ~~was~~ made from certain numbers of the Provisional Record of the proceedings of the Conference supplied to the weekly by this Office.

* * *

The Amrita Bazar Patrika of 21-8-1934 and Labour Times, Madras, of 22-8-1934 publish the report of an interview given to a press representative by Mr. Jamnadas Mehta, Indian Workers' delegate to the 18th I.L.Conference, regarding his impressions of the last I.L.Conference. Mr. Mehta briefly described the achievement of the session and referred to the work of the Organisation in appreciative terms.

* * *

The Statesman and the National Call of 19-8-1934, the Times of India of 21-8-1934, the Hindu of 25-8-1934 and the Industrial Labour Journal of 2-9-1934 publish a communique issued by this Office on the I.L.O.Questionnaire on the employment of Women on underground work in mines.

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The Hindustan Times of 30-8-1934 publishes in abridged form a communique issued by this Office on 29-8-1934 on the I.L.O. Questionnaire on Insurance Rights of Migrant Workers.

* * *

The August 1934 issue of the Young Builder, Karachi, publishes an editorial note under the caption "Unemployment and Hours of Work" commenting appreciatively on the efforts made by the I.L.O. to bring about a reduction of hours of work in industry.

* * *

Federated India, Madras, of 15-8-1934 publishes an article contributed by this Office under the caption of "I.L.O. and Workers' Organisations; Relations during 1933".

* * *

The Hindu of 21-8-1934, the Hindustan Times of 22-8-1934, the Amrita Bazar Patrika of 22-8-1934 and the Leader of 23-8-1934 publish a Reuter's message from Washington dated 20-8-1934 to the effect that the United States has agreed to join the I.L.O.

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The Statesman, the Hindustan Times and the National Call of 22-8-1934 publish a communique issued by this Office on 21-8-1934 announcing the formal entry of the U.S.A. into the I.L.O.

* * *

Labour Times, Madras, of 22-8-1934 publishes a short note announcing that the U.S.A. has accepted membership of the I.L.O.

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The Statesman of 27-8-1934 publishes a British Official Wireless message dated 21-8-1934 from Rugby to the effect that the

decision of the U.S.A. to become a member of the I.L.O. is welcomed by the British Press.

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The Hindu of 23-8-1934, the Times of India, the Statesman and the Hindustan Times of 24-8-1934 and the Amrita Bazar Patrika of 25-8-1934 publish a Reuter's message from Washington dated 22-8-34 to the effect that one of the objects of the United States in joining the I.L.O. is to give an impetus to the move for a shorter working week.

* * *

The Statesman and the National Call of 26-8-1934, ^{and} the Leader of 30-8-1934 publish a lengthy communique issued by this Office on 25-8-1934 on the significance of the acceptance by the U.S.A of the membership of the I.L.O.

* * *

The July 1934 issue of Advance India, Madras, publishes an article under the caption "America and the I.L.O." The article was contributed by this Office and reviews the close and cordial relations existing between the U.S.A. and the I.L.O. ever since the latter came into being.

* * *

The Amrita Bazar Patrika of 2-8-1934 and the Planters' Chronicle, Madras, of 11-8-1934 publish the communique issued by this Office on 23-7-1934 giving full details of the address of the Director before the East India Association on 10-7-1934.

* * *

The Tamil Supplement of Labour Times, Madras, dated 1-8-1934 publishes a Tamil translation of the communique issued by this

Office on 23-7-1934 giving full details regarding the address of the Director to the East India Association on 10-7-1934.

(For a list of other papers which published the communique, vide pages 7 and 15(b) of our July 1934 report).

* * *

Labour Times, Madras, of 8-8-1934 publishes the full text of the speech of Mr. Jamnadas Mehta in the course of the discussion ~~TEXT~~ which followed the address of the Director before the East India Association, London, on 10-7-1934.

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The August 1934 issue of Insurance World, Calcutta, publishes the item entitled "Unemployment Insurance" included in the June 1934 issue of the I.L.O. News Bulletin.

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The July 1934 issue of Advance India, Madras, publishes the items entitled "The I.L.O.; Character of the Annual Conference" and "The I.L.O. and Extra-European Countries", included in the June 1934 issue of the I.L.O. News Bulletin.

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The August 1934 issue of the Morning Star, Trichinopoly, publishes a long editorial article reviewing the June 1934 issue of the I.L.O. News Bulletin. The article contains several appreciative references to the I.L.O.

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The Rajasthan, Delhi, of 6-8-1934 publishes two items entitled: "Japanese competition" and "Public Works and Unemployment", included in the July 1934 issue of the News Bulletin.

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The Financial News, Bombay, dated 11-8-1934 publishes the item entitled "Japanese Competition" included in the July 1934 issue of the I.L.O. News Bulletin.

* * *

Labour Times, Madras, of 15-8-1934 reproduces certain notes from a recent issue of the Press Reports issued by the All-India Railwaymen's Federation, one of which deals with the subject of working hours on Indian railways. In this connection ^{reference} is made to the demand made by Mr. Jamnadas Mehta at the 18th I.L. Conference for an enquiry into the manner in which the Government of India ~~has been~~ applying the Hours and Weekly Rest Conventions on Indian railways.

* * *

The Independent Railwayman, Bombay, of 27-8-1934 publishes an article under the caption "Improper application of Geneva Conventions" contributed by Mr. D.L.Pathak, General Secretary of the G.I.P.Railway Workers' Union, Bombay. The article deals with certain hardships entailed by the introduction of the Hours of Employment Regulations on the G.I.P.Railway.

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The Times of India of 27-8-1934 publishes a note summarising the working for the year 1933-34 of the Hours of Employment Regulations on the State-owned Indian Railways. The Regulations were issued to implement the Washington and Geneva Conventions re. hours of work and weekly rest.

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The Statesman of 6-8-1934 and Federated India, 29-8-1934 publish a summary of the Note on the effect of the depression on children of the unemployed sent by the I.L.O. to the League Committee on Child Welfare.

* * *

The Indian Labourer (a Tamil Fortnightly from Madras) dated 10-8-1934 publishes the fifth instalment of the Tamil translation of Dr. Pillai's article on "The World Unemployment Problem" (vide pages 17-18 of our June 1934 and page 10 of July 1934 reports for references to previous instalments of the article).

* * *

The July 1934 issue of the Indian Textile Journal, Bombay, the Hindu of 31-7-1934, United India and Indian States, New Delhi, of 4-8-1934, the August 1934 issue of the Hindustan Review, Patna, and New Orissa, Berhampur, dated 21-8-1934 publish appreciative reviews of the I.L.O. Year Book, 1933.

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The Amrita Bazar Patrika of 12-8-1934 publishes an editorial note regarding India's membership of the League of Nations in the course of which appreciative references are made to the I.L.O. Year Book, 1933.

* * *

United India and Indian States, New Delhi, of 11-8-1934 publishes an appreciative review of the I.L.O. publication: "Industrial Relations in Great Britain."

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The Amrita Bazar Patrika of 24-8-1934 publishes a long editorial article under the caption "Secret of Japan's success" dealing with the industrial progress of Japan. In the course of the article references are made to the report submitted to the Office on his tour in Japan by Mr. Fernand Maurette, Assistant Director of the I.L.O.

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The Indian Labour Journal, Nagpur, of 19-8-1934 publishes an article under the caption "National Economic Councils: Recent Developments in France" contributed by this Office on 4-8-1934. The article is based on the note on the subject published in Industrial and Labour Information of 23-7-1934.

* * *

The Indian Social Reformer, Bombay, dated 18-8-1934 publishes a long article under the caption "The International Labour Organisation" contributed by Alice S. Cheyney. The article deals with the origin, working and achievements of the I.L.O.

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Federated India, Madras, of 1-8-1934 publishes an article contributed by the Director of this Office on 16-3-1934 under the caption "The Nazis and the Control of Industry". The article is based on the note on the new German Labour Code published in the issue of Industrial and Labour Information dated 19-2-1934. The same article was published in the Amrita Bazar Patrika of 29-4-1934 and the Indian Labour Journal, Nagpur, of 25-3-1934.

* * *

In the course of his joint address to the two Houses of Legislature on 29-8-1934, His Excellency the Viceroy made the following reference to the Indian Dock Labourers' Act which is designed to give effect to the Convention re. protection against accidents of workers employed in loading and unloading ships:

"During the current session you have passed a measure designed to secure conditions of greater safety for an important section of the manual workers of this country. I refer to the Indian Dock Labourers' Bill, which when it becomes law will give effect in British India to the International Convention concerning the protection against accidents of workers employed in loading and unloading ships. The Bill empowers the Government of India to make regulations for the safety of such workers and to provide, through a system of proper inspection, for the enforcement of those regulations in accordance with standards internationally accepted and embodied in the International Convention, thus filling a gap in India's labour legislation caused by the non-existence of any regulations which could be said to provide adequately for the safety of dock workers while engaged in their admittedly hazardous occupation. The Act which has now been placed on the Statute Book is still another earnest of India's desire to conform to the highest standards in her treatment of labour."

The full text of Lord Willingdon's speech is reproduced in most of the Indian papers.

* * *

The Hindu of 8-8-1934 publishes a long article under the caption "Maternity Benefits Legislation in India" contributed by Mr. T.A. Anantha Aiyar. The article makes extensive references to the I.L.O. Conventions on maternity benefits and to the publications of the I.L.O. on the subject.

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The Planters' Chronicle, Madras, of 11-8-1934 reproduces the note published in the May 1934 issue of the I.L.O. Monthly Summary under the caption "Committee of Experts on Native Labour".

* * *

The July 1934 issue of Advance India, Madras, publishes full details regarding the proceedings of the Asiatic Labour Congress held at Colombo in May 1934.

* * *

The National Call of 30-7-1934, the Statesman of 31-7-1934 and the Leader of 10-8-1934 publish a note issued by the Associated Press of India on the finances of the League of Nations based on information supplied by Mr. Seymour Jacklin, Treasurer of the League of Nations.

* * *

Attention is directed to pages 1255 to 1264 of Vol.VII of Legislative Assembly Debates of 1934 for a series of interpellations put in the Assembly on 9-8-1934 and the answers thereto on the subjects of India's financial contribution to the League, employment of Indians in the League Secretariat, India's ^{claim to a seat} membership on the Council of the League of Nations, interest of the Indian legislature in the work of the League of Nations, ^{and} appointment of a permanent representative of India at Geneva. ~~etc.~~

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The Statesman of 30-8-1934 publishes the news that Mrs. Shirin Fozdar will be attending the forthcoming League Assembly as a representative of the Committee of the Asian Women's Conference.

* * *

Federated India, Madras, of 8-8-1934 publishes a note deploring the scanty representation of Indians in the ~~League Council and its~~ Secretariats of the League Organisations. The note points out

incidentally that the most useful part of the League Organisation is the I.L.O. and that in the activities of this Organisation India has taken ^a satisfactory part. The note pays a glowing tribute to the beneficent influence exerted by the I.L.O. in bettering the conditions of work of Indian labourers by giving an impetus to progressive labour legislation.

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At the first half-yearly meeting of 1934 of the Committee of the All-India Women's Conference, held at Indore from 21 to 23-7-34 a resolution was passed to the effect that the All India Women's Council should submit a memorandum on Women and Child Labour to the I.L.O. (Details of the meeting are given in the Section of this report: "Women and Children").

(A summary of the proceedings of the Indore Conference was published in the National Call of 30-7-1934)

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United Bengal, Calcutta, of 1-9-34 reproduces the item entitled "A consultative Asiatic Labour Conference" included in the July 1934 issue of the I.L.O. News Bulletin.

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The following messages having reference to the I.L.O., emanating from Reuter or other European News Agencies, were published in the Indian Press during August 1934.

1. A Reuter's message from Washington dated 20-8-1934 announcing the acceptance by the U.S.A. of membership of the I.L.O.

2. A British Official Wireless message from Rugby dated 21-8-1934 to the effect that the British Press has welcomed the U.S.A.'s entry into the I.L.O.

3. A Reuter's message from Washington dated 22-8-1934 to the effect that the U.S.A. joined the I.L.O. with the object of furthering the I.L.O.'s drive for a 40-hour week.

Ratifications.

The Indian Dock Labourers Act, 1934. ✓

Reference was made at page 17 of our July 1934 report to the passing by the Legislative Assembly on 30-7-1934 of the Indian Dock Labourers Bill into law. The Bill, it will be remembered, was introduced with the object of implementing the I.L.O. Convention concerning the protection against accidents of workers employed in loading and unloading ships. The Bill was introduced in the Legislative Assembly on 18-9-1933. The following is the full text of the Act.

Act No.XIX of 1934.

An Act to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.

Whereas a Revised Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships was adopted at Geneva on the twenty-seventh day of April, nineteen hundred and thirty-two;

And whereas it is expedient to give effect in British India to the said Convention;

It is hereby enacted as follows:-

1.(1) This Act may be called the Indian Dock Labourers Act, Short title, extent, commencement & application. 1934.

(2) It extends to the whole of British India.

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

(4) It shall not apply to any ship of war of any nationality.

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

(a) "the processes" includes all work which is required for or is incidental to the loading or unloading of cargo or fuel into or from a ship and is done on board the ship or alongside it; and

(b) "workers" means any person employed in the processes.

3.(1) The Local Government may, by notification in the Local official gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) All Principal Officers of the Mercantile Marine Department shall be Inspectors under this Act, ex officio, within the limits of their charges.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Local Government may direct.

4. Subject to any rules made in this behalf under section 6, Powers of Inspectors. an Inspector may, within the local limits for which he is appointed, -

- (a) enter, with such assistants (if any) as he thinks fit, any premises or ship where the processes are carried on;
- (b) make such examination of the premises or ship and the machinery and gear, fixed or loose, used for the processes, and of any prescribed registers and notices, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act; and
- (c) exercise any other powers which may be conferred upon him by the regulations made under section 5.

5.(1) The Governor General in Council may make regulations - Power to Governor General in Council to make regulations.

- (a) providing for the safety of working places on shore and of any regular approaches over a dock, wharf, quay or similar premises which workers have to use for going to or from a working places at which the processes are carried on, and for the lighting and fencing of such places and approaches;
- (b) prescribing the nature of the means of access which shall be provided for the use of workers proceeding to or from a ship which is lying alongside a quay, hulk or other vessel;
- (c) prescribing the measures to be taken to ensure the safe transport of workers proceeding to or from a ship by water and the conditions to be complied with by the vessels used for the purpose;
- (d) prescribing the nature of the means of access to be provided for the use of the workers from the deck of a ship to a hold in which the processes are carried on;
- (e) prescribing the measures to be taken to protect hatchways accessible to the workers and other openings in a deck which might be dangerous to them;

- (f) providing for the efficient lighting of the means of access to ships on which the processes are carried on and of all places on board at which the workers are employed or to which they may be required to proceed;
- (g) providing for the safety of the workers engaged in removing or replacing hatch coverings and beams used for hatch coverings;
- (h) prescribing the measures to be taken to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition;
- (i) providing for the fencing of machinery, live electric conductors and steam pipes;
- (j) regulating the provision of safety appliances on derricks, cranes and winches;
- (k) prescribing the precautions to be observed in regard to exhaust and live steam;
- (l) requiring the employment of competent and reliable persons to operate lifting or transporting machinery used in the processes, or to give signals to a driver of such machinery, or to attend to cargo falls on which ends or winch drums, and providing for the employment of a signaller where this is necessary for the safety of the workers;
- (m) prescribing the measures to be taken in order to prevent dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith;
- (n) prescribing the precautions to be taken to facilitate the escape of the workers when employed in a hold or between decks in dealing with coal or other bulk cargo;
- (o) prescribing the precautions to be observed in the use of stages and trucks;
- (p) prescribing the precautions to be observed when the workers have to work where dangerous or noxious goods are, or have been, stowed or have to deal with or work in proximity to such goods;
- (q) providing for the rendering of first-aid to injured workers and removal to the nearest place of treatment;
- (r) prescribing the abstracts of this Act and of the regulations required by section 8;
- (s) prescribing the provision to be made for the rescue of immersed workers from drowning;
- (t) providing for the submission of notices of accidents and dangerous occurrences and prescribing the forms of such notices, the persons and authorities to whom they are to be furnished, the particulars to be contained in them and the time within which they are to be submitted;

- (u) specifying the persons and authorities who shall be responsible for compliance with regulations made under this Act;
- (v) defining the circumstances in which and conditions subject to which exemptions from any of the regulations made under this section may be given, specifying the authorities who may grant such exemptions and regulating their procedure;
- (w) defining the additional powers which Inspectors may exercise under clause (c) of section 4; and
- (x) providing generally for the safety of workers.

(2) Regulations made under this section may make special provision to meet the special requirements of any particular port or ports.

(3) In making a regulation under this section, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to five hundred rupees and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

6. Subject to the control of the Governor General in Council, Power to Local Govern- the Local Government, may make rules ment to make rules. regulating -

- (a) the inspection of premises or ships where the processes are carried on; and
- (b) the manner in which Inspectors are to exercise the powers conferred on them by this Act.

7.(1) The power to make regulations and rules conferred by General provisions re- sections 5 and 6 is subject to the lating to regulations condition of the regulations and rules and rules. being made after previous publication.

(2) Regulations and rules shall be published in the Gazette of India and the local official Gazette, respectively.

8. There shall be affixed in some conspicuous place near the main entrance of every dock, wharf, quarry or similar premises where the processes are carried on, in English and in the language of the majority of the workers, the abstracts of this Act and of the regulations made there- under which may be prescribed by the regulations.

Abstracts of Act and regulations to be conspicuously posted.

9. Any person who - Penalties.

- (a) wilfully obstructs an Inspector in the exercise of any power under section 4, or fails to produce on

demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act, or any gear, fixed or loose, used for the processes, or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector, or

- (b) unless duly authorised, or in case of necessity, removes any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by or under the regulations made under this Act, or
- (c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary,

shall be punishable with fine which may extend to five hundred rupees.

10.(1) No Court inferior to that of a Presidency Magistrate Provisions relating or a Magistrate of the first class to jurisdiction. shall try any offence under this Act or the regulations made thereunder.

(2) No prosecutions for any offence under this Act or the regulations made thereunder shall be instituted except by or with the previous sanction of an Inspector.

(3) No Court shall take cognizance of any offence under this Act or the regulations made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

11. The Governor General in Council may, by notification in Power to exempt. the Gazette of India, exempt from all or any of the provisions of this Act and of the regulations made thereunder, on such conditions, if any, as he thinks fit, -

- (a) any port or place, dock, wharf, quay or similar premises at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or

- (b) any specified ship or class of ship.

12. No suit, prosecution or other legal proceeding shall lie Protection to persons acting under this Act. against any person for anything which is in good faith done or intended to be done under this Act.

(Pages 55-57 of Part V, Gazette of India of 25-8-1934).

17

National Labour Legislation.

✓ Labour Standards in Indian States:

Mr. Das' Plea for Uniformity.

The following extracts taken from the speech of Mr. B. Das in the Legislative Assembly on 18-7-1934 during the debate on the third reading of the Factories Bill refer to the question of labour standards in Indian States and of the need for bringing them up to the level of standards in British India:

"I am grateful to Mr. Mody for referring to one aspect of the issue in his note of dissent, which he also mentioned in his speech. It is the advantageous position in which Indian States are placed owing to the incompetence and ineptitude of the Government of India. Today, the Government of India, as they stand, cannot apply and enforce humanising legislation in the Indian States. Yet I have seen representatives of Indian States and Indian princes visiting Geneva as representatives of India. I cannot understand how they are allowed to grace these International Conferences, whether it is the League of Nations or the I.L.O., when they do not submit and subscribe to the Conventions, and when they do not ratify these Conventions. If they are within the British Empire — I am not here discussing questions of paramountcy, I am glad my Honourable friend, Mr. Metcalfe, is here, I am not talking of sovereignty or paramountcy — these two things I have talked about often and I will get ample opportunity to talk later — but if they are in the British Empire, they are part of the British Empire, and they must ratify these Conventions which the British Government and the Government of India ratify; and, however much these princes may bluff and blubber outside, they are still subordinate to the Government of India; and if the Government of India do ratify these labour Conventions, I want to know what justification there is why the Government of India are so incompetent that they cannot enforce on these princes to adopt these Conventions in their States. There is forced labour prevalent in almost every State. The Honourable Mr. Glancy admitted that there exists forced labour in the Indian States. How can over-worked capitalists like my friend, Mr. Mody, with all this legislation and Factory Inspectors, and the Honourable Member for Industries and Labour keeping an eye on behalf of the workers, how can he compete with industries that are started in these Indian States and may be worked by forced labour, and this Government has no means today to abolish forced labour in the Indian States? This Government has no means to compel these Indian States that they must adopt a 54-hour week. There are other things too. There is no incometax in many of these States. In India, the employers pay so much incometax — if the British Indian employer had not to pay incometax and super-tax to the Honourable the Finance Member, then he would have been able to pay one or two annas more a day to the workers.

The Government of India stand pilloried. The Honourable Member for Industries and Labour was silent in his reply to the particular charge (allowing lower labour standards in Indian States) which Mr. Mody levied in his note and also in his speech, but if Government sleep over it today, they will have to face it tomorrow; the problem will certainly have to be faced. Whether there is going to be a Federation or not, the present Government of India or their successor will have to face that problem, and they will have to face that problem, not only for the sake of humanity to keep one uniform standard in the so-called Indian Empire of His Majesty the King-Emperor, but to maintain an equal standard of working conditions for all working classes, both in British India and in Indian India. It is no use penalising the working classes in these Indian States, and if they are penalised, it is the Government of India and the British Government under the dictates of high political issues, who are parties to penalising the working classes in the Indian States, and the indirect consequence of it is that the employers in India are penalised; they are working at a certain disadvantage. Sir, I do hope that my friend, the Honourable Sir Frank Noyce, will be able to say something as to what steps the Government of India have taken in the matter, whether they are in touch with the administration of these Indian States, and whether they are trying to make the Indian States, the princelings and princes conform to the conditions obtaining in British India, whether the Government of India will make them accept all those labour legislations that exist here, particularly all those Conventions that the Government of India have ratified and to which the I.L.O. is a party".

(Extracted from Legislative Assembly Debates of 18-27-1934).
pages 326-329.

The Bengal Workmen's Protection Bill, 1934.

In pursuance of a recommendation of the Royal Commission on Labour in India that besetting an industrial establishment for the purpose of collection of debts should be made a criminal and cognisable offence, the Government of India issued a circular letter on 27-8-1932 containing their proposals for implementing this recommendation. (A copy of the Government of India's circular letter was forwarded to Geneva with this Office's minute A.8/2630/32, dated 17-11-1932). Later Mr. N.M. Joshi introduced in the Legislative Assembly on 24-3-1933 a Bill called the Indian Criminal Law Amendment Bill, 1933 (vide pages 11-13 of our March 1933 report) incorporating the above recommendation of the Whitley Commission. When the Bill was taken up for consideration by the House on 8-2-1934, the Government of India explained that

tion by the House on 8-2-1934, the Government of India explained that the opinions and views of the Local Governments on the Government of India's proposals would be circulated to the members and the decision of the Government in the matter explained at a later date.

The Bengal Government have now decided to introduce legislation in the provincial Legislative Council to enforce the Whitley Commission's recommendation and the following Bill is to be introduced in the forthcoming session of the Council; -

THE BENGAL WORKMEN'S PROTECTION BILL, 1934.

**A
Bill**

to prevent recovery of debts from certain classes of workmen by besetting their place of work.

Whereas it is expedient to prevent recovery of debts from certain classes of workmen by besetting their place of work;

And Whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act;

It is hereby enacted as follows:-

101. Short title and local extent. 1.(1) This Act may be called the Bengal Workmen's Protection Act, 1934.

(2) It shall apply in the first instance only to Calcutta and the districts of 24-Parganas, Hooghly and Howrah.

Explanation.- "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, and the port of Calcutta as defined by notification under section 5 of the Indian Ports Act, 1908.

1908. Further provision as to extent. 2. The Local Government may, by notification in the Calcutta Gazette, extend this Act to any area specified in the notification;

Provided that no notification under this section shall be published in respect of any area included in a military cantonment without the previous sanction of the Governor General in Council.

3. Whoever loiters at or near any —
Besetting certain premises with a view to
(a) mine;
(b) dock, wharf or jetty;
(c) railway station or yard; or

recover debt. (d) premises whereon any manufacturing process is carried on,

in such manner or in such circumstances as to afford just grounds for suspicion that he is so loitering with a view to recover any debt from any workman employed in such mine, dock, wharf, jetty, railway station or yard or premises shall be punished with imprisonment which may extend to six months or with fine or with both.

Explanation.- The expression "manufacturing process" shall have the meaning assigned to it in the Indian Factories Act, 1911.

Offences under this Act to be cognizable and non-bailable.

4. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence punishable under this Act shall be cognizable and non-bailable.

Offences under this Act triable by Presidency Magistrate or Magistrate of first class.

5. No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Statement of Objects and Reasons.

The object of the Bill is effectively to prevent the besetting of industrial establishments and similar premises by professional money-lenders for the purpose of recovering their dues as a first charge on the wages of workmen employed therein. The Royal Commission on Indian Labour drew attention to this evil and observed as follows:-

"There are, however, many money-lenders who prey upon workers and depend upon the threat of violence rather than on the processes of the law. The lathi is the only court to which they appeal, and they may be seen waiting outside the factory gate on pay-day ready to pounce on their debtors as they emerge. Our recommendations (as to indebtedness in general) should not be ineffective even in their case, for they are as a rule fairly scrupulous even in using intimidation, and seldom employ it to exact more than the law allows. But stronger measures are justified, particularly as the object of waiting outside the factory is to ensure that ~~in~~ their claims ~~from~~ form the first charge on wages. We recommend, therefore, that besetting an industrial establishment for the recovery of debts be made a criminal and cognizable offence".

The Government of Bengal have decided, at the instance of the Government of India and after consulting public opinion in Bengal, to introduce this Bill into the Bengal Legislative Council with a view to giving effect to this recommendation. The Bill if passed into law would, in the first instance, be made applicable to industrial areas, such as Calcutta, the 24-Parganas, Hooghly and Howrah.

(Extracted from pages 164-165 of Part IV of the Calcutta Gazette, dated 9-8-1934).

Regulations re Dimensions of Foot-paths in Quarries and Open Workings.

References were made at pages 25-26 of our December 1932 report to the views of the Indian Mining Association, Calcutta, on the recommendation of the Whitley Commission regarding the standard of depth and lead of foot-paths in quarries and open workings. Reference was also made at pages 16-17 of our October 1933 report to the draft of certain amendments to the Indian Coal Mines Regulations which the Government of India proposed to make to put into effect the recommendations of the Whitley Commission on the above subject. The Below are reproduced the revised amendments to the Regulations which the Government of India have recently published:-

Notification of the Department of Industries and Labour, No.M.1265 (1) dated 22-5-1934.

No. M.1265(1).- In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), the Governor-General-in-Council is pleased to direct that the following further amendment, having been previously published as required by sub-section (1) of section 31 of the said Act, shall be made in the Indian Coal Mines Regulations, 1926, namely:-

After regulation 69 of the said Regulations, the following regulations shall be inserted, namely:-

*69A. Every footpath along which loads are carried in open workings by human agency shall comply with the following requirements -

- (a) its breadth shall not be less than three feet;
- (b) its slope shall not be greater than 1 vertical to 2 horizontal;
- (c) at every place where its slope exceeds 1 vertical to 4 horizontal reasonably level steps shall be provided such that the vertical height of every step does not exceed seven inches and the dimension of every step measured horizontally from the edge to the back is not less than fourteen inches.

Explanation.- Gang-planks used for leading wagons shall not be deemed to be part of a footpath for the purposes of this regulation; provided that every gang-plank shall be so inclined or constructed as to give a secure foot-hold.

*69B. Where women are employed in carrying loads, the weight of the loads and the height and distance to which they have to be carried shall not be such as to involve risk of injury to the health of the women. If any dispute arises as to whether risk of injury to health is involved, the decision of the Chief Inspector shall be final.

A similar amendment has been made in the Indian ~~Mines~~ Metalliferous Mines Regulations, 1926, by Notification No. M.1265(2), dated 26th June 1934.

(Extracted from Gazette of India, dated 30-6-1934, Part I, page 744).

Extension of Workmen's Compensation Act, 1923;

Felling of Trees, etc., included among Hazardous Occupations.

Reference was made at pages 8-9 of our October 1933 report to the proposal of the Government of India to enlarge the list of hazardous occupations under the Workmen's Compensation Act, 1923. The Government have now published the following notification:-

Notification of the Department of Industries and Labour, No. L.-3002, dated 2-7-1934.- Whereas the Governor General in Council by notification in the Department of Industries and Labour No. L.-3002, dated the 6th October 1933, gave notice of his intention to direct that the provisions of the Workmen's Compensation Act, 1923 (VIII of 1923), shall apply to persons employed in the occupations hereinafter declared to be hazardous occupations;

Now therefore in exercise of the powers conferred by sub-section (3) of section 2 of the said Act, the Governor General in Council is pleased to declare the following occupations, namely:-

- (a) the felling and logging of trees;
- (b) the transport of timber by inland waters;
- (c) the control or extinguishing of forest fires; and
- (d) elephant-catching operations,

to be hazardous occupations, and to direct that the provisions of the said Act shall, subject to the provisions of the said sub-section, apply in the case of any person who is employed, otherwise than in a clerical capacity, in any of the said occupations.

(Extracted from Gazette of India, Part I, dated 7-7-1934, p.783).

The Bombay Trade Disputes Conciliation Bill, 1934.

Consequent on the strained relations between employers and labour in the Bombay textile industry on account of wage cuts enforced by millowners as a measure of economy, which resulted in a general strike in April 1934 (for details vide April 1934 report et seq), the Government of Bombay directed the Bombay Labour Office to conduct a special enquiry into wages and unemployment conditions prevailing in the cotton textile industry. A summary of the report of the Labour Office was given at pages 24-30 of our June 1934 report. The Government of Bombay, after full consideration of the Labour Office report introduced a Bill in the Bombay Legislative Council on ~~14~~ 8-1934 to establish a regular system for conciliation of industrial disputes. (The text of the Bill is published at pages 81-95 of Part V of the Bombay Government Gazette dated 3-8-1934). The following is the Statement of Objects and Reasons of the Bill.

Statement of Objects and Reasons.

In view of the labour unrest which has prevailed in the textile industry in Bombay City since 1921 and of its disastrous results not only on the industry itself but also on the prosperity of Bombay City as a whole, the Government of Bombay decided that steps must be taken without further delay to establish a regular system of conciliation of disputes between the millhands and the employers with the object of preventing or at any rate reducing strikes as far as possible in the future. They consider that the best system to adopt will be to appoint a Government Labour Officer whose duty it should be to look after the interests of labour in the industry and do his best to promote close contact between the employers and their employees, the absence of which has undoubtedly contributed greatly to the numerous strikes which have occurred in the past. Government also decided that the Commissioner of Labour should be appointed ex-officio as Chief Conciliator and that they

should have the power to appoint suitable persons as Special or Assistant Conciliators when occasion demands that they should be appointed. The best means of establishing this system appeared to be by means of an Act of the Legislature describing the duties of the Labour Officer and of the Chief Conciliator and other Conciliators and the methods by which the employers and labour could approach them for conciliation when disputes may arise. Government consider that though for the present the Act should be applicable to the textile industry in Bombay City and the Bombay Suburban District only, it is desirable that they should be invested with power to extend its provisions to any industry elsewhere in the Presidency which might in the future require a similar system of conciliation. The following notes explain the various clauses of the Bill.

Notes on Clauses.

Clause 2.- This clause provides that the Act shall, in the first instance, extend to the City of Bombay and the Bombay Suburban District and that Government shall have power to extend it to any other area. The main provisions of the Act shall come into force on such date as Government may appoint by notification. The clause also provides that the provisions of the Act in the first instance apply to the textile trade or industry, but Government may apply them to such other trade or industry in such area as they deem necessary.

Clause 3.- This is an interpretation clause. The term "trade dispute" is, for the purposes of this Act, defined as meaning a dispute between employers and workmen. The term "employer" includes any body of persons incorporated or not and any managing agent of an employer.

Clause 4.- This clause provides that the Labour Commissioner shall be ex-officio Chief Conciliator, but Government may appoint Special Conciliators for any particular area. Government have also been given power to appoint Assistant Conciliators who shall be subordinate to the Chief Conciliator or Special Conciliator.

Clause 5.- This clause empowers Government to appoint the Labour Officer. It provides that in addition to the powers which the Labour Officer can exercise and the duties he will have to perform under this Act, it is his duty also to watch the interests of workmen and to take steps to represent the grievances of workmen to employers for the purpose of obtaining their redress. Sub-clause (3) provides that a Labour Officer may call for any documents relevant to the grievances of workmen from employers and workmen and can enter after reasonable notice any place of trade or industry or any place provided by the employer for the purpose of the residence of his workman. No penalty is provided in case a party fails or refuses to give inspection or to produce any document called for under this clause, since the Conciliator will have powers under section 12 to compel ~~the~~ the production of documents as soon as conciliation proceedings are initiated.

Clause 6.- This clause provides that the jurisdiction of the Chief Conciliator is throughout the Presidency except for the areas for which Special Conciliators have been appointed by Government.

Clause 7.- This clause provides that any party to a trade dispute may make an application or a Labour Officer may make a report to a Conciliator about a trade dispute which exists or is apprehended.

Clause 8.- This clause provides that on the application or report under clause 7 or also on his own knowledge or information in any area for which no Labour Officer has been appointed, a Conciliator shall give notice to the parties to a trade dispute to appoint delegates on their behalf and to appear before him by the delegates.

Clause 9.- On the receipt of notice under clause 8, the parties are bound to appoint delegates. A Labour Officer may be appointed a delegate on behalf of workmen. The number of delegates by each party is not to exceed three, but when a party is divided into groups, the Conciliator may allow each group to appoint separate delegates but the total number of delegates so appointed by a party shall not exceed 12. If an employer fails or refuses to appoint a delegate, he is liable to be prosecuted and punished by way of fine to the extent of Rs.100 per day for each day of failure or refusal. If the defaulting employer is a company registered under the Indian Companies Act, 1913, the Directors of such company are made liable under this clause. In the case of a failure or refusal on the part of workmen to appoint delegates, it is provided that the Labour Officer shall act as a delegate on their behalf.

Clause 10.- This clause specifies the circumstances which disqualify a person from being appointed as a delegate. The decision of a Conciliator that a person is or is not disqualified from being appointed a delegate, is final.

Clause 11.- This clause provides for the holding of a conciliation proceeding. The parties to a trade dispute shall be represented in a conciliation proceeding by delegates. Sub-clause (3) lays down that the duty of the Conciliator is to endeavour to bring about a settlement of a trade dispute and provides for the steps to be taken by the Conciliator to achieve that object.

Clause 12.- This clause relates to the procedure to be followed in a conciliation proceeding and provides that a Conciliator has the powers of a civil court for the purpose. This clause also provides that any information given or document produced by a party to a trade dispute before a Conciliator shall, if the Conciliator is satisfied that the giving of such information or production of such document is prejudicial to the interest of such party in any matter not connected with the trade dispute, be treated as confidential

Clause 13.- This clause relates to the procedure to be followed by the Conciliator on the completion of a conciliation proceeding. He has to report the matter to Government whether a settlement is or is not made.

Clause 14. -This clause exempts all applications made or documents produced in a conciliation proceeding from being liable to stamp duty, court fee and registration fee.

Clause 15.- This clause makes it an offence if any person instigates or incites others not to take part in a conciliation proceeding, or otherwise obstructs or instigates or incites others to obstruct a Conciliator in the discharge of his duties under this Act. It also makes picketing during the pendency of a conciliation proceeding an offence.

Clause 16.- This clause empowers a Conciliator to enter any place of trade or industry for the purpose of this Act.

Clause 17 and 18.- Clause 17 provides that a Conciliator and a Labour Officer shall be public servants and clause 18 protects any person from any legal proceeding for anything done in good faith under the Act.

Clause 19.- This clause empowers Government to make rules for the purpose of carrying out the objects of the Act and for various matters referred to in the Act.

Clause 20.- This clause saves the provisions of the Trade Disputes Act, 1929, and provides that no conciliation proceeding shall be held in respect of any matter or dispute which may have been referred to or pending before the Court of Inquiry or Board of Conciliation under that Act.

(Extracted from pages 91-95 of Part V of the Bombay Government Gazette dated 3-8-1934).

Some important criticisms on the Bill and a summary of the Legislative Council discussions are given in the Section of the Report : "Labour Conditions".

The Bill, with certain changes, was passed into law with certain changes on 27.8.1934.

Workmen's Compensation Act in Baroda State;Revised Scheme Introduced. r

The Government of Baroda State have issued a revised draft of the Indian Workmen's Compensation Act of 1923 which was made applicable in the State in 1929-30 with the necessary modifications to suit local conditions on the line of the amended Act brought into effect in British India in 1933.

It is reported that the revised Act will come into force on August 23, 1934, but that Sections 2,3,4,5, 21,22 and 23 of the Act shall come into effect from November 1, 1934, only in respect of compensation payable on account of injury caused to workmen by accident occurring on or after the date the Sections come into force.

(The Statesman,31-8-1934).

. Factories Bill Passed by Council of State;

Debate on 14-8-1934. †

A summary of the debates in the Legislative Assembly on the Indian Factories Bill which was passed by the House on 19-7-1934 was given at pages 18-21 of our July 1934 report. The Bill came up for discussion in the Council of State on 14-8-1934. The following is a summary of the Council of State debates on the Bill:

Mr. Mitchell (Secretary, Industries and Labour Department) moved that the Bill consolidating and amending the law regulating to labour in factories be taken into consideration. Several members congratulated Government on bringing forward this legislation.

Sir R. Menon. - Sir R. Menon wanted the Bill to have provision for ensuring education for children of workers.

Lala Jagdish Pershad. - Rai Bahadur Lala Jagdish Pershad suggested that the Indian States should conform themselves to the general principles of this legislation.

P.C.A.
Mr. Chari. - Mr. Chari favoured a further reduction of hours of work.

Sir Frank Noyce. - Sir Frank Noyce thanked the House for cordially receiving the Bill. As education was a provincial transferred subject, no provision could be made for ensuring the education of labourers' children. In fixing the hours of work, Government held the scale evenly among so many interests and merely followed the recommendation of the Royal Commission. Several Indian States were in line with the Government of India, but Government were considering how to impress on others the desirability of being up-to-date in labour legislation. Concluding, he said that the Bill was a great advance on the present position and informed the House that Government proposed to come forward with a Bill regarding wages and a Bill concerning labour in mines.

Sir Phiroze Sethna. - Sir Phiroze Sethna warned the House against a further reduction of labourers' hours of work until their efficiency had increased.

The consideration motion was passed and about ^udozen amendments were moved by Mr. Mehrotra inter alia to extend the benefits of the Bill to factories employing five or more workers, further reducing the hours of work and minimizing the effect of the proposals in the Bill on factory owners. All the amendments were opposed by Government and were rejected. At the third reading, Mr. Miller emphasized that the Government of India should see that this legislation was administered in such a way that it did not cause unnecessary hardship to any factory owner.

(The Statesman, 15-8-1934).

The Indian Factories Act, 1934. ✓

At pages 18-21 of our July 1934 report was given a summary of the debate in the Legislative Assembly on 17, 18 & 19-7-1934 on the motion to take into consideration the Indian Factories Bill as reported by the Select Committee and reference was made there to the passing of the Bill on 19-7-1934. The text of the Factories Act, 1934 (Act No XXV of 1934), is published at pages 72-85 of Part IV of the Gazette of India dated 25-8-1934.

Quinquennial Wages Survey in U.P: Inquiry begun on 1-8-1934.

The quinquennial inquiry into the standard rates of wages prevailing in the United Provinces, ordered by the Government of the Province, commenced on 1-8-1934. It is contemplated to take the census of the rates of wages prevailing in the month of August 1934. The officials making the census have been directed to report wages actually paid to an ordinary healthy man between 20 and 45 years of age. No account is to be taken of wages paid to old men, women and children. The inquiry is being made under the directions of the Secretary of the Board of Revenue and Land Records.

(The Leader, 6-8-1934)

Factory Administration in Madras, 1933.*

Number of Factories. - The year began with 1,633 factories under the operation of the Act. 86 new factories were brought on the register during the twelve months under review, and 64 factories were struck off the registers. 12 of these were closed for a number of years, in 19 of these, machinery had been dismantled, in 27 there was no proof of over 10 persons being simultaneously employed as required by the Act, 4 were treated as part of the main factories, 1 was removed and registered again and 1 was closed and the premises leased for a Government industrial school. Of the 1,655 factories on the register at the end of the year, 1,503 were in commission during the year as against 1,452 in 1932, the remaining 152 being closed, due partly to the general trade depression. Of the 1,503 factories in commission, 691 were perennial and 812 seasonal.

Number of Operatives. - The average daily number of operatives employed in the 1,503 factories that were in commission during the year was 137,775 as against 132,960 in 1932. The

* Report on the working of the Indian Factories Act in the Madras Presidency for the year 1933. -Madras: Printed by the Supdt., Government Press. 1934. - pp.22.

increase is mainly due to the increase in the number of factories and in a few cases to slightly improved trade conditions. Of these, 4,735 operatives (4,633 in perennial and 102 in seasonal) were employed in Government and local funds and the rest, in private factories. 41,208 operatives were engaged in the cotton spinning and weaving industry during the year, while 5,539 were employed in jute spinning and weaving mills.

Number of Women and Children. - The total number of women and children employed in registered factories during the year was 34,189 and 6,235 as against 33,212 and 6,246 respectively in 1932. The increase in women may be attributed to the increase in the number of factories.

Certification of Children. - The number of certificates issued during the year was 9,318 as against 8,347 in 1932. Prosecutions were taken up for violation of section 23 in six cases and convictions obtained in all of them. One case taken up in 1932 was disposed of during the year under report and conviction obtained.

Inspections. - Of the 1,503 factories that were in commission during the year, 301 were inspected once, 611 twice, 405 thrice and 150 more than three times. The total number of inspections by all inspectors including 717 made by Additional Inspectors, was 3,426 as against 3,288 in the previous year. 36 out of the 1,503 factories in commission were not inspected during the year by departmental officers.

Health and Sanitation. - The health of operatives has been reported to be generally good. The cleanliness of factory premises and their surroundings was well maintained. Orders issued departmentally and also on the suggestions of the ~~Dist~~ District and Municipal Health Officers were as a rule promptly carried out. Prosecutions had however to be resorted to in 12 cases; convictions were obtained in all of them.

Housing of Factory Operatives. - 35 houses were made available for the staff of the Madras and Southern Mahratta Railway Locomotive Running Shed at Pakala. Housing accommodation was provided in three factories in addition to the 274 factories mentioned in the last year's report.

Education and Welfare Work. - Educational facilities already provided in factories were continued during the year.

Medical facilities on tea estates and in large industrial concerns were provided as usual. Medical aid was also provided in 11 tea factories during the year. The welfare committees in the Perambur and the Golden Rock Railway workshops continued to function during the year. A Sanitary Inspector has been appointed

in the Western India Match Factory at Tiruvottiyur to be in special charge of the anti-malarial campaign.

Lime-Washing and Painting. - The periodical limewashing of the inside walls, and painting or limewashing of wood work, in factories were generally well attended to. No factory was granted exemption from limewashing during the year. Attention of managers was drawn to the rules wherever necessary; prosecutions were taken up in 11 cases and convictions obtained in 10 of them. One case is pending.

Wages. - The statement given below shows the daily average rate of wages earned by various classes of labour employed in factories in the presidency.

Main class of labour.	Average daily rate of wages paid in all factories in the Presidency.					
	1932			1933.		
<u>Skilled labour.</u>	Rs.	A.	P.	Rs.	A.	P.
Engine driver	1	5	5	1	4	1
Fireman	0	11	1	0	11	5
Oilman	0	8	8	0	8	9
Fitter	1	2	5	1	0	9
Turner	1	5	8	1	3	3
Rivetter	0	14	9	0	15	7
Boilersmith	1	6	7	1	3	10
Blacksmith	1	2	3	1	1	2
Moulder	1	0	11	1	0	3
Carpenter	1	1	5	1	0	5
Bricklayer	0	15	7	0	15	4
Compositor(printer)	0	15	10	0	13	6
Machinist(printer)	0	15	4	0	15	5
Weaver, Cotton, Men	0	14	4	1	0	8
-do- Boys	0	5	2	0	4	5
Spinner, Cotton, Men	0	11	2	0	12	0
-do- Boys	0	5	3	0	4	10
Weaver, Jute, Men	0	9	8	0	10	6
-do- Boys	0	8	4	0	3	4
Spinner, Jute, Men	0	7	11	0	7	8
-do- Boys.	0	4	10	0	5	1
<u>Unskilled labour</u>						
Female, coolie, (Gin)	0	6	3	0	4	1
Male -do-	0	6	10	0	6	7
Female coolie, (Press)	0	5	5	0	5	0
Male -do-	0	9	5	0	9	0
Female coolie (Rice mill)	0	4	7	0	3	11
Male -do-	0	6	3	0	6	0
Female, coolies in fields	0	4	8	0	4	0
Male -do-	0	6	5	0	6	3

It will be seen that the average wages paid in factories during the year under report vary when compared with those paid in 1932. In eight cases of skilled labour, there is an increase and in 13 cases there is a decrease; in the case of unskilled labour, there is decrease in all the eight cases.

Strikes.- There were five strikes in registered factories during the year under review.

Fencing of Mill Machinery.- Fencing and guarding of dangerous parts of ways, works, machinery and plant were well attended to. The dangers involved in unfenced machinery were explained to employers and operatives wherever necessary and steps were taken to see that the orders issued in this respect were duly complied with. Wearing of tight clothing by millers, drivers, etc., has been enforced and orders issued wherever irregularities were noticed. 61 prosecutions were taken up for contravening the provisions relating to fencing and guarding of dangerous parts of machinery and convictions obtained in 57 cases.

Hours of Employment: (1) Rest Interval.- The rest interval of one hour prescribed by the Act was observed in 1,330 factories. Two printing presses in Madras and one printing press in Trichinopoly availed themselves of the proviso to section 21 (1) (a) (ii) with the sanction of Government. Exemption from section 21 applicable to the majority of operatives has been availed of by 86 factories on the usual condition that sufficient time, though not a fixed period, is allowed for meals. Returns were not received from 84 factories.

(ii) Weekly Holidays.- Sundays are observed as holidays in the case of 587 factories. Substituted holidays were granted in 726 factories in lieu of Sundays worked. Exemption from section 22 has been availed of by 106 factories subject to the condition that no person shall be allowed to work for more than 14 days without a holiday for a whole day. Returns were not received from 84 factories.

(iii) Weekly Hours.- The number of factories in which the normal weekly hours were not above 48 was 251 for men and 255 for women; above 48 and not above 54, 245 for men and 157 for women; above 54 was 923 for men and 792 for women. The 30-hour week for children was observed in 28 factories and more than 30 in 103 factories.

Accidents.- 1,560 accidents occurred in factories during the year as against 1,623 in the previous year; the frequency rate for the Presidency for 1933 is .0046 as against .0042 in 1932. Of the 1,560 accidents 15 were fatal, 356 serious and the rest minor.

International Collaboration re. Protection of Workers.- Action in regard to international collaboration in measures affecting the protection of workers, mentioned in the previous report (reviewed at pages 28-33 of our November 1933 Report) was continued during the year. There has been a general decrease in the total

number of accidents in all factories and ~~in~~ also in the class of factories known as Railway Workshops.

Prosecutions.- Occupiers and managers of 98 factories involving 126 persons were prosecuted during the year. In 4 cases occupiers transferred their liability to their managers, 3 of these were found guilty and convicted; in one case in which three persons were prosecuted, the trying Magistrate convicted one accused who accepted full liability and acquitted the two others. Seven cases are pending trial. Convictions were obtained on 440 counts, the fines levied ranging from As.4 to Rs. 300 per count.

(The Report on Factory Administration in Madras during 1929 is reviewed at pages 23-26 of our August 1930 report, that for 1930 at pages 24-27 of the August 1931 report, that for 1931 at pages 36-39 of the August 1932 report and that for 1932 at pages 28-32 of the November 1933 report)

Factory Administration in N.W.F. Province, 1933. ✓

During the year 1933 the total number of factories subject to the Indian Factories Act in the North-West Frontier Province remained ~~the~~ same as in the previous year, that is 27. Of these 26 worked during the year 1933 as against 25 in the previous year. 21 worked throughout the year, two worked during winter and three worked during summer. The total number of operatives increased from 1,101 in 1932 to 1,312 in 1933, an increase of 211, due to increased activities in Ordnance factories and to some extent to increased number ~~of~~ employed in cotton ginning factories. Of the total operatives, 25 were females in 1933 as against 14 in 1932. Workers' health remained good throughout the year. There was no case of occupational disease.

(The Leader, 20-8-1934)

Factory Administration in Bengal, 1933.*

Number of Factories.- According to the report, the number of factories on the register at the close of the year was 1,649, an increase of 34 compared with the previous year. 1,227 were perennial factories and 422 were seasonal. 69 factories were brought on to the register and 35 factories were removed from the register. The number of factories that worked was 1,528, as against 1,487, in the previous year, an increase of 41. Of these, 1126 were perennial and 402 were seasonal concerns. Of the 1,528 factories on the register, 66 were Government and Local Fund factories, 132 were textile factories (19 cotton, 17 Hosiery, 92 Jute mills, 2 Silk mills and 2 miscellaneous mills), 231 Engineering factories, 674 food, drink and tobacco factories (337 rice mills and 286 tea factories), 109 chemical and dyes factories, 98 paper and printing works (90 printing and book binding concerns), 54 factories concerned with processes relating to wood, stone and glass, 7 leather and tanning factories, 116 gins and presses and 30 miscellaneous factories.

Number of Operatives.- The report states that during the year under review industrial conditions in the province did show some improvement, and there was every indication of a gradual return towards normal. In most industries the number of operatives increased, but, unfortunately, jute mills and railway workshops showed a comparatively heavy decrease. The total number of factory operatives, however, has increased by 1,011. At the close of the year the total number of operatives employed in registered factories was 455,018, of which 406,130 were employed in perennial factories and 48,888 in seasonal. The following table shows the increase or decrease, as the case may be, in the number of operatives in the principal industries:-

	No. of operatives.		Increase.	Decrease.
	1933	1932.		
Jute mills.. ..	246,717	254,314	..	7,597
Kerosene tinning & packing	2,580	3,360	..	780
Railway workshops.	25,590	27,655	..	2,065
Cotton mills.	20,662	19,149	1,513	..
Ship-building & engineering	8,764	7,915	849	..
Iron & steel smelting & rolling mills.	4,686	4,249	436	..

* Govt. of Bengal - Annual Report on the Administration of the Indian Factories Act in Bengal for the year 1933 - Supdt., Govt. Printing Bengal Govt. Press, Alipore, Bengal. 1934. Price-Rs.3 or 5s.3d. - pp.116

	<u>No. of operatives.</u>		<u>increase</u>	<u>decrease.</u>
	<u>1933</u>	<u>1932</u>		
Rice mills.	13,506	12,848	652	...
General engineering.	19,328	18,113	1,215	...
Cotton ginning & baling	2,073	1,609	464	...
Jute presses.	31,307	29,017	2290	...
Printing, book-binding, etc.				
etc.	9,576	8,992	584	...

Women and Children. - The total number of women employed in registered factories in Bengal show a further decrease, the average daily number at the close of the year being 56,935 as against 59,508 in 1932, i.e., a decrease of 2,573. The jute mills alone were responsible for this decrease. In factories other than jute mills the number of women employees actually showed an increase of 384, but the decrease in jute mills is 2,957. The jute mills employed at the end of the year under review 37,337 women, or fully 65 per cent of the total female labour in factories. During the year a number of instances of illegal employment of women were detected (mainly in rice mills) but on 7 occasions only was the evidence sufficient to be able to prosecute. The average daily number of children employed in registered factories at the close of the year was 4,471, as against 5,087 in 1932, a decrease of 616. This decrease is accounted for in the jute and cotton mills, which show, respectively, 381 and 232, fewer children employed. The gradual disappearance of children from the jute mills, therefore, continued; the number still left in employment being 1,134, i.e., about $4\frac{1}{4}$ per cent only, of the number employed in the year 1925. 37 instances of illegal employment of children were detected during the year, and in eleven of these prosecution proceedings were instituted.

Inspection.- During the year a total of 3,303 visits were made by inspectors of this department to registered factories, and 198 to unregistered concerns. 758 factories were visited once, 296 twice, 134 three times, and 208 more than three times. As usual, a considerable number were surprise visits made outside legal working hours for the purpose of detecting illegal employment. The figures also include 837 special visits for investigation into complaints, enquiry into accidents, collection of statistics, etc. 132 factories were not inspected.

Working Hours. - The report states that although there has been a noticeable improvement in trade conditions during the year, hours of employment, in general, showed little change. The jute mills still continue on the restricted week of 40 hours, with 15 per cent of their looms sealed down. The following table shows the normal daily and weekly hours at present being worked in the principal industries:-

Industry.	Hours.	
	Daily.	Weekly.
Jute mills. ...	10	40
General engineering, shipyards, & metal working	8 $\frac{1}{2}$	48
Railway workshops	8 $\frac{1}{2}$	48
Tea factories* ...	8/9	48
Rice mills. ...	10	50
Printing presses. ...	8 $\frac{1}{2}$	51
Paper mills ...	9	54
Cabinet-making, saw mills, & wood-working	9	54
Electrical generating & transforming stations.	8	56
Cotton mills. ...	10	60
Cotton ginning and pressing ...	10	60
Iron and steel smelting ...	10	60
Jute presses. ...	10	60
Flour mills. ...	10	60
Match factories ...	10	60
Mustard oil mills ...	10	60
Paint works ...	10	60
Chemical works ...	10	60
Glass works. ...	10	60

*Hours in tea factories vary considerably according to the season.

In regard to illegal employment, records of inspection show that both employer and employed, as a general rule, have not the slightest compunction in disregarding the labour provisions of the Act when it suits their purpose to do so, and every possible means of evasion is employed to prevent the Inspector discovering irregularities.

Wages. - During the year, at the request of Government, an investigation into the rates of wages paid to industrial and other workers in the province was carried out. Investigation was carried on in 27 principal industries. The statistics collected from jute mills and tea factories were obtained by sending forms to all factories in these industries but, in the case of all other industries, the forms were sent to selected factories only. The data received is set out for each industry in the form of frequency ~~housing conditions~~ tables, with suitable class intervals, so that an idea of the typical values, as well as the dispersion and asymmetry of the distribution can be gathered directly from the frequency in the class intervals. The report states that, as the time and staff at the disposal of the department for such work as this is limited, it has not been possible to arrange for thorough investigation on recognised statistical lines.

Housing Conditions. - The report points out that the housing of factory operatives, their conditions of living and the welfare work carried out on their behalf remained much the same as in the past few years, no important changes or improvements having been made during the year under review. Previous reports refer to steady progress made in these matters, and although such progress has been maintained, it must be remembered that housing and welfare schemes are confined almost entirely to jute mills and a few other better organised concerns, and that the majority of factory-owners in Bengal take no active interest in such work. Consequently the improvements effected during the year have had no perceptible effect on the conditions as a whole under which industrial workers in the province live. Generally, such improvements as have been made in connection with housing accommodation, conditions of living and welfare work have been confined to extensions or alterations to existing housing; bathing or drinking water facilities; additional appointments to the medical or welfare staffs; minor alterations or improvements in the administration of workers' provident funds; extended use of cinema shows for instructional purposes; improvements in the system of dhai training; improvements in recreation facilities; and simplification of the facilities whereby workers remit money to their dependants.

Sanitation. - On the whole the sanitary conditions in the larger factories were reasonably good and well attended, and the number of conveniences provided equal to the scale laid down in the rules, but slow progress was made in the improvement of sanitation in the small concerns. This, as stated in previous reports, was largely due to the lack of adequate drainage and conservancy arrangements in many of the municipal areas. Generally orders issued by the Inspectors referred mainly to erection or repair of latrines, septic tanks, lime washing, painting of factory interiors, and general sanitation in factory precincts.

During the year under report plans of five septic tank latrines and two activated sludge plant were approved by the Director of Public Health for installation in factories.

Ventilation. - The problem of adequate ventilation and lighting in small factories housed in unsuitable buildings or old dwelling houses continued during the year under review. Some little improvement, however, is being accomplished by the constant pressure which is being brought to bear by Inspectors, but progress is extremely slow. Generally, the orders issued during the year have been confined to the provision of additional windows, ventilators, louvres, and such minor alterations as would ensure better air circulation, or improve the natural or artificial lighting facilities. The report shows that the problem of finding a cheap and satisfactory method of either preventing or reducing dust in rice mills has been further considered during the year. It is stated that the only satisfactory solution to this problem is the installation of mechanical exhausting systems which, as stated in last year's report, cannot be considered at present owing to the impecunious state of the industry. Such efforts as have been made to mitigate conditions in these mills

have been confined to the provision of bags at the huller and fanner discharges, and although some slight improvement in conditions has been effected, the major problem still remains. Similarly in regard to the tea, jute and cotton industries, the only way in which the dust problem can be successfully tackled is by the exhaust trunk extraction method, but here also financial considerations precluded such installations meantime.

General Health. - The general health of industrial workers is reported to be normal during the year. Malaria, as usual, was the chief cause of absenteeism. There have also been one or two instances of minor localised epidemics of small-pox, cholera and typhoid, but prompt preventive measures by the authorities concerned quickly brought these under control.

Safety. - According to the report, safeguarding in the majority of factories made steady progress. Inspectors gave close and constant attention to this important branch of safety work and spared no pains to ensure that the guards and safety devices constructed are of the right type, and fully comply with the safety requirements of the Act. Two safety circulars were issued during the year. One of these referred to the dangers attendant upon heating hollow cast-iron pump buckets on open fires. To prevent this type of accident, it was recommended that the ~~the~~ plug in each compartment should be drilled out before heating. The other circular referred to the dangers of hand-feeding loose jute dust into boiler furnaces. It was recommended that the jute dust should be fed into the furnaces by means of a long-handled fork, or, as an alternative, it should be compressed into briquettes of a size convenient for stocking by means of an ordinary furnace shovel. In practically all the mills where jute dust was hand-fed into the furnaces, the practice has been discontinued, and one or other of the methods recommended in the circular adopted. During the year special attention was directed to the dangers connected with hydro-extractors used in laundries and hosiery factories. Enquiries into several rather serious accidents showed that operatives had been injured whilst attempting to adjust articles contained in the revolving drums. To prevent this type of accident safety covers were ordered. It was recorded in last year's report that the managers of a number of jute mills in the Barrackpore area, at the suggestion of the Inspector, had managed to persuade their rovers to wear "shorts" as a safeguard against becoming caught in the flyers. This work has been pursued further during the year and male coolies on roving machines in every jute mill in his district are ~~not~~ compelled by order of the management to wear "shorts" whilst at work. In certain instances this order embraced male workers on other machines, and some mills can now boast of having the whole complement of their male workers in "shorts". Outside the Barrackpore area there are still a number of mills

which have not yet fallen in line, but every effort is being made to induce them to do so during the current year.

Accidents. - The total number of accidents reported during the year from registered factories in Bengal was 3,630, of which 49 were fatal, 884 serious and 2,697 minor. This is an increase of 20 fatal, 9 serious and 592 minor, i.e., a total increase of 621 accidents compared with the previous year. The rate per 1,000 persons employed is 7.98, as against 6.63 last year, an increase of 1.35.

(Factory Administration in Bengal during 1932 is reviewed at pages 19-24 of the August 1933 report of this Office).

Working of the Workmen's Compensation Act in Bengal, 1933.*

Report on the

According to the working of the Workmen's Compensation Act in Bengal during 1933, returns were received from 1,596 concerns during the year, 1,454 from factories including railway workshops, 2 from tramways, 4 from Port Commissioners and 136 from mines. The total number of workers employed per day in factories coming under the Act was 527,710 adults and 4,896 minors as against 515,635 adults and 4,806 minors in 1932.

The total number of accidents for which compensation is reported to have been paid, during the year, was 2,190 against 2,029 in the previous year. Of these, 77 resulted in death, 217 in permanent disablement and 1,896 in temporary disablement. Rs. 43,012 is shown as compensation paid for fatal accidents, Rs. 46,082 for permanent disablement and Rs. 23,385 for temporary disablement as against Rs. 33,560, Rs. 45,598 and Rs. 24,401, respectively, in the previous year.

The report states that the Indian Seamen's Union continued to take interest in workmen's compensation during the year under report, but the majority of the seamen's claims were instituted, as before, direct, by reason of the activity of the bariwallas (the keepers of boarding-houses where seamen generally live). The Kharagpur Claims Bureau ~~of workmen's compensation~~ whose operations were practically suspended in 1932 resumed its activity towards the middle of the year under review. The Calcutta Claims Bureau, an important body organised by the Calcutta Accident

* Government of Bengal - Commerce Department - Annual Report on the Working of the Workmen's Compensation Act in Bengal during the year 1933 - Supdt., Govt. Printing, Bengal Government Press, Alipore, 1934 - Price Rs. 0-3-0 or 4d.

Insurance Association for the settlement of workmen's Compensation claims on behalf of most of the Insurance Companies, did most valuable work throughout the year, and afforded great assistance to the Commissioner. Big concerns like Railways, the Port Commissioners, Steamer and Shipping Companies, etc., continued to co-operate effectively and were generally prompt to settle in cases where liability was admitted.

The Workmen's Compensation Amending Bill referred to in the previous report was passed into law during the year under review. The Amendment Act (XV of 1933) has brought about a number of important changes in the workmen's compensation laws as originally introduced in 1923. Some of the amended sections, e.g., sections 10A and B, which require employers to furnish Commissioners with reports of fatal accidents and subsequent statements ~~with~~ *with admission or denial of liability, have already come into effect from 1st January 1934, but it is not yet possible to estimate accurately the extent of the probable increase in the volume of work or its consequent effect on the present strength of the office staff.* It appears ~~however~~ that about two millions of new persons will become eligible for benefits, and the number of small (and litigious) concerns will also be greatly augmented. The drivers and cleaners of all private cars are now covered by the schedule of occupations.

One case of lead-poisoning occurred in the Government Press at Alipore, during the year for which the Government of Bengal paid compensation by agreement.

(The working of the Workmen's Compensation Act in Bengal during 1932 is reviewed at pages 26-27 of the July 1933 report of this Office).

Working of the Workmen's Compensation Act
in Bombay Presidency, 1935.

General Statistics.- During the year under review 1,686 returns were received from employers. 1,134 employers did not report even a single accident. In 50 cases the returns were submitted by Insurance Companies on behalf of employers. The consolidated statement shows that the average number of workmen employed per day in all these concerns during the year was 356,745 adults and 3,803 minors. The total number of accidents during the year was 2,351, in two of which the injured persons were minors. Of the remaining 2,349 cases of accidents, 42 resulted fatally, 296 in permanent disablement and 2,011 in temporary disablement. The total amount of compensation paid by employers during the year was Rs. 139,289, of which Rs. 35,031 were in respect of fatal accidents, Rs. 74,539 for cases of permanent disablement and Rs. 29,719 for temporary disablement as against 379,478 adults and 3,599 minors employed last year when the total number of accidents was 2,497 and the total amount of compensation paid was Rs. 129,798,

Registration of Agreements.- The year opened with 26 applications pending from the previous year. During the year under report, 352 applications were received making ^{total} 378. Of these applications, 376 were for payment of compensation for permanent disablement and the other two were in respect of temporary disablement. Agreements in 355 cases of permanent disablement and two of temporary disablement were registered as filed during the

year. In three cases of permanent disablement, agreements were registered after certain modifications. In two, ~~registration~~ registration was refused as the compensation agreed upon was inadequate, leaving a balance of 16 agreements to be registered at the end of the year. The total amount of compensation paid in respect of these 360 agreements registered during the year was Rs.86,585 as against Rs.63,695 for 289 ~~for~~ agreements last year and Rs. 75,900 in 1931 when the number of agreements registered was 308.

Application for Adjudication. - The total number of applications to be disposed of during the year was 343, as against 333 in 1932 and 409 in 1931, of which 42 were pending at the beginning of the year, seven were received from other Commissioners for disposal and 294 were new applications. Of these 343 applications, 167 were in respect of injuries resulting in death, 123 in ^{respect of} permanent disablement, 29 in ^{respect of} temporary disablement and the remaining 24 were miscellaneous applications. Of the total number of 343 applications, 296 were disposed of during the year.

Occupational Diseases. - One ~~of~~ case of permanent total disablement from an industrial disease - lead poisoning - the first of its kind since July 1924 when the Act came into force, was reported by the Government Central Press.

Summary.- The total number of cases dealt with during the year by the Commissioners in the Presidency, including those of agreements, was 658 of which 16 were miscellaneous cases such as applications for commutation of half-monthly payments. Of the remaining 642 cases, 144 were cases of fatal accidents, 473 were of

permanent disablement and the remaining 25 were in respect of temporary disablement. The total compensation paid during the year was approximately Rs.231,805 (Rs.145,220 of this total passed through the hands of the Commissioners), of which Rs. 101,980 were in respect of fatal accidents, Rs. 128,340 in respect of permanent disablement and Rs. 1,485 in respect of temporary disablement.

General Remarks. - The administration of the Act is reported to have worked smoothly during the year. This was facilitated by the fact that in about 47 per cent of the cases the employers were represented by Insurance Companies. In Bombay City; the National Seamen's Union was the only Union that represented the cases of workmen, but in Ahmedabad the great majority of the cases were handled by the Textile Labour Union - a circumstance which was of definite advantage not only to the worker but to the employers and the Commissioner, because much time and trouble was saved to everybody. The most troublesome people are stated to be some of the small employers. They do not insure and when an accident occurs, endeavour to avoid liability.

(Taken from a summary of the Report published in the July 1934 issue of Labour Gazette, Bombay).

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Bombay Trade Disputes Conciliation Bill, 1934:

Criticisms of Industrial Interests.

In the section "National Labour Legislation" of this report, details are given of the Bombay Trade Disputes Conciliation Bill, 1934, introduced in the Bombay Legislative Council on ^{and passed by it on 27-8-1934.} 13-8-1934. The following is a summary of the Legislative Council debates on the Bill ^{at its first reading on 14-8-1934} and of the more important of the criticisms of the measure made by employers' and workers' interests.

Legislative Council Debates.- Home Member's Remarks.- In moving the first reading of the Bill, the Home Member said that its object was in the first place to enable textile labour in Bombay City to have some assistance in representing their grievances to their employers, and in having them redressed. Secondly, the Bill was meant to facilitate the settlement of trade disputes by means of conciliation. He said that the Government's policy was, as far as practicable to hold the ring clear for both parties to settle their own affairs. The present Bill was, however, a departure, to some extent, from this policy. Although there was a provision in the Bill to apply it by a notification to any part of the Presidency, yet Government had no intention to apply it in the first instance to any area beyond Bombay city and the Bombay Suburban District.

The principal feature and the most striking innovation was the appointment of a labour officer who would help the workers, and who would, if necessary, fight their battles. The Labour Officer's first business was to get the employers realize the desirability of removing the grievances of the workers and thus prevent strikes and, if it became necessary for conciliation to be effected, to start conciliation proceedings. The proceedings would be entirely of an informal and private character. The Labour Commissioner would be an ex-officio Chief Conciliation Officer. There was no idea of appointing a permanent Special Conciliation Officer. The appointment of a Labour Officer would not inhibit any action taken by any properly organised trade unions towards negotiations for a settlement.

Government Amendments.- The Home Member also announced that, in response to opinions received on the original draft of the Bill, Government had decided to move two amendments. The first was in regard to the issue of notice by the conciliator to the parties to appear before him, when he was satisfied that a trade dispute existed. The relevant clause in the Bill made it obligatory on the part of the Conciliation Officer to issue notice to the parties. It was now proposed to make the issue of notice voluntary, and instead of "shall cause a notice to be served" the alteration would read "may cause a notice to be served". If parties were unwilling to appear, no purpose would be served in compelling them to appear. The second alteration proposed to be made by Government was to remove picketing of conciliation proceedings from the scope of penalties liable to be imposed on persons obstructing the conciliator in the discharge of his

duties. The Home Member also stated that there was no intention to set up conciliation in cases where agreement regarding it already existed as in the case of Ahmedabad.

Mr. S.D. Saklatwala (Bombay Millowners' Association) supported the Bill, but suggested restricting the operation of the Bill for a period of three years so that the experiment might be watched.

Mr. R.R. Bakhale (nominated labour) opposed the Bill, although he appreciated the object of Government in seeking to effect conciliation between the employers and the employees. He felt grateful to Government for having decided to delete picketing from the scope of offences punishable for non-compliance with, or obstruction to, the Conciliator's inquiry. He strongly objected to the alteration proposed to be made by the Home Member, taking away the obligation on the part of the Conciliation Officer to cause notices to be served on the parties to take part in the inquiry. If the compulsory character were taken away, there was no guarantee that any useful purpose would be served. He said that Government were changing their views in regard to the necessity for intervention in the disputes from time to time.

Mr. Bakhale said that the workers preferred conciliation to be undertaken not by one officer, as provided in the Bill, but by more than one, preferably by a board of persons which included those proficient in the technique.

Mr. Bakhale did not see any reason why Government should penalise persons who had been convicted of offences other than moral turpitude by preventing them from being the spokesmen of labour in the conciliation proceedings. In the Punjab, Lala Harikishen Lal, for instance, had been sentenced to transportation under martial law. Under the Reforms, he could become a Minister. Why should the Government of Bombay, Mr. Bakhale asked, penalise labour leaders merely because some of them happened to have been convicted of offences other than moral turpitude? In any case, it seemed to be a severe penalty that was sought to be imposed on persons who were in the opinion of Government communists. Mr. Bakhale also opposed the fixing of the penalty of two years' imprisonment and/or fine of Rs. 5,000 for not attending the conciliation proceedings. That, he said, was rather a severe penalty.

Mr. G.F. Gennings.-(Commissioner of Labour) emphasised that the business of the conciliator would be not that of a mediator or arbitrator. His business would be to bring about an amicable settlement. Textile labour in Bombay City was at present not organised, and if it was, there would be no need for this Bill, or, at least, the Bill would have been differently shaped. The conciliation contemplated by the Bill was intended to be preliminary to the Trade Disputes Act passed by the Central Legislature. While the court of inquiry or the board of conciliation provided for in the Trade Disputes Act had to go through a mass of detail, the conciliation provided for in the present Bill was meant to be speedy. Any publicity given to the conciliation proceedings, he added, would frustrate the objects of a settlement by conciliation.

Non-Official Amendments.- Mr. R. R. Bakhale moved an amendment to the effect that any labour officer appointed should be subordinate to the Commissioner of Labour, as he felt that a separate labour officer was unnecessary. Another amendment of Mr. Bakhale desired the constitution of a conciliation board from three panels, instead of

conciliation being left to a single officer as provided for in the ~~Bill~~. Mr. G.L. Winterbotham (Bombay Chamber of Commerce) moved an amendment that the life of the Bill be restricted to three years.

Rao Bahadur S.K. Bole (nominated non-official) moved an amendment that the conciliation board's constitution should include a panel of 12 representatives of employers, nominated by Government and a panel of 12 representatives of workers selected by Government.

Home Member's Reply to Debate.- In the course of his reply to the debate, the Home Member, referring to Mr. Bakhale's allegation that certain provisions of the Bill are indicative of a covered effort on the part of the Government to rid textile labour organisations of communist and extremist leaders, said; "I wish to make it clear that there is no covered effort at all. It is on the other hand an open attempt on the part of Government to exclude communists and those who may be termed extremists from labour organisations and to see that they do not interfere in the textile affairs of Bombay City".

Alluding to his experience of the past six years, ~~Mr~~ the Home Member pointed out that persons who had nothing to do with the textile industry in Bombay had imposed themselves on labour and fostered trouble. When they, the outsiders, were arrested, labour was left leaderless. On such occasions, for instance, and until such time as proper trade organisations were formed, so as to elect their own ~~own~~ representatives, it would be the function of the Labour Officer, provided for in the Bill, to represent the grievances of the workers to their employers, and get them redressed. There was no intention on the part of Government to have a labour officer to supplant the representatives of properly organised unions to represent their case to employers.

The non-official amendments were rejected by the House and the official amendments ~~were~~ accepted. The motion for the first reading was then passed.

(The Times of India 16, 17 & 18-8-1934)

Views of the Millowners' Association, Bombay.

Recognising the exceptional circumstances in which the textile industry in the Presidency finds itself owing to the unorganised state of labour and the need for providing means by which labour can voice their grievances before actually going on strike, the millowners are stated to support the Bill as a temporary measure. They feel that, as the Bill stands, the scales will be unduly weighted in favour of labour, but in the larger interests of the industry, they do not

propose to oppose it. The millowners would welcome the day when they could negotiate directly with trade unions working on constitutional lines and when there would be no more need for the conciliation machinery proposed in the Bill, and they are hoping that the Labour Officer, who will be appointed under the Bill, will be in a position to do a great deal towards organising labour properly within a year or two. They feel that the success of the measure will depend largely on the type of Labour Officer that Government select. One provision in the Bill to which exception is taken by the millowners is the power given to the Labour Officer to enter mill premises and to call for documents for inspection while he acts as the advocate for the workers.

(The Times of India, 30-7-34)

N.M. Joshi's criticism.- Mr. N.M. Joshi has issued a long statement containing his criticism of the Bill, the following points being made out: (1) There is an omission inasmuch as there is no time limit fixed for holding conciliation proceedings after ^{the} receipt of the application, nor for making a report to Government. The legislation should provide that within seven days from receipt of the application the conciliator shall issue notices to the parties and within a fortnight or even earlier the first report shall be sent to Government.

(2) As the success of the conciliation machinery depends upon the personality of the conciliator, it is necessary to lay down in the legislation itself certain qualifications such as knowledge and experience of economic, social and legal matters as a guide to the appointing authorities. The conciliator must not be one who has any pecuniary interest in the industry concerned and he should be required to take an oath of impartiality. It should also be provided that the appointment should be made after consultation with the organisations representing the workers and the employers.

(3) For delegates who represent the parties to a dispute the Bill lays down personal disqualifications such as conviction for an offence, insolvency and age below twenty-one. The obvious object of the Government in mentioning these disqualifications ~~such as conviction~~ is to exclude the so-called extremist labour leaders. Moreover the conciliator is given the power of disqualifying any one as a delegate. The disqualifying provisions will only frustrate the object for which the delegates are to be elected. Curiously enough, the Bill expressly frees the Labour Officer from the disability attaching to other delegates on account of these disqualifications; ~~but~~ it does not disqualify a conciliator from holding his post even if he is convicted or becomes an insolvent.

(4) To incite persons not to take part in the conciliation proceedings or to obstruct or to incite others to obstruct the conciliator is made an offence punishable with a very heavy sentence. This provision also is not likely to produce a desirable result. The chief intention of the Bill is to arrive at a voluntary agreement between parties and a provision of this kind is not in consonance with the spirit of free will.

(5) To invest the Labour Officer with power to enter any place used for the purpose of any trade or industry or ~~enter~~ any residential premises provided by the employer for the workers and to call for and inspect any documents from the employers or workers has been allowed by legislative sanction. But the usefulness of such a provision can only be tested by experience. Any attempt by the Labour Officer to seek information against the wishes of the members of a trade union is likely to create suspicion about his motives and instead of being regarded as a protector, as is intended by the legislation, he will be looked upon with feelings of hostility. It will, therefore, be wise not to put the Labour Officer in a difficult position by investing him with power to call for information and documents from the workmen.

(6) The Bill only provides for a formal inquiry and formal proceedings for the settlement of a dispute. If, however, the Conciliation Officer tries to bring about a settlement informally, it requires to be seriously considered whether the same officer can with propriety or effectiveness act as the presiding authority in more formal later proceedings.

(The Indian Labour Journal, 12-8-1934).

Labour Conditions in Madras City:

Government Sanctions Enquiry.

It is understood that an inquiry into the Labour conditions in Madras, with special reference to the standard of living and family budgets, will begin in about a month and will last a year. The object is to ascertain the exact condition of the labourers in the city with a view to ameliorate their conditions as far as possible. The Government have sanctioned the survey, which will be on the lines of an inquiry into ~~the~~ working class budgets conducted in Bombay in the year 1925-26.

(The Hindustan Times, 16-8-1934)

Indian Labour in Ceylon Estates, 1933:

Report of the Controller of Labour.

According to the report of the Controller of Labour in Ceylon for 1933, the number of Indians who arrived in Ceylon in 1933 totalled 121,000 compared with 144,000 in the previous year, while, owing largely to the depression in the tea and rubber industries, the number of assisted estate labourers declined to 33,000 compared with 51,000 in 1932. The number of Indians returning to India from Ceylon showed an increase of approximately 7,000 on the previous year. The total number of Indians repatriated at public expense in 1933 under different schemes was 27,000 against 14,000 in 1932. The number of persons repatriated after the reduction in the minimum wages was 27,000, though the report surmises that only a small proportion of this total was genuinely discontented with the new rates. The majority were probably ~~more~~

interested in getting a free trip to India. The report adds that many of those repatriated have since returned, some at their own expense.

According to the half-yearly returns furnished by the Superintendent of Estates, Ceylon, the mean population of Indian labourers on the tea and rubber estates was 618,000 in 1933 compared with 664,000 in the previous year.

(The Times of India, 30-7-1934).

Conditions of Ordnance Factory Workers in India:

Efforts to Mitigate Grievances.

As a result of a memorandum of grievances submitted by the Cordite Factory Labour Union, Aravankadu, a deputation consisting of Rao Bahadur M.C.Rajah, Mr. K.P.Thampan, Syed Murtaza Sahib (Members of the Legislative Assembly) and Mr. S.V.Iyer, Editor of the Indian Railway Magazine, waited on Lieut--Col. Lumby, Army Secretary, on 1-8-1934 to place before him certain grievances of Ordnance factory workers of India.

The deputation urged that it was highly undesirable that men on monthly salaries should still be treated as temporary even after 20 or 25 years' service. The deputation urged the provision of a scheme of pensions and gratuities and provision for an adequate leave reserve so that these men may get one month's privilege leave with pay. They further pleaded for a minimum living wage of Rs.30 for the workers, as it was impossible to live on the Nilgiri Hills on anything less. Col. Lumby, it is reported, gave a full hearing to the various points raised and promised to look into these matters.

(The Statesman, 2-8-1934).

Sequel to General Strike in Bombay Textile Industry:

Leaders Prosecuted under Trade Disputes Act. †

References were made in our April 1934 and subsequent reports to the general strike in the textile industry of Bombay which terminated on 23-6-1934. On 16-8-1934 eight strike leaders, who were responsible for organising the strike, were prosecuted by the Government of Bombay in the Chief Presidency Magistrate's Court, Bombay. The accused are Messrs. A. Alwe, V.B.Karnik, B.T.Randive, Abdul Majid, K.N.Joglekar, R.S.Nimbkar ^{and} S.G.Mhapankhar and Miss Maniben Kara. The charge against the accused is that they declared, instigated or incited others to take part in or otherwise act in furtherance of a strike, which is illegal under the provisions of section 16 of the ~~Trade~~ ~~Dispute~~ Act, and thereby committed an offence under Section 7 of the Act.

In opening the case for the prosecution, Mr. Velinkar, ^{Prosecuting Counsel} said that the offence resolved itself into two elements, . Firstly, that the accused declared, incited or instigated others to take part in a strike, or otherwise acted in furtherance of a strike. Secondly it was to be proved by the prosecution that the strike was an illegal strike within the meaning of the ~~Trade~~ ~~Dispute~~ Act. After carefully reading the relevant sections of the Act, counsel said that it was abundantly clear that there could be no trade dispute between Government and workmen, but only between workmen and workmen and workmen and employers in the mill industry.

The prosecution case, counsel continued, was that by making certain demands from Government the accused declared, instigated ~~or indicated~~ an illegal strike because these demands were designed or calculated to inflict severe and prolonged hardship on the community and, secondly, because they knew that the result of the strike would be to coerce Government into taking certain action, or restraining Government from taking action, which they were not bound to take. Labour cannot be exploited for political ends. Labour may have grievances which required to be remedied, but labour could certainly not be exploited for political purposes.

The prosecution based its case on three out of the twenty demands formulated by the strikers at a conference held on 28-1-34. Of these three demands, the first was that unemployment and maternity insurance should be at the expense of Government and the millowners. The second was for the right of organisation, speech and assembly and the formation of trade unions in Indian States. Lastly, a demand was put forward for the withdrawal of all repressive laws and anti-working class legislation and the release of all political prisoners.

The case is proceeding.

(The Times of India, 17-8-1934)

Grievances of B.B. & C.I. Railway Workers:

Resolutions at Annual General Meeting, 1934.

The annual general meeting of the Bombay Baroda and Central Indian Railway Employees' Union held at Bombay on 7-8-1934 formulated a list of the demands regarding grievances of the workers of the B.B. & C.I. Railway and passed a resolution urging the Agent to concede the demands without any undue delay. The following is a list of the resolutions passed:-

This Annual General Meeting of the Bombay Centre of the B.B. & C. I. Railway Employees' Union hereby begs to lay down their demands as follows and requests the Agent to concede them without any undue delay.

Service and Leave Rules.- The present leave rules are quite inadequate and the workers must be given one month's privilege leave, 20 days casual leave, and sick leave for the period of a worker is actually ill, in a year. Seniority of service only should be the basis of promotion. All those who are blocked below the maximum of their grades either special or ordinary, should immediately be allowed to draw the maximum of their special grades.

Pay and Allowances.- The Grain Compensation allowance which was paid before to certain categories of workers should be considered as part of their wages and its payments renewed hereafter, as has been done in the case of clerical and other staff. All those staff who are drawing Rs.15/- and above be allowed to subscribe to the Provident Fund. All those who draw Rs. 40/- and below should be provided with free quarters. The minimum wages of a worker should be Rs.40/- in the city of Bombay and Rs. 30/- on the line. The Wage-Cut should be restored immediately.

Hours of Work.- The Hours of Employment Regulations should be introduced on the Railway forthwith. All the retrenched staff should be immediately reinstated.

Complaints and Punishments.- All the complaints of the workers taken up with the Administration by the Union should be investigated by the Staff Officer or any other officer independent of the Department concerned in the presence of representatives of the Union and the worker concerned should be given full and adequate facilities to represent his side of the case. No adverse entries should be made in the Service Sheet of an employee without letting the employee concerned know the nature of the entry to be made and affording him an opportunity to give his explanation and the signature or the thumb impression of the employee concerned should be taken against every such entry in the presence of a Union representative. Medical certificates issued by qualified medical practitioners should be accepted by the Company as bona-fide proof of a man's illness and countersigned by the Company's Doctors. If the Company's Doctor has

reason to suspect the genuineness of any such certificate, the Union should be given a chance to verify the truth of the matter. No man who has put in more than one year's service should be discharged unless and until the complaint against him has been investigated according to the procedure laid down in the above demands.

Absence without Permission.- This meeting views with alarm the notification recently issued by the Loco and Carriage Superintendent regarding absence without permission and its effect upon the gratuity of the workers and requests the Agent to withdraw the said notification forthwith.

General Grievances.- This meeting draws the attention of the Agent to the following grievous wrongs done to the workers and requests the Agent to redress the grievances of the workers concerned and to prevent the repetition of such wrongs in future:-

- (a) Indiscriminate fining resorted to by the subordinate officials, especially in the Loco and Carriage, and Electrical Departments;
- (b) Indiscriminate discharges on flimsy grounds especially in the Electrical, Engineering (mostly gangmen), and Watch and Ward Departments. This meeting wishes to draw the special attention of the Agent to the fact that these discharges have created in the minds of the workers a sense of insecurity of service in the Company and requests the Agent, with a view to dispel this fear, to have all the discharges so far made thoroughly investigated by an impartial officer with the assistance and co-operation of a Union representative as early as possible.
- (c) Ruthless exploitation of the workers by giving the lower paid the work of the higher paid staff without giving the pay and privileges of the latter.
- (d) The injustice involved in promoting men of less service to higher posts superseding the rightful claims of senior men under the plea of selection, thus blighting the hopes of those who have grown grey in the service of the Company.

Staff Benefit Fund.- This meeting views with dissatisfaction the present management of the Staff Benefit Fund and requests the Agent to allow direct representation of workers on the management of the said Fund so that the Fund may be administered in the best interests of all the workers as is the practice in the State Railways.

(Extracted from a letter dated the 22nd August 1934 addressed to this Office by the Joint Honorary Secretary, B.B.& C.I. Railway Employees' Union, Bombay).

. Progress of Trade Unionism in India, 1932-33* +

Registered and Unregistered Trade Unions. - As in previous years the statistics ~~are~~ given below relate only to trade unions which (a) are registered under the Indian Trade Unions Act, 1926, and (b) have submitted returns. Registration under the Act is not compulsory, and the number of unregistered unions is undoubtedly large. In Bombay, according to the Bombay Labour Gazette for February 1934, there were on 1st December 1933, 108 unions with a membership of 117,658, of which only 51 with a membership of 70,464 were registered.

Difficulty in Getting Returns. - The report states that the usual difficulties were experienced in collecting the statutory returns. In Bombay, only 13 of the 44 registered unions which were in existence on 31-3-1933 submitted their returns by the prescribed date, and the last return was not received until 5-12-33. The position was much the same in Madras, Bengal, the Central Provinces and the Punjab, and it is because the unions are so slow in furnishing the comparatively simple information required of them that the Government of India are obliged to publish statistics more than a year after the end of the period to which they relate. In Bombay, however, there has been a great improvement in the accuracy of the returns, and Union officials who are in doubt as to what is required of them receive advice and assistance from the Labour Office.

* Note on the working of the Indian Trade Unions Act, 1926 during the year 1932-33 with comparative statistics for 1931-32 and 1932-33. - Published by Manager of Publications, Delhi. 1934. Price Annas 9 or 1s. - pp.6.

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

No. of registered trade Unions.	No. of unions from whom returns required under the Act were received.	Total membership of the unions shown in column (3)	Average membership per registered union.
(2)	(3)	(4)	(5)
29	28	100,619	3,469
75	65	181,077	2,414
104	90	242,355	2,693
119	106	219,115	2,067
131	121	235,693	1,948
170	147	237,369	1,615

The figures for membership relate only to those unions which submitted returns. In 1932-33 the number of unions increased in all provinces and administrations where unions exist, except in Ajmer-Merwara, Burma and the United Provinces. The increase was largest in Bombay where the number of unions rose from 32 to 44. There was no decrease in the number of unions in any province.

Trade Union Activity in Different Trades. - The following table shows the number and membership of the registered trade unions from whom returns were received classified according to industries.

of industry.	1931-32		1932-33	
	No.	Membership.	No.	Membership.
ys (including railway ops & other transport).	26	127,123	28	122,667
ys ..	4	2,438	3	1,834
es ..	21	26,310	21	21,485
ag Presses. ..	3	1,440	6	2,966
pal. ..	8	2,829	11	3,830
. ..	6	54,403	7	52,361
k Port Trusts..	7	5,646	9	6,910
aneous. ..	(a)46	(a) 15,504	62	25,316
Total.	121	235,693	147	237,369
f women members.	...	3,454	...	5,090

ades figures relating to the trade unions previously shown separately under the head "Engineering".

Provincial Distribution. - The following table shows the number and membership of registered trade unions in the various provinces as on 31-3-1932 and 31-3-1933;

Provinces.	Number of registered unions.		No. of unions making returns of membership.		Membership of unions making returns.	
	1932	1933	1932	1933	1932	1933.
Andhra Pradesh	2	2	1	1	34	34
Madhya Pradesh	28	31	27	29	81,725	71,860
Madhya Pradesh and Orissa.	3	4	1	3	1,378	2,397
Madhya Pradesh	32	44	32	36	68,306	64,169
Madhya Pradesh	1	1	1	1	56	115
Madhya Pradesh	10	11	10	11	6,788	7,305
Madhya Pradesh	4	10	2	8	3,482	11,749
Madhya Pradesh	23	34	22	32	42,402	48,054
Madhya Pradesh	22	27	19	21	21,627	21,863
Madhya Pradesh	6	6	6	5	9,895	9,823
	131	170	121	147	235,693	237,369

Size of Unions. - Of the 147 unions from which returns were received, 2 had a membership of over 20,000 (59,229 members), 5 had a membership between 10,000 and 20,000 (76,711 members), 2 between 5,000 and 10,000 (11,826 members), 11 between 2,000 and 5,000 (36,776 members), 18 between 1,000 and 2,000 (23,394 members), 20 between 500 and 1,000 (13,617 members), 19 between 300 and 500 (7,342 members), 34 between 100 and 299 (6,872 members), 17 between 50 and 100 (1,105 members) and 19 below 50 (497). The largest number of unions, as in previous years was in the group of unions with a membership of 100 to 299.

General Progress during 1932-33. - As compared with the year 1931-32, the membership of unions which submitted returns rose from 235,693 to 237,369, their total income from Rs. 478,265 to Rs. 556,953, and the balances in hand from Rs. 546,690 to Rs. 561,024. An unsatisfactory feature of the management of the unions is laxity in the collection of subscriptions. Special attention is drawn to this in the Madras and Bengal reports, and in Bombay the outstandings are also heavy. It is evident that many unions do not enforce their rules under which failure to pay a subscription involves the expulsion of the defaulter.

GENERAL PROGRESS DURING

Organisation of Women Workers. - The following table shows the number of women included in the membership of registered trade unions for the years 1927-28 to 1932-33:-

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

The figures for 1932-33 amount to 2.1 per cent of the total membership of those registered trade unions which submitted returns.

General and Political Funds. - The income and the closing balance for the last six years of the general funds of those registered trade unions which have submitted returns were:-

<u>Year.</u>		<u>Income</u> <u>during the year.</u>	<u>Balance at the</u> <u>end of the year.</u>
		<u>Rs.</u>	<u>Rs.</u>
1927-28	...	163,581	160,578
1928-29	...	316,863	294,301
1929-30	...	432,638	311,765
1930-31	...	407,379	377,189
1931-32	...	478,265	546,690
1932-33	...	556,953	561,024

The average income for 1932-33 was Rs.3,789 per union, and Rs.2-5-6 per member, as against Rs.4,518 and Rs. 2-5-1 respectively in 1931-32. Among the workers' unions, the most affluent is the National Seamen's Union of India, Bombay, with an income during 1932-33 of Rs. 94,588, and a closing balance of Rs.216,738. The National Union of Railwaymen of India and Burma, Bombay, maintained its political fund, with 1,324 subscribers, during the year. The closing balance was Rs. 618. The political fund opened by the Eastern Bengal Railway Workers' Union, which was mentioned in last year's note, has a balance of Rs.4 only, and has, for practical purposes, ceased to exist.

General Remarks. - The Indian Trade Unions Act, 1926, remained unchanged throughout the year. No appeal was filed under section 11 of the Act during the year against the refusal of a Registrar to register a union, or against the withdrawal or cancellation of a certificate. The Royal Commission on Labour recommended that the facility of free official audit of their accounts should be offered to all trade unions which cared to avail themselves of it. This recommendation has been adopted in Madras, the Central Provinces and the Punjab, and will shortly be adopted in the Delhi Province. In Madras and the Central Provinces, where the system has been in force for some time, it has so far found little favour with the unions.

(The Note on the working of the Indian Trade Unions Act during 1930-31 was reviewed at pages 40-43 of June 1932 and during 1931-32 at pages 41-44 of our August 1933 report).

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Ban on Communist Party of India;

Home Member's Statement in Assembly. ✓

At page 61 of our July 1934 report was given the text of a Government of India notification declaring the Communist Party of India and its Organisations unlawful. ^{In reply to} ~~As a result of~~ an interpellation in the Legislative Assembly on 14-8-1934 on the subject, the Home Member, Sir Henry Craik, made the following statement;

Existence of the Party and its Methods. - It has been held judicially by the Allahabad High Court in the Meerut Conspiracy Case that the aims of the Communist Party of India are those of the Communist International. The High Court stated that there was no doubt in their minds that the violent overthrow of the present order of society and the achievement of the independence of India by means of an armed revolution were not distant but immediate objects of the party. The methods by which the party seeks to achieve these objects were stated in the judgment of the High Court to be mass action which included strikes, a combination of strikes and demonstrations, a combination of strikes and armed demonstrations, and, finally, a general strike, conjointly with armed insurrection against the State and the power of the bourgeoisie.

Communist Party's Programme. - The High Court further stated: "The party's whole programme from beginning to end shows without a shadow of doubt that its object is the overthrow of the existing order of society and of Government ~~by~~ by the use of force, with ultimate resort to arms". The Communist Party of India has laid down in its draft programme of action the following tasks:-

(1) The complete independence of India by the violent overthrow of British rule, the cancellation of all debts, the confiscation and nationalisation of all British factories, banks, railways, sea and river transport and plantations.

(2) The establishment of a Soviet Government, the realisation of the right of national minorities to self-determination, including the separation, or abolition of Indian States, and the creation of an Indian Federal Workers' and Peasants' Soviet Republic.

(3) The confiscation without compensation of all lands, forests and property of landlords, ruling princes, churches, British Government officials and moneylenders, and the handing over of such property for the use of the toiling peasantry; the cancellation of slave agreements and of the indebtedness of the peasantry to moneylenders and banks.

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Methods of Achieving the above Programme. - The more important of the methods by which the party may achieve these aims are as follows;

(1) To develop strikes and to convert them into a general political strike.

(2) To develop spontaneous peasant movements for the non-payment of rent, debts and taxes into all-India movements, and to direct them into channels of agrarian revolution.

(3) To develop a nation-wide movement for independence, attracting the petty bourgeoisie and the bourgeois National Congress.

(4) To spread revolutionary propaganda among soldiers and police, and to explain to them the necessity of their armed insurrection, together with the masses of the country, against British rule.

These are quotations from a document issued by the Central Committee of the Communist Party of India in February 1934.

Menace to Public Peace. - In view of judicial findings of the Allahabad High Court and of other evidence available to Government regarding this party, Government are satisfied that the Communist Party of India is an association which has for its object interference with the administration of law and with the maintenance of law and order, and that it constitutes a danger to public peace. It has, therefore, been declared to be unlawful under the provisions of section 16 of the Indian Criminal Law Amendment Act 1908.

(The Times of India, 16-8-1934).

Intellectual Workers.

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Workers' ~~Hours~~^{Hours} in Newspaper Offices; Calcutta

High Court's Decision on Appeal.

Details were given at pages 45-46 of our December 1933 report of the judgment delivered by the Chief Presidency Magistrate, Calcutta, in a case in which Mr. H.E. Watson, Director of the "Statesman" Printing Press, Calcutta, was charged under the Indian Factories Act on the counts: (a) that the firm's employment register had not been maintained up-to-date in the prescribed form and (2) that men in the advertisement and reading departments of the newspaper were employed for periods exceeding the scheduled hours. The Chief Presidency Magistrate's findings on the charges were that the records of the press were properly maintained and that the staff in the advertisement and reading sections were to be classed as intellectual workers and as such were not to come under the purview of the Factories Act. The Government of Bengal preferred an appeal to the High Court against the decision of the Chief Presidency Magistrate. The High Court, in a judgment delivered on 6-7-1934, dismissed the appeal, making the following observations:

Maintenance of Registers. - With reference to the complaint made under section 43(c) read with section 35 of the Act, it was pleaded in defence that the employment register, taken along with the time sheets which contained all the necessary details, completely satisfied all the requirements of the law. It was specifically stated in the written statement that the present system of maintaining registers had been approved by Mr. Adams, the then Chief Inspector of Factories, in whose opinion the keeping of the employment register and using the same in conjunction with the time sheet was sufficient compliance with the provisions of the Indian Factories Act, and that the system had been in vogue without any objection on the part of the authorities concerned for the past ten years.

Penalties not to be Imposed on Absentee - Manager. - In the facts and circumstances of the case before the Court, two questions stood out prominently for consideration and decision before the questions regarding the applicability of the provisions of the

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Act referred to by counsel in the case. First, could the penalties prescribed by the Indian Factories Act be imposed on Mr. Watson? He was absent from his duties as manager as contemplated by law at the time when the alleged infringement of the law occurred. It was a fact that the absence had not been notified to the authorities by the occupier as required by section 35(2) of the Act for which non-compliance the "occupier" could be held liable. According to section 33 (3) of the Act, the "occupier" was to be deemed as manager for the purposes of the Act and he was jointly and severally responsible for any violation of the law. Upon the facts, Mr. Watson was not the person against whom the complaint could be lodged or the person who could be charged with any of the offences or the infringements of the law complained of, and on whom penalty could be imposed under the law, at a time when he was not the manager responsible for the working of the factory.

Protection for Acts done in Good-Faith. * Secondly, the law in general afforded protection in the matter of prosecution for commission of offences to persons acting in good faith. The question for consideration was; Did the manager act in good-faith? There was the definite case made before the Magistrate and which he wanted to establish by evidence. There was further the representation of the manager to the Inspector of Factories which showed the bona fides ~~on the part~~ of the manager of the factory in the matter of infringement of the law as contained in section 28 read with section 41(a) of the Indian Factories Act.

Mr. Watson not a Party to the Offences. * On the materials before their lordships, the conclusion was irresistible that Mr. Watson was not the person on whom penalty could be imposed under the Indian Factories Act in regard to any of the infringements alleged.

Employment of Staff beyond Scheduled Hours.- The question whether the thirteen persons mentioned in the petition of complaint were within the category of persons employed in a ~~the~~ factory, within the meaning of Sec.2 (2) of the Act, was discussed at the bar at great length. The significance of the word "employed", the meaning of the term "factory" and of the expression "manufacturing process" as mentioned in Section 2 (4) of the Act had to be considered in conjunction with Rule 59 relating to the exceptions contemplated by Section 29 of the Act. It would appear that all persons not strictly coming within the exceptions, and persons in regard to whom there was no "opinion" of the Inspector of ~~the~~ Factories, entitling the manager to claim that he was not a ~~the~~ person employed in the factory as contemplated by Section 28 of the Factories Act, were to be deemed as persons employed in the ~~the~~ factory.

In the present case, there was, however, a claim by the manager in good faith, in view of the difficulty in interpreting the different provisions of the Indian Factories Act, that the persons mentioned in the petition of complaint were not persons to whom Section 28 could be held to be applicable. The manager's view in that respect was placed before the authorities for consideration

and no opinion was expressed by the authorities themselves. The only reply vouchsafed by them was the launching of the prosecution by a complaint before the criminal court which resulted in acquittal of the accused.

The result of the conclusions was that the order of acquittal passed by the Chief Presidency Magistrate in the two present cases should not be interfered with. ~~The order was affirmed for reasons other than those assigned by the Magistrate and~~ The appeals were dismissed.

(The Statesman, 7-7-1934.)

Economic Conditions

Condition of Agriculturists in Mysore:

Enquiry Committee Appointed.

A Committee of officials and non-officials has been constituted by the Mysore Durbar, under the chairmanship of Mr. N. Mahava Rao, Revenue Commissioner with the Government of Mysore, to make a rapid enquiry into the extent to which the fall in prices of agricultural produce in recent years has affected the resources, debt obligation and credit facilities of the land-owning and cultivating classes in different parts of the State and to report upon the nature and extent of the assistance that may be given to relieve them from the difficulties caused by the present depression, after an examination of the several measures suggested in this behalf and having in view the present financial conditions of the State. The Government order directing the enquiry, dated 22-7-34, observes:-

The fall in prices of agricultural produce in the State since the year 1931 has affected the prosperity of the ryot population and although the effects of the fall have been to some extent counteracted by fairly good harvests, the situation has been one of considerable anxiety and Government have been closely watching it. Several measures of relief have been sanctioned in order to ease the situation for the ryots as far as possible. But Government were unable to accept the suggestions made in the Representative Assembly and the Council for a general percentage reduction of the land revenue assessment. The Government considered that such a measure was scarcely feasible in the present condition of the State's finances and that, while it would involve a serious loss of revenue to the State, its benefits to the small landholders would not be appreciable. The Government, therefore, preferred to adopt a policy of discriminating relief in the nature of (a) grant of remissions on a liberal scale in tracts which suffered from a failure of crops coinciding with the slump in prices; (b) relaxation of coercive processes for the collection of revenue as far as possible, etc. At the same time, it was felt that concessions in the matter of revenue collections alone would not go a long way to help the agricultural classes and that the assistance which they needed must be in regard to the repayment of debts, particularly mortgage debts. It was, therefore, ordered that the provisions of the Agriculturists' Relief Regulation which had previously been in force in a few taluks should be extended to the whole State.

(The Hindu, 23-7-1934)

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The Ceylon Tariff Committee: Scope of its Work.

It is understood that a Tariff Committee has been appointed by the Government of Ceylon to investigate claims of the local industries for protection. Contrary to expected proposals it is learnt that representatives of private enterprises are not included in the personnel of the Committee, which has now been fully constituted and consists only of Government officials, headed by the Financial Secretary.

The Committee, it is reported, is purely an advisory body, which after investigating claims by local industries for protection, will submit opinion to the Board of Ministers, who will be responsible for the final decision in matters connected with protective tariffs. The points which the Committee will consider in relation to claims submitted to them will be whether the industry is working efficiently, and how the new tariffs are likely to affect the consumer. No inefficient industry will be permitted to shelter behind the tariff wall at the expense of the public, while tariffs will not be recommended, where it is considered that their imposition will result in hardships to the community.

(Hindu, 16-8-1934)

Employment and Unemployment.

Unemployment in Travancore State; Action Taken on the
Recommendations of the Unemployment Enquiry Committee.

Reference was made at pages 38-40 of the May 1932 report of this Office to the recommendations of the Travancore Economic Depression Enquiry Committee, which was appointed by the Government to investigate and report on the extent and causes of the economic depression in the State and to propose measures that might be adopted to meet the situation. As one of the main consequences of the economic depression in the State was a rapid increase in unemployment, the Committee also dealt with the question of unemployment and made a number of recommendations of which the more important ones were mentioned in the May 1932 report of this Office. The Government of the State have recently issued a statement showing the action to implement the recommendations proposed by the Unemployed Enquiry Committee. In consonance with the recommendations of the Committee an agricultural colony was started at Keni, and 15 students were trained in agricultural school, ^{Alwaye} Alwaye, and each of the students was given 10 acres of land and a loan for cultivating the lands.

(The Amrita Bazar Patrika, 28-7-34).

Unemployment among Anglo-Indians in Bombay City:

Unemployment Committee's Report.

Lord Brabourne, Governor of Bombay, having expressed keen interest in the welfare of the Anglo-Indian community, a committee to investigate the problem of unemployment among the Anglo-Indian and Domiciled European Community in Bombay was formed in the beginning of 1934. The Committee, though greatly handicapped for want of funds, was able through the circulation of a questionnaire and through the labours of honorary workers, to get together concise data regarding unemployed members of the community in Bombay City and such other particulars as would aid in making a comprehensive effort to find suitable employment for as many as possible. The tabulated result of investigations made is as follows:-

Total number of applications for jobs received	463
Skilled applicants	246
Unskilled applicants	147
Lady applicants	22
Boys who have recently left school	48

According to the Committee, a statement of the aims and objects of the committee, together with a statement detailing the number of the unemployed with their qualifications, has been circulated among a large number of business firms in Bombay. Up till now posts have been found for 29 persons and every effort is being made to enlarge the activities of the committee in this direction.

It is reported that the plight of most of the unemployed is deplorable. Some with large families are living in penury lacking their bare necessities of life. The main work of this committee, it is stated, is directed to finding employment for the unemployed members of the community and the committee points out that employers of labour, European and Indian, can do a great deal to help the committee by consulting them when any vacancies occur upon their staffs.

(The Times of India, 1-8-1934).

Efforts to Check Educated Unemployment in U.P.

Re-organisation of Secondary Education System. +

The question of increasing middle class unemployment has been engaging the attention of the provincial governments and educationalists of India for some time past and suggestions have been made to overhaul the present educational system so as to introduce vocational bias in the curriculum as a measure of checking the growth of educated unemployment. The U.P. Government have recently brought forward certain proposals in this behalf in the form of a Resolution of the Education Department which is summarised below:

Defects of Present System.- The Hartog Committee appointed by the Indian Statutory Commission exposed some of the weaknesses and defects of the educational system of India and suggested remedies. The need for revision in certain directions has been generally recognised but reform has had to wait for the occasion which would supply the compelling force. This has come in the economic changes which have necessitated a new attitude towards social and political questions. In view of the increasing unemployment amongst the educated classes, it is no longer possible to regard the present secondary schools and colleges merely as institutions for cultural development. His Excellency Lord Willingdon in his address in March last to the Universities' Conference expressed the poignancy of the situation when he said:

"From the point of view of the students concerned, it is heart-rending that many young men, who have fought their way successfully up the educational ladder and have gained high degrees and distinctions, often in spite of many obstacles and handicaps, are yet unable to find means either of maintaining themselves or of serving their fellow men. From the point of view of the country it is disastrous that the labours and initiative of these young men should be running to waste".

These distressing conditions have had the effect of bringing into prominent relief one aspect of the system of higher education. It is now the recurring theme of convocation addresses at Indian Universities. These addresses show that there is widespread demand for reform from both educationalists and men distinguished in public life and that there is unanimity amongst them that the value of university education is impaired by the presence in the Universities of a large number of students who are unfit for higher literary or scientific education; that these students cannot hope to obtain employment which would justify the expense of their education and that the only feasible remedy is to divert them to practical pursuits at the pre-university stage.

Suggestions of the Indian Universities' Conference.- The Conference of Indian Universities, which met at Delhi in March, 1934, considered the question of unemployment, and in this connexion, the re-organisation required in secondary education in order to make possible a higher standard of university education. The following resolution was passed:-

"A practical solution of the problem of unemployment can only be found in a radical readjustment of the present system of education in schools in such a way that a large number of pupils should be diverted at the completion of their secondary education either to occupations or to separate vocational institutions. This will enable the Universities to improve their standards of admission".

This resolution is of special importance as it was passed unanimously by representatives of practically all the Universities in India.

Findings of the Punjab University Enquiry Committee, 1932-33.- The Punjab University Enquiry Committee, 1932-33, were concerned with conditions in the Punjab but they have made some important suggestions which are of general application. Their report shows that the problem of unemployment is essentially not a university but a pre-university problem. They trace the main defects of university education to the aimless drift to the universities of large number of students ill-fitted for higher literary education. Anglo-Vernacular schools provide the only form of secondary education available for the middle classes. This is a weakness of the educational system to which the Hartog Committee drew pointed attention; "It is the exception rather than the rule to find in India an educational system in which the industrial and ordinary schools are regarded as complementary to each other. All pupils, whatever be their aim in life, should first receive general education; but it should be open to boys at some suitable stage in the subsequent course to branch off to craft schools or to vocational schools". The Committee endorsed these views and made suitable recommendations to remodel the system of high school education.

Defects of the Present University System.- There is no doubt that the main trouble in Universities is the ever increasing numbers of students, many of whom are unfitted to benefit by university education. The tendency is for all pupils, whatever their bent and competence, to prepare themselves for admission to a university. "The result of this tendency," says the Educational Commissioner with the Government of India in the quinquennial review on the progress of education in India for 1927-1932, "is that the work of the higher classes of secondary schools (and consequently university classes also) is clogged by pupils sometimes nineteen and twenty years of age who are unnecessarily prolonging their literary education and are thus wasting their own time as well as other people's money". If once the high schools were relieved of this burden, the problem would become easier. The Educational Commissioner recognises that the problem will not be solved merely by the arbitrary elimination of pupils who are unfit for higher literary studies. He suggests the provision of effective substitutes — a type of higher vernacular education in rural areas "which will be capable of expansion, which will be in harmony with

village conditions and requirements, which will train up boys and girls desiring ^{to} remaining a part of the village and ^{to} spending lives of service to the country-side; in urban areas it would ordinarily take the form of vocational training of various types imparted in separate institutions.

Proposals of the U.P. Government.- It would, therefore, seem advisable to constitute in the United Provinces a secondary course, of which the object should be to provide a general education complete in itself and untrammelled by university requirements. The proposals which have been suggested as perhaps feasible in the United Provinces may be summarised as follows:-

- (a) The length of the High School course should be reduced by one year.
- (b) The length of the Intermediate course should be increased by one year. In order to emphasize that this course is self-contained and complete in itself, it may be designated the Higher Certificate Course.
- (c) The course for the Higher Certificate should be along four parallel lines: (i) Commercial; (ii) Industrial; (iii) Agricultural; and (iv) Arts and Science.
- (d) The High School Certificate should be of two kinds: (1) certifying completion of a secondary school course and admitting to commercial, industrial and agriculture courses, and (2) certifying fitness to proceed to the Higher Certificate Course in Arts and Science.
- (e) Manual training or handicraft in some form should be compulsory in the lower classes and optional in the higher classes of secondary schools in order to discover boys with practical aptitudes and predispose them towards industrial pursuits.

The Government of the United Provinces (Ministry of Education) have published these proposals with a view to elicit public opinion on them. They feel that the question is one of the most far-reaching importance to the future of the province.

(Summarised from the U.P. Gazette, dated 11-8-1934, Part VIII, pages 106-110).

Public Health.

The Bihar and Orissa Nurses Registration Bill, 1934. ✓

The following is the Statement of Objects and Reasons of the B. & O. Nurses Registration Bill, 1934, proposed to be introduced in the forthcoming session of the Bihar and Orissa Legislative Council. It may be mentioned that similar legislation was introduced in the Bengal Legislative Council in January 1933 and was passed by it early in 1934 (vide pages 36-45 of Part III of the Calcutta Gazette, dated 3-5-1934 for text of the Bengal Nurses Act, 1934):

It is common knowledge that an enormous number of deaths is caused every year by the ignorance, neglect and uncleanness which characterise the ministrations of the ordinary untrained midwife or dai, and the need for some legislation to control their activities has long been apparent. Such legislation already exists in some other provinces, and the reason why action has not been taken earlier in this matter in Bihar and Orissa, is that Government could not very well prohibit untrained dais and midwives from practising until facilities had been provided for giving them proper training. Now that such facilities are available to a reasonable extent, it is desirable that there should be no further delay in introducing legislation on the subject. This Bill will enable local bodies to make by-laws prohibiting unregistered persons from practising as midwives, dais, etc. It is probable that the number of local bodies which will find it possible to take advantage at once of the provisions of ~~the~~ this Bill will be small, but a start could at least be made in some of the more important towns of the province, and it is relevant to mention that one municipality expressed its anxiety to frame by-laws to deal with this problem a year or two ago. Moreover, the effect of this Bill, after it has been passed, would be to increase largely the number of nurses, midwives and dais who will be ready to undergo a proper course of training.

(Extracted from the Bihar and Orissa Gazette dated 22-8-34 Part V - page 125.).

Smoke Nuisance in Residential Buildings:

Proposed Control Measure in Baroda. ✓

The Legal Remembrancer of Baroda State has issued the draft of a new law to control ~~the~~ smoke nuisance in residential buildings within the State, and invites suggestions within one month of the date of publication.

Provisions of the Bill. - The bill makes it compulsory for all houseowners to erect a specified type of chimney or a window above the fireplace within a period of one year from the date the Act comes into force, to prevent accumulation of smoke and thus avoid injury to the health of the occupants. The Act will primarily be enforced on persons proposing to construct new houses in future. The draft bill lays down that local authorities will be empowered through the State to enforce the provisions of the Act through a special officer or a local committee appointed for the purpose. In order that people may be supplied with the necessary designs and specifications of chimneys, the bill makes it obligatory upon local bodies to provide themselves with different schemes suitable for every kind of building.

(The Times of India, 28-8-34).

Co-operation.

Co-operation in Cochin; Committee of Enquiry Appointed. +

Reference was made at pages 61-62 of the report of this Office for January 1933 to the appointment in Travancore of a Committee of Enquiry under the chairmanship of Mr. G.K. Devadhar, M.A., C.I.E., President of the Servants of India Society, Poona, to report on the progress of the co-operative movement in the State. It is now understood that the enquiry has been completed and that the Cochin State has invited Mr. Devadhar to conduct a similar enquiry into the nature and possibilities of the co-operative movement in the State. The enquiry has already been begun.

(The Hindu, 2-8-1934).

Co-operative Societies in Madras;

Government Orders on the Recommendations of the Central Banking

Enquiry Committee.

It is reported that the Government of Madras have passed orders on some of the recommendations of the Indian Central Banking Enquiry Committee relating to the working of Co-operative Societies in the Province. The following is a summary of their order:-

Rural Indebtedness.- With regard to the problem of rural indebtedness the Committee had recommended that special officers should be appointed in each province whose function would be by propaganda to persuade the lender and the borrower to agree to a redemption of standing debt on the basis of a cash payment or equated payments spread over a number of years. The existing cooperative credit societies should be utilised as the agency for the payment to the lender of the amounts payable under the terms of the settlement and it will be a part of the arrangement that the borrower should become a member of the co-operative society which may provide finance for his current needs in future. The recommendation has been placed under consideration in the Law Department, and the Registrar of Co-operative Societies has been asked to report to what extent, after a

settlement of debt is arrived at, cooperative societies would be able to act as agents for the collection of the agreed debts.

Credit Societies.- Regarding the Committee's recommendation that ordinary societies should confine themselves to short term and intermediate credit, and land mortgage banks to long term credit, the Government point out that ordinary societies are realising the advantages of short-term credit business and their long term credit business is slowly diminishing. To the Committee's suggestion that encouragement should be given to special type of societies, the Government state that special efforts have been made since 1924 to organise non-credit societies in the Presidency, though the history of this side of the movement was found to be one of failure. The Government consider, however, that the department should continue to develop this side of the movement, though the development should not be rapid but slow and steady.

Agricultural Marketing.- Anent the Committee's recommendation for the improvement of agricultural marketing the Government remark that the establishment of agricultural godowns by Government is impracticable at present on financial grounds and that there are objections to licensed warehouses or godowns. The cooperative institution, the Government observe, seems ~~the~~ most promising but it needs the help of legislative control; and they refer to the Madras Commercial Crops Market Act, 1933, which has for its object the regulation of buying and selling of commercial crops. The Committee suggested that the study of marketing of agricultural produce should be included in the curriculum of training institutes. The Government point out that the theoretical training required is already provided in the training institutes, and that successful trading societies in the presidency have agreed to take apprentices, and give them practical training in the methods of trade for a period of three to six months. The Registrar is prepared to recommend candidates from the institutes for this training. The subjects taught in the training institutes and the management of the institutes follow the lines of the ~~the~~ recommendation. The establishment of a provincial college was considered, but had to be dropped on financial grounds.

Imperial Bank.- With regard to the importance of cash credit and overdraft facilities by the Imperial Bank, the Government point out that the Imperial Bank may be regarded as having practically severed its connection with the co-operative movement, which the Central Committee evidently regards as deplorable. The recommendation of the Committee has been placed under the consideration of the Government of India.

Official Control of Societies.- The Committee's recommendation for a relaxation of official control does not meet with the approval of the Government. The Government referring to the view that public ~~confidence~~ confidence in the movement depends on its control by Government, reiterated recently in connection with the question of audit of societies, state that in view of public opinion on the subject they have decided that departmental audit should be the rule and that non-official audit should not be encouraged. The Government therefore find themselves unable to accept the recommendation.

State Aid to Co-operative Societies.- Regarding State aid to co-operative societies, the recommendation of the Committee raises the question of Government responsibility for the stability of the movement during a crisis. The Government do not find it possible to accept such a responsibility; if there is a breakdown the Government would take such action, ^{as} after examining all the circumstances, may ~~within their resources~~ appear desirable. As regards the suggestion that loans should be granted to cooperative banks ~~from~~ ^{for} the development of agricultural industry, the Government consider that it is only when some scheme is to be undertaken in pursuance of a definite agricultural policy of the Government that recourse might possibly be had to a loan from Government. So, too, in relation to the suggestion of the Committee for State assistance for propaganda and education, the Government do not consider that any action is necessary at present. Most of the suggestions of the Committee relating to the establishment and working of land mortgage banks, the Government point out, have been already considered and adopted by Government ~~when~~ land mortgage banks were organised in this Province.

(The Hindu, 18-8-1934).

Women and Children.Half-Yearly Meeting of the Committee of the A.I.W.C. ^{at} Indore. +

The first half-yearly meeting of 1934 of the Committee of the All-India Women's Conference was held at Indore from 21 to 23-7-1934 under the presidentship of Her Highness the Maharani Sanyogita Bai Saheba Holkar of Indore. Several decisions of importance relating to the social, political and economic welfare of Indian women were arrived at at the meeting. The following are some of the principal decisions:-

All-India Sarda Committee.- It was decided to form an All-India Sarda Committee to do propaganda against child-marriage and to conduct prosecutions and to devise ways and means of improving the Act on the subject.

Indian Women and Assembly Elections.- As regards the forthcoming Assembly elections, the Committee decided to issue a manifesto and questionnaire to candidates seeking elections to the Assembly ^{for} eliciting their views on women's questions, with a view to helping those candidates who were favourable to their aims, special stress being laid on rural reconstruction work. [A memorandum on woman and child labour ^{it} was ^{was} decided to be submitted by the All-India Women's Conference to the International Labour Conference at Geneva.]

Women's Education.- On the educational side, it was noted that due to the activities of the Conference a number of women went for training as teachers to Whiteland College, London, and that ^{the} adult education and free school movement had shown considerable progress.

Next Annual Session of the A.I.W.C.- It was ~~then~~ decided to hold the next annual session of the All-India Women's Conference at Karachi at the end of December 1934.

(The National Call, 30-7-1934).

All-Ceylon Women's Conference: To be Held on 31-8-1934. +

An All-Ceylon Women's Conference is to be held at Colombo on 31-8-1934. This is the first session of the Conference which is ^{to be} open to all women, irrespective of race, nationality, occupation or religion and it is ^{to be} non-political, ~~and non-religious.~~

The objects of the Conference are understood to be discussion of educational problems, homelife, social welfare and legislation affecting women's interests. The two lady members of the State Council will be present; one of ^{them} ~~whom~~ will open the discussion on laws relating to women and children and possible new legislation in connection with the protection of children, ~~dealing with~~ juvenile offenders, enfranchisement of women and other similar subjects. A long list of items is stated to be on the agenda for discussion, including education, social hygiene, industrial employment ~~of women~~ and careers for girls in Ceylon.

(The Hindu, 1-8-1934).

The Hyderabad Child Protection Act, 1934:

Provisions Re. Employment of Children. ✓

During the month under review, an important piece of legislation for the protection of children in ~~the~~ Hyderabad State, called the Child Protection Act, has received the sanction of H.E.H. the Nizam. The Act applies to orphans, unclaimed and illegitimate children, and those who have been given away by their parents for adoption by relatives or others and will operate in ^{Hyderabad and} ~~the~~ City, suburbs and all towns in the State which have a population of 5,000 and more, or which are specially notified in this regard.

It forbids all persons in all circumstances to have in their houses or permit the sheltering of any child under 12 years, other than his or her nearest relative or the nearest relatives of their servants, except on religious and lawful grounds of adoption and only on condition that such adopted children are treated in a manner similar to the lawful issues of the persons in whose care they are.

Further, employment of children under seven years is forbidden, while in the case of children between seven and twelve, the employers are required to intimate the fact to the proper authorities within two weeks from the enforcement of this Act. Similarly, the termination of the employment of such children must be communicated to the ~~the~~ authorities.

Intimation must also be given of the birth of illegitimate children, while Inspectors and Inspectresses will be appointed to examine the children quarterly to ascertain their welfare. All Information concerning children who come within the purview of this Act must be communicated to the officers of the Government, be it in regard to

their adoption, the transfer of their custody, marriage, death, injury, or disappearance. Failure to comply with this is to be punishable with a fine of Rs. 1,000 or simple imprisonment for three months. Persons found guilty of ill-treating such children in their custody who are under 16 years of age, are liable to be punishable with five years' rigorous imprisonment.

(The Hindustan Times, 18-8-1934).

Education.

Industrial Education in Hyderabad State, 1932-33 (Fazli - 1340)

Industrial education in the Hyderabad State, which had been controlled by the Educational Department since its inception twenty-five years ago, was transferred to the care of the Commerce and Industries Department about three years back. There are two schools under the charge of the Department, the Aurangabad and Nizamabad industrial schools.

According to the report of the Director of Commerce and Industry, Hyderabad State, industrial education, important as it is for the economic uplift of the country, has been confined to narrow limits. A scheme has been drawn up for ~~this purpose~~ ^{widening the scope of industrial education} and submitted to Government for sanction.

It is reported that the Aurangabad Industrial School has been working within its allotted budget of Rs. 19,593, and has made marked improvement. With better facilities in the shape of accommodation and equipment, the Director hopes to make the school a model one in the State. Owing to the difficulties that had to be overcome with regard to the Aurangabad School, it is stated, that no attempt was made to re-organise the Nizamabad Industrial School, which was allowed to carry on its work as before. One or two sections of the school, which were found to be unnecessary, have been abolished.

The Director points out that a properly trained staff is essential for the success of these schools. He remarks that every effort is now being made to achieve this end.

(The Times of India, 7-8-1934)

Agriculture.

Agricultural Relief in Cochin State:

Report of Agricultural Inquiry Committee, 1954. +

The Government of Cochin (an Indian State in South India) had recently appointed an Agricultural Inquiry Committee to investigate the question of the measures necessary to give relief to the agriculturists by way of a reduction in the rate of interest on loans which they owe to their creditors. The points referred to the Committee were four in number. These were the desirability of introducing emergent legislation temporarily to limit retrospectively the rate of interest on loans secured or sought to be charged on real property and the date with effect from which only the reduced rates should be allowed; the rate of interest on secured and on unsecured loans which are charged on real property; the adjustments that may be necessary consequent to the recommendations on the earlier points; and any further action that may be necessary in regard to kuries or chit funds.

The Committee has submitted its report lately and the following is ^a summary of the same:-

Rates of Interest to be lowered.- The Committee recommend that legislation should be undertaken restricting the rate of interest payable in the depression period. The justification for this course is the sudden fall in prices. "By the fall in prices for which the debtor was not responsible," the Committee state, "his assets have gone down by half in value, while his debt has doubled itself and the demand on his purse for the payment of interest has trebled." To this fact, the Committee add others such as the tendency for land to pass into the hands of money-lenders from those of the ryots and the abnormal increase in rural indebtedness which the Committee point out is a social and political evil.

Rates for Secured and Unsecured Debts. - The Committee suggest that the date from which the interest rate might be restricted should be 1st Chingom 1107* (~~1931~~). As regards the rate of interest, the Committee has recommended that the rate of interest on secured debts should be 7 1/2 per cent for amounts up to Rs.1,000 and 6 per cent for amounts above Rs.1000. As regards unsecured debts, the rate on these has been fixed at 9 per cent irrespective of the loan amount.

Restrictions on Civil Suits. - The Committee also provide that civil suits to recover the loans should be barred in order to ensure that land is not brought to sale and sold off for prices which will have no relation to the intrinsic worth of the property. In fairness to the creditors, they provide that the creditors might secure possession of the property as receivers in certain contingencies. A mortgagee, if the recommendations of the Committee are accepted, will be entitled to sue for the principal mortgage amount only if it is required for his own personal use.

Chit Funds. - In regard to kuries, the Committee only seek further to liberalise the provisions of the earlier enactment pertaining to kuries.

They hold that the situation in the rural areas cannot be improved unless other and permanent measures are taken. They go to the root of the evil and say that nothing less than the establishment of a land mortgage banks, State-aided or State-owned, capable of supplying long-term credit as well as short-term credit to agriculturists will be adequate to provide a satisfactory remedy. They add that since the inauguration of such an institution may take time, it is desirable that the Government should liberalise the rules governing the grant of loans to ryots from the amount of Rs.500,000, they have set apart for the purpose. It is significant that the Committee do not consider the recommendations they have made to be anything better than mere palliatives intended to enable the ryots to tide over an abnormal situation.

The report, it is stated, is not a unanimous one. Of the ten members who have signed it, seven have done so subject to supplementary notes containing substantial reservations.

* about 15 August 1931.

(The Hindu, 20-8-34) .

The Indian Dock Labourer's Bill, 1933: Bombay Chamber
of Commerce Urges Similar Legislation in Indian States.

Reference was made at page 18 of our September 1933 report to the introduction in the Legislative Assembly of a Bill, the Indian Dock-Labourers' Bill (which was passed by the Assembly on 30-7-34), to give effect to the Revised Convention of 1932 re. ~~the~~ ^P Protection against Accidents ~~of~~ Dockers. The following views on the Bill were communicated to the European Group in the Assembly by the Committee of the Bombay Chamber of Commerce after consulting their Shipping and Expert Sub-Committee.

It was understood that most of the provisions contained in the Bill were already complied with in nearly all steamers. The Committee suggested that where the new regulations entailed structural alterations to steamers, they should only be applied to vessels built after the Act came into force and that steamers already in service should be exempt. The Committee suggested that Section 3 should be made clearer in its scope, and appointments of inspectors should be limited to those with knowledge of shipping matters, preferably practical seamen. It was pointed out that the English Act might be denounced in 10 years, but this appeared to be too long a period in India where it was largely of an experimental nature; the Committee suggested that this period should be reduced to 5 years. Section 10(3) provided that complaint of any offence under the Act must be made within 6 months of the date on which the offence was alleged to have been committed. The Committee considered that a period of six months was too long. In that time the shipowner might be deprived of the evidence of those responsible for the arrangements. Complaints should be lodged before the steamer left port. It appeared to the Committee that the time when very careful consideration would be needed was when the Rules under Sections 5 and 6 were published as required by Section 7. The Committee requested that Government should be asked to allow ample time after the publication of the Draft Rules. Under Section 1(2) the Act will apply to the whole of British India. The Committee supported a suggestion of the Bombay Port Trust that Government should be asked to take steps to induce maritime Indian States to undertake similar legislation as regards their ports.

(Summarised from the Excerpts from the Proceedings of the Committee of the Bombay Chamber of Commerce during July 1934).

Migration.Immigration into Malaya;Regulations Tightened.

The following instructions have been issued by the Controller of Labour, Malaya, with a view to enforcing immigration restrictions:

Employers of Indian immigrant labourers are ~~heroby~~ notified that instructions have been sent to the Emigration Commissioner for Malaya, Madras, that no persons except those belonging to the following classes are to be assisted to emigrate as non-recruited emigrants:-

- (a) Persons in possession of satisfactory written evidence that they have been employed on a quota estate;
- (b) Persons whose names appear on lists already forwarded to the Deputy Controller of Labour, Malaya, by employers;
- (c) Relatives of above persons accompanying them.

Employers are requested to co-operate by informing the labourers on their estates of these instructions. In particular, labourers on non-quota estates should be warned to write to their friends in India that they will not be assisted to emigrate until a quota has been obtained for the estate.

Reasons for Restriction. It will be recalled that when assisted emigration was resumed, it was subject to certain restrictions. Only 20,000 persons were allowed to emigrate in 1934. Each emigrant was to be ensured work at satisfactory wages in an estate known to him or in which he had friends or relatives. It was realised, however, that many of the thousands of labourers who returned to India during the past five years would not have in their possession documents of any kind proving their connection with their old estates. It was known that, as soon as the news of the resumption of assisted emigration reached the villages, labourers in large numbers flock at the depots without knowing the details of the new system of emigration.

Many of these would be without money for their return fares if rejected and it was thought impossible to insist, in the beginning at any rate, on documentary proof of their connection with particular estates. But the results have been different in scale from what was expected. The labour requirements of Kedah, the Province Wellesley and Perak were much less than those of the rest of Malaya and employers in these areas have not asked for a large number of labourers. The coming in from India of a number of workers, far in excess of the actual need, has led to the tightening of the regulations regarding immigration.

(The Hindu, 16-8-1934).

Anti-Indian Legislation in Zanzibar:Government Deputes Mr.K.P.S.Menon,I.C.S.to Enquire into Conditions.

Reference was made at pages 76-78 of our July 1934 report to certain adverse legislative enactments adopted by the Zanzibar Government, the effect of which was to curtail the trade rights of Indians settled in the Island. Mr. C.F.Andrews, on his return to India from Zanzibar where he had been studying conditions on the spot, made a statement to the press on 25-8-34 in which he said:-

"The chief points at issue in Zanzibar are:-

(1) The right of holding agricultural lands being taken away from the Indians by the Land Alienation Act. Indians who have been born in Zanzibar are not allowed to hold agricultural land, but Arabs who have been born in Arabia and are not even British subjects are allowed to hold it.

(2) The Government are taking the clove industry on which Zanzibar depends out of the hands of the Indians, who have always acted as bankers and middlemen, and making it a State monopoly. This will drive many Indians out of the country owing to unemployment.

These two Zanzibar Ordinances are likely to weaken the Indian position all round. Their vested rights as British subjects are being taken away." (The Hindustan Times, 26-8-34)

On 8-8-1934 the following interpellation on the Zanzibar issue was put in the Council of State:

(a) Is it a fact that the Zanzibar Government propose to pass Bills which would prevent Indians from acquiring lands and deprive them of dealing in the only important local industry, viz., cloves?

(b) Will Government be pleased to state what steps have been taken to remove this injustice to the Indians of Zanzibar?

Sir Fazl-i-Husain, Member in Charge of the Department of Education, Health and Lands with the Government of India, made

the following reply:

The Government of India received representations that certain decrees which were before the Zanzibar Legislative Council and which, with one exception, have since been passed, would affect Indians in Zanzibar in the manner suggested in the question, i.e. prevent Indians from acquiring lands and deprive them of dealing in the only important local industry, viz., cloves. Requests were made by the Government of India, ~~first~~ ^{first} to obtain postponement of the legislation and, subsequently, of the operation of the decrees that have been passed, but these have not been successful. The Government of India have deputed Mr. K.P.S. Menon, I.C.S., formerly their Agent in Ceylon, to Zanzibar, in order to investigate locally the effect of these decrees upon Indian interests. On receipt of his report, they will consider what further action, if any, they ~~will~~ should take.

(Extracted from the Council of State Debates dated 8-8-1934)