



THE COLONIAL STATE AND TRADE UNIONS ACT IN MADRAS PRESIDENCY

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ABSTRACT :

The concept of immunity for trade unions in colonial India was non-existent before 1926 when the Trade union Act was passed. But in the immediate post war period the spate of strikes in the Buckingham and Carnatic Mills led the European Management to file a suit in the Madras High court for damages against the Madras Labour Union in 1920 for inciting the workers to break the contract. Though the compromise was reached and the suit was withdrawn, the threat of filing the suit against the union remained (**R.M. Chaudhuri, *The Evolution of Indian Industries***).

KEYWORDS : colonial India , Madras Labour Union.

INTRODUCTION :

Hence in 1921 N.M. Joshi as a representative of Labour interests unsuccessfully attempted to bring legislation in Central Legislative Assembly providing legal immunity to trade unions. The resolution of N.M. Joshi ran as follows:

This Assembly recommends to the Governor General in-Council that he should take steps to introduce at an early date, in the Indian Legislature, such legislation as may be necessary for the registration of trade unionists and trade union officials from civil and criminal liability for bonafide trade union activities (***Legislative Assembly Debates (LAD)***).

One representative grasped the wider scope of the resolution, which sought to confer immunity on trade union leaders, trade unions and workers from any act of tort. Pickford speaking on behalf of European employers observed "we have no right to lay either the employers or the operative to the possibility of labour disputes being fomented by persons whom under the Act which he contemplates the law could not touch or touch with great difficulty".⁹⁴ In line with this criticism the resolution was amended and accepted seeking "such legislation as may be necessary for the registration of trade unions" (**LAD, Vol. I, p. 407**).

But debate in the Select Committee on the draft bill a few years later for registration of trade unions centered on mainly the use of union funds for political purposes and the union proportion in the Executive of officers actually engaged or employed in an industry with which the Trade Union was concerned (**S.Sen, *Working Class of India***).

The majority reduced the proportion of trade union officers actually engaged in those disputes from half to one-third in view of the low educational level of the ordinary labourers. B.N. Mitra and three others dissented from the view taken by the majority in regard to the last provision and observed:

We see no justification for such a change. We recognize with the majority that in the infancy of the trade union movement in this country it may be essential for a trade union to have the assistance of outsiders and to include them in their Executive. What the original clause was intended to serve was

that a number of the actual workers obtained all opportunity of education in the trade union affairs, and we regard with apprehension any change which may have the effect of restricting those opportunities (LAD, Vol. I, p. 409).

But it was only in 1926 that the Government of India decided to pass legislation in the Central Legislative Assembly.

As soon as the Act came into effect in June 1927, the Buckingham and Carnatic Mill Employees Union, which was the creation of the management, was registered on 20 June 1927, followed by the Madras Labour Union for textile workers, Madras on 24 June 1927. There were nine Unions by 1930 with a total membership of 13,774 including the Madras and Southern Mahratta Railway Employees Union. In the depression and post-depression years the number of trade unions registered under the Act rose to 25 all over the Madras Presidency (G.O. 2684. L. 20/9/29. P.W & L.TNA).

In the joint memorandum prepared for the Royal Commission on Labour it was predicted by the Government that the average daily number of operatives employed in the total 1393 registered factories in the year 1928, was roughly 1,37,000 of who about 6,400 were children. All the industrial establishments containing more than 10 persons employed about 2, 00,000. This figure, the government noted, "Gives a rough idea of the industrial population which may be regarded as organisable for trade union purposes" (G.O 3031-32. L. 27/10/030, P.W. & L, TNA).

But the number of unions and their membership always remained a small fraction of the number of workers in the various establishments in the Madras Presidency. A figure for 1929 was 45346 members and this high rate of unionization, can be explained in terms of the workers' anxiety to defend their employment by joining trade unions. The year 1935 saw only 24,204 trade union members.

LOW SUBSCRIPTIONS

Causes of lack of trade union membership among the workers in the establishments were impermanency of their employment, low level of wages and other factors. But some unions like the MLU were able to maintain a constant membership over the years.

The Commissioner of Labour who was in charge of the registration of the Union complained that the accounts of the Union funds subscribed by the workers were not properly maintained. The Union leaders themselves complained of the workers' indifference to union activities and failure to submit their subscriptions. This problem was endemic also in the strong unions such as the MLA (File No. L. 1524 (2) of 1929, Dept. of I & L, NAI).

The problem of non-subscriptions was linked with the low wages of the workers. The problems of non-subscriptions were to some extent the result of wage cuts that were effected by the employers in the depression years.⁹⁹ For the Government of Madras, the lack of proper maintenance of the union subscription accounts was a serious lapse and often the Commissioner of Labour complained about the absence of statutory powers directly investing him with powers to exact proper accounts from the unions. (G.O 3031-32. L. 27/10/030, P.W. & L, TNA.)

AUDITING

The Government of Madras made available the free audit of trade unions registered under the Trade Unions Act of 1926. But such a proposal was considered by the trade unions as official scrutiny and interference in their internal affairs. Response from the unions to the government's offer for free audit was not encouraging (G.O. 2209. L. 21/10/32, P.W. & L, TNA)

The Secretary in the Department of Industry and Labour, in the Government of India gave a liberal interpretation of the Act.

Trade unions should not be unduly hampered by the imposition of elaborate requirements in respect of procedure, before the Registrar, for furnishing of returns for the audit of their accounts. The

work of trade unions in this country is in nearly every case carried on by honorary officers at present and there is a danger that if trade unions are compelled to furnish elaborate returns or accounts their developments may be appreciably checked... The regulations will be so framed as to make the demands on trade unions as light as possible and administration of the Act and regulation in a liberal spirit (**G.O 3031-32. L. 27/10/030, P.W. & L, TNA**).

EMPLOYER'S RESPONSE TO REGISTERED UNIONS

Registration of trade unions did not automatically lead to their recognition by the employers. The attitude of the management of the Buckingham and Caryatid Mills on the question of according recognition to the MLU smacked of dogmatic opposition. The proceedings of the Royal Commission on Labour on which N.M.Joshi sat as a member prove this.

Mr. Joshi: I want your opinion, if it is found by this Royal Commission or by an officer of Government that 2500 of your employees are paying subscriptions regularly to a union should it be refused recognition by the employers.

Mr. Hargreaves: "If it is officered by the same officers as they have got now, personally I would not recognize it in view of what has happened in past years" (**Royal Commission on Labour in India, Evidence, Vol. VIII, Part II, p. 178**).

The management's argument was that the MLU was headed by the outsiders who "from the President downwards [all the office bearers] have no connection whatever with the textile trade. The management would allow the outsiders as 'advisors' but not put up with the outsiders being "officers of the unions" (*ibid*).

The management of the Madura Mills was determined not to reemploy the strikers unless they agreed to the disbandment of the union headed by S. Varadarajlu Naidu and to create a union headed by themselves with no links whatsoever with "the outsiders". The blatant opposition to the leaders by the colonial bureaucracy further complicated the problem.

"Though a decade has elapsed since the introduction of the Act of 1926, genuine trade unionism seems to have gained but little ground in this province. Subscribing members of a Union rarely take a keen interest in its affairs and unions are in many cases managed and led by the honorary members who form a majority in the executive. Honorary members frequently act on selfish motives and have not the interests of members really at heart. The spread of real trade unionism will take place only when paying members take a keen interest in the working of their Union and call on the service of honorary members only in special circumstances" (**G.O.155, 19 January 1937. Development, TNA**)

A notable feature of this report is the failure to mention the victimization of the workers by the employers which factor more than anything else pushed the workers more closely into the fold of the leaders in the political movement. Illiteracy and poor organization despite the long existence of the unions added to the problems further.

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