

Anti-Labor Laws in India

THOUGH the labor and trade union movement in India is still in its youth, the bourgeoisie, applying all its international experience, is already preparing to meet the young movement with all the tricks it has learned in the long years of its struggle against the industrial working class. There is now before the Indian Parliament* a Trades Disputes Bill, which tries to prejudice the effectiveness of the developing trade unions from the very beginning through the creation of an arbitration system, and which is intended to prevent strikes, the best wea-

* Press reports of April state that "the Indian Legislative Assembly has approved the penal laws dictated by the government", presumably those dealt with in this article.

pon of the working class. As will be seen from the following extracts the Bill does not in the least hide its anti-labor tendencies.

Two phases of the system are provided: an Investigation Commission and an Arbitration Chamber. Both are appointed at the initiative of the local government authority or of the Governor General. This fact alone should assure them of the "full confidence" of the Indian workers.

The Investigation Commission, which consists of a Chairman and a certain number of members, varying according to the occasion, has to clear up the facts about an expected dispute between employers and workers and

then has to report to the authority by which it was appointed.

The Arbitration Chamber consists either of the "impartial" Chairman alone or of 2 to 4 additional members who must be proposed on a parity basis by the quarrelling parties. If one side makes no proposition the appointing authority decides according to its own opinion.

The Chamber is supposed to do everything in order to conciliate a dispute "without delay". It can, however, also "postpone the procedure until such times, which, in its opinion, will allow the parties concerned to arrive at some settlement". If this settlement is not obtained, a report must be given to the Government or to the Governor General along with propositions how to "regulate the strike".

Orders of the Governor General and of the Government authorities concerning the appointment of Commissions and Chambers have legal force and both bodies enjoy the same rights as civil courts. Their investigations or hearings are considered as legal procedures in the sense of paragraphs 193 and 228 of the Indian Penal Code.

Apart from the arbitration provisions properly, the Bill provides, in case that struggles should yet break out, all the measures by which the employers want to prevent their spreading and generalization.

For employees in public enterprises the following special provisions are made:

1. Every person employed against a monthly salary in a public enterprise, who voluntarily and without having timely (one month in advance) informed his employers in writing of this intention does not fulfil his duties, is subject to a fine of one month imprisonment or up to 50 rupees or both fines simultaneously.

2. Every person, who incites to any of the crimes, enumerated in the foregoing paragraph, is subject to a sentence of up to 3 months or a fine of up to 500 rupees or both fines simultaneously.

But still more important are the paragraphs about sympathetic strikes, and strikes for other but economic reasons:

1. Strikes and lockouts are considered illegal if (a) they pursue aims, which partly or wholly surpass the frame of that branch of industry in which the strikers or the employers declaring a lockout, are engaged, and (b) if the strikes or lockouts pursue the

purpose of exercising either direct or indirect pressure on the Government.

2. It is unlawful to carry on such strikes and lockouts or to support them financially.

This Bill of the British imperialists is energetically fought by the Indian Nationalist Press and by the trade unions.

The "Bombay Chronicle" on September 6, declares itself against the "whole trade union movement being made dependent upon the humors of an official."

On September 5th the same paper wrote in its leading article:

"The passing of this Bill through the National Assembly would grant to the autocratic and irresponsible executive the possibility of suffocating the movement in favor of the industrial workers and the peasantry. . . . The law about the liquidation of industrial conflicts is evidently directed against the interests of the workers and is harmful to the healthy growth of trade unionism in our country. The members of the National Assembly must take energetic steps in order to oppose this fascist Government proposal."

Djabvalla, a Left Labor leader, declares in a letter to the same paper:

"I consider the paragraph about strikes to be the most serious and most dangerous, not because I am in favor of strikes at all times, as some people seem to believe, but because the only effective weapon in the hands of the trade unions, from the application of which the success of the workers' struggle depends in most cases, is unmercifully taken from them by the Government. The basic idea of the Bill is to prevent all strike struggles of the workers. With the assistance of this Bill, the Government not only tries to suppress the mass movement of the workers, but it also wants to strangle the peasants' movement, as we have recently seen in Bardoli."

Finally, Djabvalla appeals to the Laborists and to the leaders of the Nationalist Movement, to come together and to fight the reactionary bill with united forces.

Various workers' organizations as well as Workers' and Peasants' Parties are preparing a broad campaign against the reactionary Bill. Thus, the Executive of the Workers' and Peasants' Party of Bombay decided to carry on broad agitation against the Bill. A

broad conference of trade union representatives and of representatives from the peasants' organizations of the province is to be convened and representatives of the Executive are to be sent to Simla during the session of the National Assembly, in order to organize the opposition against the Bill among the members of the National Assembly.

The Workers' and Peasants' Party of Bengal also undertook a series of measures. Especially it turned to the Trade Union Federation of Bengal (Provincial Department of the All-Indian Trade Union Congress).

Following this initiative, the Bengal Trade Union Federation adopted a resolution, which emphasizes the reactionary character of the Bill and calls upon the members of the National Assembly to prevent it from being passed at all costs. A memorandum against the Bill is being prepared. Meetings are being held over the whole province in order to enlighten the workers about the reactionary nature of the Bill.

The Opposition campaign is being continued over the whole country in the Nationalist press as well as in the Labor circles.
