

**INDIA'S BELEAGUERED TRADE UNION MOVEMENT AND LABOUR RIGHTS
JURISPRUDENCE IN COLONIAL AND IMMEDIATE POST-COLONIAL LEGAL
HISTORY THROUGH THE WORKS OF BASAWON SINGH**

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ABSTRACT

India was a captive market of the British Empire. Its forced colonial modernity led to a stunted industrial and capital growth apart from a stunted legal and constitutional development. The colonial subjecthood led to a severe lacuna in the rights of industrial labour as part of labour rights and a severe violation of fundamental human rights of labour in India. Such exploitation of labour was also done by India's nascent "native" industrialists and management. Labour rights jurisprudence suffered. In this context, Indian nationalists who were fighting against British colonial rule, had also developed a political programme often inspired by democratic and socialistic ideas to usher India into a free and more egalitarian society. One such major figure who tirelessly worked for labour rights was Basawon Singh. This article focusses attention on his activities as a leading trade unionist of the country from colonial late-1930s to post-colonial late-1940s and beyond, and hopes to showcase how some of the issues and challenges of those times might still be unfortunately relevant in our own to expand inalienable fundamental human rights. The work is thus global in its appeal for its anti-colonial struggles but also due to resonances in the nature and tensions of state formation, and in the conception of the structure of ordering such post-colonial economy and polity in order to both de-colonize it but also to improve fundamental human rights, indeed labour rights jurisprudence.

KEYWORDS: trade union, Rohtas Industries Limited (RIL), Rohtas Industries Mazdoor Sangh (RIMS), Boulia Labour Union, voluntary arbitration.

¹ The author would like to thank Dr. Martin O'Donoghue for his helpful comments and suggestions. All references from Hindi sources have been translated by the author himself unless otherwise indicated.

1. INTRODUCTION

In the pluralistic and “fragmented” global legal history there was still a rubric of a supposed unity under the colonial empires, and quite exemplary so under *legum imperium britannicum*, or at least as claimed by it. The unity and foundation of international law as negotiated by European colonial powers led by England was in its most stable position as far as the principles of its functioning is concerned from 1870 to 1960 as claimed by Koskenniemi, which is actually receiving its most serious challenge in the ongoing present.² Principles when challenged by the world wars, became more entrenched rather than weakened. De-colonialism with India's independence and then the independence of most of Asia, Africa and South America by 1960s or 1970s rather affirmed the principles of international law as enshrined in the UN Charter. Even the Cold War did not question the UN Charter with its *jus cogens* principles of respect for territorial sovereignty, *in principle* (although there were violations *in fact*). Today we live in the most uncertain world where territorial sovereignty and integrity of existing nations is being violated again and leaders of powerful countries make open threats of annexing sovereign independent countries and autonomous regions of other countries. The bedrock principles of international law itself are being challenged. It almost appears to be back to square one, back to nineteenth-century brazen colonialism.

The inalienable structural coupling of industrial modernity was linked with colonialism since the industrial revolution in England joined later by Western Europe and United States making the question of labour a species of international law. Labour and labour rights, including the right to unionize and protest, became a bedeviled question with industrial modernity, indeed forced colonial modernity³, receiving international recognition since the formation of International Labour Organization (“ILO”) in 1919. United Kingdom has been a founding member of ILO and did not just ratify but was instrumental in framing the conventions and recommendations under its rubric. But as we will see through this article, Britain's commitment to labour rights standards remained unfulfilled as far as its captive market of Indian empire was concerned. India's growth of industrial modernity was lopsided leading to belated functional differentiations as a result of it, a sub-realized potential to legal autopoiesis⁴, and thus a fractured societal constitutionalism leading to the inner constitutionalizing tendencies of industries and corporations for an overall betterment of fundamental human rights standards.⁵ The so-called “white”⁶ settler colonies of Canada and Australia had a different legal trajectory for structuring and implementing fundamental human

² Koskenniemi (2009) 795-810; Koskenniemi (2010).

³ Reading works on history, sociology, anthropology, philosophy, cultural and literary studies, and social and political theory, one invariably reaches the conclusion of a colonialism which was an act of violence/force and which implanted its ideas of modernity in India as tantamounting to nothing else but a “forced colonial modernity”. It should be as general a conceptual term as colonialism itself. There is an immense body of literature which highlights this aspect. Some illustrative works are: Halbfass (1988); Franco & Preisendanz (1997); Kaviraj (2000, 2005); Chakrabarty (2011); Balagangadhara (2012); Rao (2021).

⁴ Teubner (1993).

⁵ Teubner (2012).

⁶ Pratyush Kumar (2022).

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rights standards when compared to colonies like India which were hemmed with “colonial subjecthood” and had no claims to the right of “citizenship” under the empire.

At the cusp and location of the formation of international law principles, labour struggles, labour history and labour empowerment was happening simultaneously along with India's struggle for independence. As part of *pax britannicum*, and despite its colonial subjecthood, it was at the centre of the debate in the ongoing formation of principles. This article is the glocalised history⁷ exploring India's history as part of global legal history in the light of the trade union movement and emerging labour rights jurisprudence through the work of a leading trade unionist Basawon Singh especially during the colonial 1930s and post-colonial 1940s. It also gives an insight into the functioning of the state where much of the euphoria surrounding India's independence was being subdued soon thereafter by fellow Indians who took the reins of power and administration. The *swaraj of ideas* of the Hind Swaraj⁸ appeared much too distant and the dreams of Gandhi and others like Basawon Singh who sacrificed their lives for the epochal moment appeared smothered and extinguished.

2. BASAWON SINGH IN THE TRADE UNION MOVEMENT'S LANDSCAPE IN INDIA

Together with his engagement with the freedom movement, Basawon Singh⁹ was one of the prominent leaders of the trade union movement in India with his close understanding of the ways in which the working classes lived in those times in the country. Some of the issues and challenges faced by the working classes and raised by Singh during those colonial times are unfortunately and paradoxically present and relevant even today. The present article will focus primarily on the

⁷ Guha (2002); Duve (2020) 73–115.

⁸ Bhattacharyya (2011) 101-111; Gandhi (2010); Vajpeyi (2012) 1-87.

⁹ **Basawon/Basawan/Basavan Singh/Sinha (1909-1989) – alias Ram Basawan Singh alias Lambad**, a name among revolutionary circles given by Yogendra Shukla for being very tall; one of the prominent socialist leaders in the country; took part in the Non-Cooperation Movement 1920-22; joined Dacca Anushilan Samiti, 1922; joined Hindustan Republican Army, 1925 and then was the founding member of the Hindustan Socialist Republican Army (HSRA), 1928; participated in revolutionary activities and imprisoned several times; was a prominent member of Jogendra Shukul's revolutionary organization and worked closely with Barindra Ghosh and Bhupendranath Datta; absconded in the Tirthat Conspiracy Case, arrested in Patna, August 6, 1930, along with Keshab Chandra Chakravarty, a close friend and notorious Bengal revolutionary; escaped from Bankipore Jail, August 9, 1930; rearrested in Calcutta on September 25, 1930; accused in Tirthat Conspiracy Case and sentenced for six-and-a-half years in prison only to be released in 1936; had started a fast-unto-death against cross-bar fetters which continued for a record 57-days and the British Indian government was forced to accept his demand; joined Congress Socialist Party, 1936; organised labour and peasant movements; formed the Rohtas Industries Mazdoor Sangh at Dehri-on-Sone in 1938 and nearly 500 trade unions over the course of his life and spreading across Assam, Bengal, Bihar (including today's Jharkhand), Madhya Pradesh (including today's Chattisgarh), Odisha and Uttar Pradesh; set up the Tata Collieries Labour Union along with Subhas Chandra Bose, became its President after Bose left the country in 1941; participated in the Quit India Movement, 1942; arrested 1943, released 1946; associated with the All India Railway Men's Federation, its Vice President, 1946; in independent India was member, Bihar Legislative Assembly, 1952-57, 1957-62 and 1977-79, and Bihar Legislative Council, 1962-68 from the Congress Socialist Party (never changed his party but the party changed names over the years); Cabinet Minister, Government of Bihar, 1967 and 1979; absconded and headed the *Jan Sangharsh Samiti* (People's Resistance Council) against internal emergency imposed by Indira Gandhi's government during 1975-77; died on 7th April, 1989.

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colonial 1930s and immediately post-colonial late 1940s to present the challenges of labour and the stiff opposition they faced for being organized as trade unions. From the sidelines, and at a “moment’s notice”, we will be stunned at the striking similarity in the functioning of the state irrespective of whether it was run by “colonial masters” or “native” political elites.¹⁰ Then, we are awakened to the reality and *longue durée* of company and then colonial rule, from 1765 onwards, when the intensity and quickened pace of “time” made many time frames fit in since then¹¹, and within those multiplicity of time frames, the systematic extraction of Indian resources and circle of violence with no responsibility or accountability became the structure and routine functioning of the state¹², be it in land tenure with permanent settlement in 1793¹³ or elementary aspects of labour for the purposes of this article. With this intellectual history in the backdrop, we observe that the political elites, most of whom were veterans of India’s struggle for independence, in their quest for India’s rapid progress and industrialization and the growth of capital, sometimes appeared to side with the company and management at the cost of labour rights and “fundamental rights effectiveness”.¹⁴ The state sometimes did not encourage and irritate the company system for a societal constitutionalism which would advance fundamental human rights.

For the benefit of the readers, Bihar as a state in North India, constitutes a major part of the middle Gangetic plain.¹⁵ It has a rich history and culture since ancient times. In modern times it achieved its provincial status (including Orissa, now Odisha) since its separation in 1912 from Bengal province. Odisha achieved separate provincial status in 1936.¹⁶ Up until 2000 when mineral-rich Jharkhand was separated from Bihar, it was a province rich in mines and minerals with prospects for industrialization. Now Jharkhand (formerly Bihar) along with the states and adjoining regions of Chhattisgarh, Odisha and West Bengal in Eastern (and Northern-Central) India are crucial for any industrialization project but are also crucial and critical for maintaining the pristine and dense forest cover, fragile ecosystems and communities, and thus irreplaceable in the fight against climate change. It is in these regions that mining was (and still is) done and factories were set up and peasants and landless labourers became industrial workers working in abject conditions which was structured, ordered and presided by the British colonial regime. Villages and towns became industrial towns like Dalmianagar, Tatanagar, Dhanbad and the like. And it is in these regions where Basawon Singh was setting up trade and labour unions to both fight for their rights and to give a concrete shape to his political programme of democratic socialism for a yet to be independent country. Therefore, this quest and sentiment for achieving an independent country, free from European colonial rule, resonates through the rest of the formerly colonized world of Asia, Africa and South America. But more importantly, there are resonances in the nature and tensions of state formation, and in the conception of the structure of ordering such post-colonial economy and polity in order to both de-colonize it but also to improve fundamental human rights,

¹⁰ Misra (1961, 1976); Mukherjee (2010); Bhattacharyya (2011).

¹¹ On the nature and semantics of historical timeline as a result of forced modernity due to colonialism, a relevance on the nature and understanding of this “condensed” time, inspiration in intellectual history can be drawn from Reinhart Koselleck. Koselleck (2004).

¹² Chakrabarti and Patnaik (2018); Tharoor (2018); Elkins (2022).

¹³ Guha (1996); Guha (1983); Hauser with Jha (2016).

¹⁴ Häberle (2018) 17-128.

¹⁵ Diwakar (ed.) (1958).

¹⁶ Kumar & Mishra (ed.) 2022.

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indeed inclusive of labour rights, which is the focus of this article. Therefore, this work becomes relevant for a global readership.

Modern industries had started opening up in the region (state since 1912) of Bihar in India, which was otherwise rich in minerals, at a slow pace since the late nineteenth century.¹⁷ Industrialists started experimenting with soap, paper, explosives, tobacco, cement and sugar industries since the second decade of the 20th century which gradually lessened the importance of the traditional industries of Bihar like the handicraft industry involving the cotton and silk fabric, saltpetre, opium and indigo.¹⁸ The Tata Steel Company was the first in the league of many which laid the foundation of big industries in the state in the year 1911.¹⁹ The coal industry, sugar industry, jute industry and the cement industry came up in the 1930s while the paper industry was established in 1940.²⁰ However, class consciousness among the industrial workers of Bihar was very slow due to factors like illiteracy, backwardness, poverty, caste, superstition and the inability of workers to move to other places in search of employment.²¹ The trade union movement gained momentum only during and after the period of World War I when hartals (literally “lockdown”, as a form of strike) and strikes became a common feature among workers in 1919-1920.²² Sixteen thousand workers of the Jamalpur Railway Workshop staged a 28-day strike in 1919 and 32,000 workers struck work for 14 days at the steel factory in Jamshedpur in February 1920.²³ Although these strikes were spontaneous without any planning or organization by the workers, they gave the much-needed impetus to the still nascent trade union movement in the state. With the entry of the Congress Socialists in the political firmament of the country in the 1930s, the socialists entered the Bihar Provincial Kisan Sabha (established way back in 1929) in a big way including joining the rank and file of its leadership.²⁴ Not only this, they started entering into the already existing trade unions in the state and in industries where trade unions did not exist, they established unions, gradually ousting the Communists who had held sway in this field till then. Basawon Singh played a significant role in organizing the industrial workers and in establishing a net of trade unions across the state and in other parts of the country as the labour secretary of the Socialist Party²⁵ apart from being one of the members of a 21-member Working Committee of the Congress Socialist Party.²⁶ He not only taught the workers to unitedly fight for fulfillment of their demands from the factory owners, but also instilled in them the spirit of freedom. On October 21-22 of 1934 in Bombay (now Mumbai), the All India Congress Socialist Party (“AICSP”) had already adopted a

¹⁷ Singh (2012) 444-487; Sinha (2012) 488-541.

¹⁸ Jha (2014) 443.

¹⁹ B.K. Sinha (2012) 488-541.

²⁰ *Ibid.*

²¹ Jha (2014) 443.

²² Kumar (2000) 29.

²³ *Ibid.*

²⁴ Sharma (1991) 425-430.

²⁵ Kumar (2000) 30.

²⁶ Appendix D Miscellaneous, I. Working Committee of the C.S.P.; III. Labour Sub-Committee; File No. 385 of 1947. It is rather curious and surprising how neither have Prof. Anand Kumar, a sociologist formerly working with Jawaharlal Nehru University, Delhi and Mr Qurban Ali, a journalist interested in the history of socialism and socialists in the country have failed to even mention the name of Basawon Singh, who along with Jogendra Shukla and Pandit Ramnandan Mishra, as far as the socialist movement, its history and most certainly the revolutionary movement in the country is concerned were Jayaprakash Narayan's senior, for example.

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nine-point charter for industrial workers, which included, inter alia freedom of industrial workers from slavery; freedom to establish trade unions; freedom to stage strikes and hartals at the work place; acceptance of trade unions by owners of industrial houses; equal wages for equal work; defined wages and clean, healthy living quarters for workers; insurance for unemployment, sickness, old age and accident; one-month maternity leave with full wage for pregnant women; restriction on employment of school-going children in factories and ban on employing women and children under 16 years of age in underground mines and weekly distribution of wage in times of need.²⁷ The AICSP in United Provinces decided at its Benares session that the party would work towards bettering the status of industrial workers and fulfilling the charter at the all-India level.²⁸

With Shibnath Banerjee, Basawon Singh worked to form the railwaymen's union from 1936 onwards decades before many other leaders like Jayaprakash Narayan or George Fernandes got associated with it and gained credit based on the organizational work already done by Singh and Banerjee. He unionized the workers of Japla²⁹, Baulia, Dalmianagar, Gaya, Jamshedpur and Kandra, of the coalfields of Jharia, Hazaribagh, Kumardhubi, workers of Patna City, Jamalpur (Munger), the sugar factory workers of Harinagar and Marhawra, the coal workers of Talcher and Rajgangpur in Orissa and Satna in Madhya Pradesh.³⁰ He founded the Japla Labour Union in 1937, Baulia Labour Union in 1937, the Gaya Cotton and Jute Mill Labour Union, the Tata Collieries Labour Association ("TCLA") along with Subhas Chandra Bose (Bose was its president and Basawon Singh was its working president till Bose left the country in 1941. Singh became the president of the TCLA in 1941).³¹ After taking charge of the Japla Labour Union, "Basawon Singh submitted the usual list of grievances to the management and threatened a general strike at the cement works early in July, 1938."³² In Jamshedpur, the socialists led by Basawon Singh in 1938 helped establish the Sweepers' Union, and proposed at their meeting held in Patna (1938) also attended by Mulk Raj Anand and Z.A. Ahmed, to turn attention towards Dalmianagar (Dehri on Sone) instead of Jamshedpur.³³ Organizing workers in Damianagar was a task Basawon Singh never left for the rest of his life.

Basawon Singh was very close to Subhas Chandra Bose and his family. In fact, there are unconfirmed reports on how Singh had assisted Bose in parts of the way after escaping from Calcutta to reach Afghanistan due to his wide network of revolutionaries and contacts across the

²⁷ File no. 3, 1935, Home Political Special, Bihar State Archives, Patna; Thomas A. Rusch, Role of the Congress Socialist Party in the Indian National Congress 1931-1942, unpublished PhD thesis, December, 1955, University of Chicago, p. 508. The author would like to thank Mr. Ellen Bryan, librarian at the University of Chicago Library to make this rare copy of the thesis available to him on Oct. 3, 2024.

²⁸ Jayaprakash Narayan Papers, Nehru Memorial Museum Library, New Delhi.

²⁹ Kumar (ed.) (2014) 312.

³⁰ Kundu (2022) 65; Kumar (2000) 31-34.

³¹ Kumar (ed.) (2014) 312.

³² Fortnightly Report on Political events 1938, File No. 16 of 1938, Bihar State Archives, Patna.

³³ (Confidential) Political Department, Special Section (Ranchi, the 25th August, 1938), Report on political events in Bihar during the first half of August, 1938, File No. 16 of 1938, Bihar State Archives, Patna.

Mulk Raj Anand (1905-2004) was a prominent Indian English writer with socialist leanings and anti-colonial activism. Z.A. Ahmed (1908-1999) was a prominent Indian leader who after studying at Cambridge University returned to India and joined the Congress Socialist Party in the late-1930s but later went on to become a prominent leader of the Communist Party of India.

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country, including in Afghanistan.³⁴ Basawon Singh knew the language Pashtu, a major language of Afghans, which increases the probability of him aiding Bose in his escape.

3. ROHTAS INDUSTRIES MAZDOOR SANGH IN DALMIANAGAR/DEHRI ON SONE ESTABLISHED IN AUGUST, 1938

No biographical work on Basawon Singh would be complete without writing about his relationship with the Rohtas Industries Limited ("RIL") and its workers. Ramkrishna Dalmia had established the Rohtas Industries Limited at Dalmianagar in the year 1930, the sugar mill in 1932 and the paper and cement factories in 1938. Like in other industries, here, too, the employees were not provided with employment security worth the name. There was total lack of medical facilities, no hospitals or schools were provided for the workers and their families, no roads worth the name existed, no accommodation provided.³⁵ Workers slept under trees during the scorching summers and freezing winters of Dalmianagar.³⁶ The monthly wage of a worker was a grossly inadequate Rs 7.³⁷ The central government came up with the Payment of Wages Act, 1936 applicable all over India and the Bihar Provincial Government came up with the Bihar Payment of Wages Rules, 1937. Needless to say, no laws for the protection of workers were implemented. Workers were hired and fired at the will of the employer. An incipient attempt at trade unionism in February 1938 led to the dismissal of over 600 workers in February 1938.³⁸ The workers, in protest, struck work from February 25 to March 5, 1938.³⁹ This strike took place to pressurize the employer to raise the monthly income of workers by 7 annas, a recommendation of the Wage Disbursement Act, 1936.⁴⁰

The provincial government in Bihar, much like in the rest of the country, formed under the Government of India Act, 1935 ("GOI 1935") in 1937 led by the able leadership of Sri Krishna Sinha was rendered toothless and ineffective under its constitutional scheme and could not do much to ameliorate the condition of workers and meet its demands and aspirations.⁴¹ The British were not interested in India's constitutional development and did not provide competence to develop a democratic polity.⁴² Colonial subject-hood was the order of the day. The Governor of the Province of Bihar, like in any other province of British India "undemocratically" appointed by the British

³⁴ Basawon Singh's connections in Afghanistan is confirmed by the fellow socialist leader from Punjab, Prem Bhasin (Bhasin 2022:60-62). On Singh's involvement, in addition with other revolutionaries, in Bose's escape through Bihar, United Provinces through Punjab and North West Frontier Provinces into Afghanistan, the current author has heard from conversations with his family members like his daughter historian-journalist Dr. Gayatree Sharma and wife, Mrs. Kamala Sinha *née* Mukherjee along with conversations with freedom fighters like Baldev Azad and others. But unfortunately there is no textual evidence to back it. Basawon Singh never wrote his reminiscences or autobiography. Therefore, recreating aspects of modern Indian history, more particularly from Bihar and eastern United Provinces (now Uttar Pradesh) would never be complete and much of the work of revolutionaries and others who were not in the "mainstream" of political power after independence would remain unknown.

³⁵ Report (1941) 458-482; Kumar (2000) 34-35.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Kumar (2000) 34.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Damodaran 1993.

⁴² Mukherjee (2010); Shani (2017).

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Crown under Art. 48 of the GOI 1935, had extensive executive authority under Art. 49, GOI 1935 and under Arts. 50 to 59 of the GOI 1935 exercised extensive administrative and supervisory authority, which was untrammelled, unanswerable and un-responsible to the legislature and ministry elected on limited franchise.⁴³ Rather the ministry and government itself was formed at the individual discretion of the Governor, and for so long as the Governor wished, making the legislature completely subservient to the colonially and undemocratically appointed Governor. There was not rule of law but rule by law under the British Crown. The British Crown appointed Governor could exercise absolute veto power to the point of rendering the democratically elected legislature and ministry useless and devoid of any competence; “nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where by or under this Act he is required so to do (Art. 50(1), GOI 1935)”; “The Governor in his discretion may preside at meetings of the council of ministers (Art. 50(2), GOI 1935)”; “If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment (Art. 50(3), GOI 1935)”; “The functions of the Governor under this section with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion (Art. 51(5), GOI 1935)”.⁴⁴

The Wage Disbursement Act had come into place since March 1937 determining the timely disbursement of wages to the workers.⁴⁵ However, employers often violated the norms of the Act for their own benefit. The Socialists wanted that this Act should be implemented in letter and spirit so that the financial and other conditions of the workers could improve considerably. In this connection, the workers prepared a charter which they gave to the then labour minister of Bihar Anugrah Narain Sinha during his trip to Dalmianagar.⁴⁶ Unfortunately, however, this meeting went in vain as their condition did not improve even a wee bit.⁴⁷

It was in this supercharged atmosphere that the Rohtas Industries Mazdoor Sangh (Rohtas Industries Workers Union, “RIMS”) was established on August 4, 1938, and Basawon Singh became the founding president of the Sangh.⁴⁸ In order to organize workers at Dalmianagar in Dehri-on-Sone, Singh had organized five meetings in the second half of August, 1938, laying the groundwork and establishing RIMS.⁴⁹ Nobody then knew that this tryst with the industrial workers working in the sugar, paper and cement industries of Rohtas Industries Limited would go on to

⁴³ Government of India Act, 1935, Legislations of the Government of United Kingdom, cf. [ukpga_19350002_en.pdf](#) (last accessed: March 20, 2025).

⁴⁴ *Ibid.*

⁴⁵ Fortnightly report of the first half of December, 1937, National Archives of India, New Delhi.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Singh narrated this in his interview with the Bihar Labour Enquiry Committee set up to enquire about the condition of the working classes in the state. Oral evidence of Mr. Basawan Singh (The witness replied to questions in vernacular), President, Rohtas Industries Mazdoor Sangh, Delhri-on-Sone) In: Report 1941: 458-482.

⁴⁹ (Confidential) Government of Bihar Political Department, Special Section, Patna, the 21st September, 1938, File No. 16 of 1938, Bihar State Archives, Patna.

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become a lifelong association for Singh who stood with them through thick and thin for well-nigh half a century.

Initially, however, it was a veritably difficult task to meet the workers. The workers could not meet Singh or his Socialist comrade, Brajnandan Sharma, in the daytime; it was only at night after work that they met Singh, and that, too, surreptitiously.⁵⁰ Socialists who had been assigned the task of spreading a net of trade unions in the state were called to Dalmianagar by Singh. Ganesh Prasad Verma, Pramoth Nath Mukherjee, Sukamal Dutta, Vishwanath Chatterjee, Sahdeo Singh, Bigeshwar Mishra, Narsingh Narayan Singh, Rambhavan Singh and Tejbahadur Singh were called from Daltonganj, Gaya, Patna and Chapra to Dalmianagar to discuss the situation.⁵¹ Gradually, they succeeded in making inroads and the workers were unionized under the aegis of RIMS led by Basawon Singh.⁵²

4. FIRST MAJOR WORKERS' STRIKE IN DALMIANAGAR, OCT.-NOV. 1938

Workers of three units of Rohtas Industries Limited organized a huge hartal for seven-eight days in October 1938 in protest against the insult heaped on the womenfolk of sewage workers.⁵³ R.E. Russell, the British Chief Secretary to the Government of Bihar in his confidential report on political events in Bihar during the first half of October 1938 records thus, "Meanwhile trouble has broken out at the works of Rohtas Industries Limited at Dehri-on-Sone where Basawan Singh has been trying to work up a following for the last two months. On the 7th October the sweepers went on strike under the instigation of the Sanitary Inspector who has been punished by the management. Basawon Singh returned hastily and taking advantage of the situation proceeded to spread the strike which by the 14th instant included about 500 men in the cement works. Parties of socialist volunteers were called from Patna and Gaya and satyagraha was started on the 16th morning. Rows of strikers lay on the roadway blocking entrances to the mill area and picketeers were active everywhere. By these coercive means, the workers employed on the construction of the sugar and paper mills were also brought out and at present there are about 2,400 men on strike. As there have been several instances of violence during the preceding week, necessitating two prosecutions for unlawful assembly and as notices under section 144 dealing with assemblies and picketing were openly ignored, the District Magistrate found it necessary to remove the satyagraha parties and arrest them. 85 arrests were made on the evening of the 16th and 47 more on the 17th. Basawon Singh and 6 other leaders have been arrested under sections 147 and 342 and proceedings have been taken against Basawon Singh under section 107 of the criminal procedure code. Yesterday afternoon, as a result of a false rumour that a boy had been killed, a large mob attacked the police with stones and brickbats injuring 15 officers and men. The police under considerable provocation

⁵⁰ Kumar (2000) 34-35.

⁵¹ Bigeshwar Mishra, Narsingh Narayan Singh and Sahdeo Singh, in their interviews, described the enormous difficulties that Basawon Singh encountered while establishing the Rohtas Industries Mazdoor Sangh. All three were colleagues of Basawon Singh in the labour movement as well as in India's struggle for independence. Gayatree Sharma, *Socialist Movement in Bihar, 1931-1946*, PhD thesis submitted to University of Patna, Patna (India), 1988.

⁵² Fortnightly report of the first half of September 1938, National Archives of India, New Delhi.

⁵³ Fortnightly report of the first half of October 1938, National Archives of India, New Delhi.

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refrained from charging the mob which was ultimately dispersed quietly. The situation is now in hand but a continuance of obstructionist tactics is expected for some days.”⁵⁴

Such organizing of workers in democratic and free trade unionism shows Basawon Singh's social commitment as class commitment for empowerment without splintering into caste-community groupism or mere economic motive (economism) to lose the larger objective of achieving India's freedom with democratic socialism akin to the social democracy of Western Europe. The government might be wanting to support the nascent industries set-up and in the process was hoodwinking on the rights of workers. Basawon Singh did not want to compromise on the rights of workers on any count. The issue is far more complicated as India was a captive market of British Empire working on extremely unfair terms of trade, access to market, and discriminatory taxation measures of a colonial government. All this would affect Indian businesses and industrialists adversely and the rights of workers even more so. With solidarity, if workers and management had combined their energies against the British rule, it would have been a far more desirable outcome. But with vexatious control over the system, the British never let it materialize.

In early November 1938, Basawon Singh also threatened to include the workers of Dehri Rohtas Railway into the ongoing hartal. Over 125 workers were incarcerated in Sasaram jail and 350 workers were put into Gaya Central Jail.⁵⁵ The government even tried to break the strike by bribing some union leaders, but could not succeed in breaking the solidarity of the workers. It was only when Basawon Singh, who was also incarcerated in Sasaram Jail with the workers, was released that talks began between the Sangh and the RIL to break the deadlock.⁵⁶ In his confidential report on political events in Bihar during the first half of November 1938, R.E. Russell records, “The strike at Dehri-on-Sone and at Harinagar which I reported as settled in my last report, have now broken out again. At Dehri this happens to be due to the ineptitude of the Arbitration Committee which settled terms only for the permanent labour force which does not amount to more than 20 percent of the total labour force involved in the strike. As a result the casual labourers who form the great majority are thoroughly disgruntled and feel that they have been let down by their own leaders, by the arbitrators and the employer. They have consequently gone out on strike again on the 14th instant without notice. They appear to have thrown over their own leaders temporarily and there is, at present, no one in charge of the strike. It has been necessary to post nearly 200 extra police at Dehri. Meanwhile Basawon Singh, the leader of the last strike at Dehri, is threatening to call out the workers on the Dehri-Rohtas Light Railway which carries the supplies of lime-stone and sugarcane to the Dalmia factories. A strike has also broken out at Baulia Limestone quarries of the Japla Cement Company in an adjoining area. At present about 500 men are out, but there are possibilities that it may extend to some 3,000 workers and it has been necessary to send 50 armed police and a Magistrate to the spot.”⁵⁷

⁵⁴ Confidential Report on political events in Bihar during the first half of October, 1938, File No. 16 of 1938, Bihar State Archives, Patna.

⁵⁵ Kumar (2000) 35.

⁵⁶ *Ibid.*

⁵⁷ Confidential Report on political events in Bihar during the first half of November, 1938 (Government of Bihar, Political Department, Special Section, Patna, the 20th November, 1938), File No. 16 of 1938, Bihar State Archives, Patna.

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It was decided to refer all disputes to a Board of Arbitration whose chairman would be Rajendra Prasad.⁵⁸ The president of the Indian Chamber of Commerce, Durga Prasad Khaitan, would be the employer's representative on the Board.⁵⁹ The workers were to be represented by Acharya Narendra Dev. However, as both Rajendra Prasad and Acharya Narendra Dev were chronic asthmatics and were seriously ill, Rajendra Prasad named the Congress Working Committee member, Shankar Rao Deva, as his nominee and Acharya Narendra Dev named Phulan Prasad Verma as his nominee on the Board.⁶⁰ The Board gave its award which included several benefits for the workers. The benefits included a minimum monthly wage of Rs 11 with an annual increase of Re 1 and a commensurate rise at all wage levels⁶¹, ii) no victimization of the workers at any point of time for participation in trade union activities, iii) gratuity, provident fund, leave, sick leave and casual leave were granted and most importantly, living quarters, roads, a hospital and a school would be constructed for the workers and their families apart from providing other facilities.⁶² Dependents of employees and people from the locality would be given preference in employment.

In his confidential report on political events in Bihar during the second half of November 1938, R.E. Russell, the British Chief Secretary to the Government of Bihar records, "The second strike at Dalmianagar was settled on the 24th November due to the efforts of the District Magistrate and the labour assistant to the ministry. Mr. Dalmia has agreed to pay to the temporary workers the same minimum rates of wage as were awarded to the permanent labour force in the settlement agreement at the end of the previous strike. The conduct of the police throughout the strike has been admirable, but so much cannot be said for that of the labour leaders. There were systematic breaches of the orders under section 144 prohibiting meetings and processions within the mill area and some very violent speeches were delivered by Manzar Rizvi. The strike at the limestone quarries at Baulia, which was an offshoot of the Dalmianagar strike, was settled on the 21st November. This strike was provoked by the refusal of the contractors to carry out the terms of the agreement for increased wages made in June last. The situation was only saved by the action of the manager of the Japla Cement Company who undertook that the company would pay the difference of wages for the present. The Japla Cement Company controls the quarries. The strike at Harinagar Sugar Mill (Champaran) still continues. The award given by the Congress arbitrator satisfied most of the labour, but the Kisan leaders have now taken to intensive picketing. Parties of strikers have begun lying on the roadway to bar the factory gates and it has been necessary for the civil authorities to make a number of arrests. These tactics were, of course, borrowed from the example of the first strike at Damianagar."⁶³

Basawon Singh's ideological policy was how political work, including trade union work, had to be a full-time commitment without any personal benefits or employment as it would lead to divided attention and also divided allegiance. Singh was characteristically a charismatic leader in

⁵⁸ Kumar (2000) 36.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ Confidential Report on political events in Bihar during the second half of November, 1938 (Government of Bihar, Political Department, Special Section, Patna, the 4th December, 1938), File No. 16 of 1938, Bihar State Archives, Patna.

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a Weberian sense who was “reckless and unreserved in his political idealism” and given to untrammelled personal sacrifice for the struggle of India’s independence from British Colonial rule, which was “an extraordinary and hence a revolutionary epoch”, along with his unstinted commitment to the empowerment of workers in a democratic polity guided by socialistic principles, which could be largely approximated as a *sozialstaat* in its German version.⁶⁴

5. TERMS OF AGREEMENT REACHED BETWEEN JAPLA CEMENT FACTORY, OWNERS OF BAULIA QUARRIES AND BASAWON SINGH, PRESIDENT OF THE LABOUR UNION, BAULIA AND OTHER QUARRIES, 1938

The successful strike led by Basawon Singh against the Japla Cement Factory which owned the Baulia limestone quarries as an “offshoot” of the Dalmianagar strike was settled on 21st Nov., 1938 as recorded by the Chief Secretary Russell (referred above). The terms of agreement reached by Basawon Singh with the contractors of the company in the presence of the District Magistrate, Shahabad; the District Magistrate, Palamau; the Labour Assistant to the Ministry, Government of Bihar and the General Manager, S.V.P.C. Co. (“Sone Valley Portland Cement Company”), Japla were no mean achievement considering the inimical attitude of the colonial government and lumpen native capitalism which was the dominant trait of the time⁶⁵:

- “(1). That for the present annas seven to the males and annas six to the females be the minimum wage fixed for all the workers employed in the quarries maintained and worked by the contractors.
- (2) That a general increment of anna one be given to all the grades of the employees engaged by the contractors.
- (3) That sanitary dwelling houses be provided to the workers engaged by the contractors and the construction work of the quarters be undertaken immediately.
- (4) That the company undertake to increase water taps to remove the congestion of water supply to the employees working under the contractors.
- (5) That the company make arrangements for free medical aid to employees by the contractors.
- (6) That the purja system be abolished and cases of irregularities in this connection be immediately brought to the notice of the manager of the quarries both by the contractors and by the workers affected.”

Some additional points of agreement reached were:

- (1) That arrears due according to the increased rate of annas six for female adults and annas seven for male adults from the 15th July, 1938 which has not been paid by the contractors is guaranteed by the company upto 20th November, 1938.

⁶⁴ Weber (1946) 86.

⁶⁵ File No. 62 of 1938, Patna: Bihar State Archives.

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- (2) That with effect from 21st November 1938 unskilled workmen shall be paid at contract rates to be fixed temporarily by the management of S.V.P.C. Co., subject to a minimum of annas seven to male adults and annas six to female adults for 8 hours work.
- (3) That the permanent contract rates for unskilled workmen be fixed by the Labour Assistant to the Ministry of Bihar within a period of six weeks.
- (4) That an increment of anna one to each skilled labourer getting above annas seven per day be given.
- (5) That no labourer who has worked for more than a period of six months be discharged or dismissed without an opportunity being given to him to represent his case personally or through the Labour Union to the employer. A notice of clear 7 days will be required before his dismissal or discharge.
- (6) That the worker who has put in service for twelve months be entitled to leave of 10 days in a year with wages which he can avail in two instalments.
- (7) That maternity benefit be granted to the female labourers by the company.
- (8) That the petty contractors be given explosive by the contractors at the same rate at which the latter get from the company.
- (9) The hands dismissed or discharged on account of recent troubles with the contractors or the company since the 15th July 1938 be reinstated (with the exception of the Munshi who is alleged to have infringed the Explosives Act). New hands employed in their places may be discharged.
- (10) That payment according to the Chief system be abolished at once.
- (11) That the company and the contractors should make early and proper housing and conservancy arrangements for the workers.
- (12) That there should be no direct or indirect victimization for taking part in the labour union activities or helping or sympathizing with the same.
- (13) That quarries will be worked according to the demand of limestone and contractors have the privilege of increasing or decreasing the amount of labour employed in proportion to the demand by the factory.
- (14) That all future disputes be referred to the Quarry Manager, an appeal against whose decision will lie with the General Manager. A second appeal will lie with a conciliation board consisting of the General Manager of Sone Valley Portland Cement Company, President Labour Union and a third member who will be selected by the District Magistrate."

6. REPORT OF THE BIHAR LABOUR ENQUIRY COMMITTEE, 1940-41

Meanwhile, the Bihar Labour Enquiry Committee, headed by Rajendra Prasad, recommended that the minimum wage of an industrial worker be Rs 15, which was implemented at Dalmianagar where wages had already reached Rs 13.⁶⁶ With the outbreak of World War II in 1939, the Rohtas Industries Mazdoor Sangh demanded dearness allowance (DA) of 6 per cent which was conceded

⁶⁶ Sinha (2022) 127.

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after a six-day strike.⁶⁷ Trade unions in Bombay had gone on strike over this issue, but while their abortive strike was still continuing, the workers of Dalmianagar won this right. In fact, the workers of Dalmianagar were the first in the country to demand and get dearness allowance during the war period under the leadership of Basawon Singh.⁶⁸

6.1.SUMMARY OF BASAWON SINGH'S ORAL EVIDENCE AS PRESIDENT OF
BOULIA LABOUR UNION, BOULIA (SHAHABAD) BEFORE THE BIHAR LABOUR
ENQUIRY COMMITTEE⁶⁹

As President of both the Boulia and Japla Labour Unions, Basawon Singh recorded his oral evidence before a government appointed committee presided by renowned economist and well respected scholar Dr. Radhakamal Mukherji on 25th April, 1939. In his testimonial Basawon Singh was assisted by Mr. A. Rahman Khan and Mr. Md. Hassan from the Boulia Labour Union in Boulia, Shahabad. Other members in the committee included, Mr. A.M. Hayman, Mr. Jagat Narayan Lal and Prof. R.K. Saran. Dr. Mukherji questioned Singh on the (1) system of recruitment, (2) payment of wages, and (3) contract system. Basawon Singh was very clear in advocating abolishment of contract system, "We are of opinion that the contract system should be abolished in connection with the quarry work and the company should undertake the work directly. We feel that by this method the workers would be benefited because the money which goes to the pocket of middlemen would be saved to the advantage of the workers. Though no uniform system of wage-earning methods are followed, we want that there should be fixation of time wage." The contractors and sub-contractors were engaged by the company both in order to keep the workers disorganised on the one hand as well as benefit by saving costs by paying less wages on the other hand. The contractors and sub-contractors further payed less wages than what they billed the company, which was already inadequate, and thus enjoyed double benefit and workers suffered double whammy. The contractors got Rs. 1.10 from the company but paid just annas 7 (less than half-a-rupee, 16 annas make a rupee) to a worker turning these contractors and even some sub-contractors into "men of substance". Insufficient huts, with very bad living conditions, were provided as housing. Based on agreement of workers, led by Singh, reached with the company, wages had to be paid in cash. But it was still being paid in kind in the form of a chit by the contractors and sub-contractors with which workers could receive goods from local shops. The very same contractors and sub-contractors could have owned many of these shops, thus making it a vicious circle of exploitation of labour. Basawon Singh also highlighted about the even poorer working conditions of female workers with lack of maternity benefits and hospital arrangements. An unqualified individual who was not even a doctor was administering patients at the so-called hospital at exorbitant rates in Boulia. The workers whom Basawon Singh was organising and fighting for belonged to Kule, Bhuians, Chamars, Chero, Nonia, Dhangar, etc., who would all fall under Dalit Hindu castes in today's political language.⁷⁰ Unlike Dr. Mukherji, who also belonged to an illustrious background, whose questions were sympathetic to the cause of empowerment of labour and improving their lot;

⁶⁷ *Ibid.*

⁶⁸ Fortnightly report of the first half of September, 1938, National Archives of India, New Delhi.

⁶⁹ Report of the Bihar Labour Enquiry Committee Volume IV Part A (Oral Evidence by the Officials), Patna: Superintendent, Government Printing, 1941, pp. 375-384.

⁷⁰ It must be highlighted how these castes suffered discrimination and untouchability when Basawon Singh was making them politically conscious of their rights as a fellow traveller and organising their labour unions on social democratic lines for political and economic empowerment. Untouchability was abolished under Art. 17 of the Constitution of India that came into force from 26th January, 1950.

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another minor and shadowy figure, Mr. Jagat Narayan Lal's questions betrayed a clear preference for the management and the company in this oral testimony. Basawon Singh's emphatic commitment to the political and economic programme and not just mere economism were clear when he testified, "The object of strike is not only to redress the grievances of the workers but it has also certain political and economic motive behind it."

6.2.SUMMARY OF BASAWON SINGH'S ORAL EVIDENCE AS PRESIDENT OF
ROHTAS INDUSTRIES MAZDOOR SANGH, DEHRI ON SONE BEFORE THE
BIHAR LABOUR ENQUIRY COMMITTEE⁷¹

Basawon Singh gave the oral evidence before the committee which met at the Inspection Bungalow, Dehri-on-Sone on the 19th December, 1938 presided by Mr. R.R. Bakhale (also the deputy chairman of the Commission). Six other members of the committee included Dr. Radhakamal Mukherji, Mr. Jagat Narayan Lal, Mr. H. B. Chandra, Mr. M.P. Gandhi, Mr. R.K. Saran and the co-opted Member of the Management, Mr. Shanti Prasad Jain. The composition of the committee had the interested party, Mr. Shanti Prasad Jain putting a cloud of doubt on the intention of the Government and the Chairman of the committee, Mr. Rajendra Prasad.

Basawon Singh started the union named Rohtas Industries Mazdoor Sangh on the 4th of September, 1938 with 1700 members. The union was as yet unregistered under the Trade Unions Act although it was recognized by the employers. In order to insinuate Basawon Singh, Mr. Jain as the owner of the company started questioning on the procedure of the election of the president of the union, which was, of course done democratically by taking the majority of votes. Cutting short, Dr. Mukherji entered by asking questions concerning the condition of workers for which they had convened that morning. Dr. Mukherji mentioned how in Assam which had lot of immigrant labour from the rest of the country, it had Assam Labour Immigrant Act, which obliged the government to "make arrangement for these poor people so that they may not have to starve and remain idle in the quarries." There was no such legislation in Bihar, and according to Basawon Singh there were at least seven to eight thousand immigrant workers in Dalmianagar. Not even Sunday was provided as a weekly holiday and there was no surety of employment and no surety of the terms of employment, including the salary, which could be arbitrarily reduced. In the memorandum submitted to the committee by Singh he had mentioned how no waiting list was maintained and dismissals were frequent for the flimsiest of mistake without conducting any proper investigations. In the paper factory wholesale retrenchment was effected even though labourers were employed in construction work suggesting how instead of retrenching when the paper factory was not working, those labourers could very well have been employed in construction work. It was the practice of the management to get free work or work done at minimal payment during apprenticeship and then retrench such workers and employ a new set of workers to repeat the same practice in order to maximise their profits at the cost of destitution of workers without the least commitment to improving their lot by regularising their terms of employment. Such a practice does not meet the preconditions of a free contract leave alone providing protection and improvement in the conditions of employment. Singh suggested the setting up of objective standards under the supervision of the government to avoid blatant abuse by employers. In his written statement he

⁷¹ Report of the Bihar Labour Enquiry Committee Volume IV Part A (Oral Evidence by the Officials), Patna: Superintendent, Government Printing, 1941, pp. 458-482.

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mentioned how, "in contractor's labour the workers were not regularly paid and their accounts were kept outstanding for weeks and sometimes months after cessation of work. There were cases where contractors ran away without paying the workers." For this lawless exploitation, Basawon Singh squarely blamed the company which did not put any safety standards while engaging contractors (middlemen) for employing workers.

At the suggestion of entering into "written contracts" by Mr. Saran, a member of the committee, Basawon Singh responded that such an "experiment" could be done in order to assess its success. As a man who worked on the ground, he knew that even written contracts giving legal entitlements would be toothless without enforcement, besides an overwhelming majority of the workers being illiterate would not know what they are signing up for. Seeking redress in a court of law would have been expensive and time-taking for workers who live on word of mouth, if they got work they had food and lived for another day to get back to work. Therefore, a suggestion emerged at the setting up of an industrial court by the government (like a forerunner of the industrial disputes tribunal in companies act later on) for quick redressal of disputes, but Basawon Singh suggested how such a committee with the District Magistrate having the authority to determine dismissals should decide on the matter before such dismissals are effected, therefore shifting the onus of proof on the management and not the workers. This committee determining the issue of dismissal should be empowered to review such dismissals, and if it found that a dismissal was unjustified, it could either compel the employer to take back the worker or compel him to pay the worker some compensation, say, six months' wages (this pro-worker suggestion in the form of a leading question probably came again from Dr. Mukherji).

For migrant workers in the quarries, Basawon Singh insisted on the contractor depositing a hundred rupees for every labourer so that they have some money to go back home in cases they are stranded with no work. Then the committee looked into the specific problem of "re-engagement" of workers in the sugar factory after the slack period and to be thus considered a "permanent employee", i.e., having continuously worked in the factory for a year and thus enjoy all the benefits attached with it. Such deposit of a hundred rupees was suggested for all immigrant labour including stone-cutters from other provinces and was not an impractical proposition according to Basawon Singh because it was still economically feasible as the company was enjoying a wide margin of profit and through contractors and sub-contractors was functioning like robber barons spearheading crony capitalism. Singh is very clear on this count, "My point is that humanity has got a better claim over competition and deserves better treatment. I admit there are difficulties, but they have got to be surmounted."

The societal constitutionalism of companies and trade unions have to expand the human rights record for achievable justice. A healthy and happy labour force would contribute to a more efficient industrialization and better overall prosperity, including in expanding the individual wealth of the industrialists, although here Singh's commitment was more towards the socialist nature of the state rather than the liberty of individual enterprise. His democratic commitment increasingly got the better off him and even in his maiden speech to the provincial assembly he called out the challenges of communist dictatorships along with other anti-democratic forces in the world.⁷² He is very clear and precise both in his understanding of the problems of labour and in articulating solutions for it. No misunderstandings could be generated on his clear points later on.

⁷² Kumar (ed.) (2017) 3; Speech delivered by Basawon Singh in the Bihar Assembly on May 15, 1952.

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A limited and recoverable advance leaving enough for subsistence could be given to the workers preferably by the company or contractors whose dealings were controlled by the company, for the workers to start working at the company. During this oral testimony, the formation of a cooperative credit society emerged, for the funds of which a certain portion of wages of permanent labourers had to be deducted and the employers could also contribute towards it for the welfare of workers. Singh suggested that shifts should be introduced wherever it worked and in places where strenuous work is done then shifts should be of six hours each instead of eight hours like in cement factory at the limestone pit, the coal mill, the mill house; the kiln and the packing house. On Singh's suggestion such shifts should be implemented without reducing wages and despite increase in the cost of production to significantly improve the living conditions of workers. Those working in stone quarries worked in very harmful conditions. Singh demanded a minimum wage of Rs. 20 as against Rs. 11 which was agreed to at the Arbitration Board where a demand of Rs. 15 was made. Considering the cost of living and health risks involved now Singh considered Rs. 20 as the minimum wage necessary for the workers working in Dalmianagar. Dr. Mukherji, taking a pro-labour stance defined "minimum wages" for the benefit of the committee to which Singh agreed, "Is it not that when you speak of a minimum you speak of the rock-bottom limit which does not admit of any further reduction, and that when there is a rise in the price of necessities of life, the workers will have the right to demand and increase proportionately in their wages?" On the issue of delay of payment, Dr. Mukherji again asked a leading question to which Singh agreed without knowing the particular application of payment of wages act for the quarry workers, "Cases have come to our notice during investigation that some contractors of labour have been delaying payment of wages to workers by sometimes even a fortnight or a month. Are you aware of such cases? Is it not a violation of the Payment of Wages Act?" Average earnings in the quarries were abysmally low, "Three and a half annas *per capita* and sometimes even less than this." And payment in Dalmianagar was also very low coming up to only six or seven rupees in a month, "Here also it varies between two to three and a half anna for children and those who are under contractors; for adult females and males it goes up to four annas."

With the sudden advent of factories in Dalmianagar, there was an increase in the price of essential goods, and the shop-owners further increased prices to give foodstuffs to workers on credit reducing the real wage of workers. The scale of wages was further reduced due to postponement of payment by contractors. Singh is emphatic with his assertion on how "the work should not be done on contract and that if the company considers it necessary it should pay commission to the contractors but wages should be fixed and paid by the company itself." Much like Japla and Jamshedpur, the contractors should be compelled by the company to pay fair wages. Piece-work rate in Dumarkhar (quarry work) should be substituted by time-work. Shanti Prasad Jain was again making a specious argument about what was strenuous in the work at the cement factory and what was the difference between dangerous and strenuous, the Chairman and Dr. Mukherji intervened and brought the discussion back to the subject. Dr. Mukherji pointed at "the recommendation of the Royal Commission on Labour that labourers in India should not be centralised in places and their status as villagers should be maintained". Singh made an interesting reply at how he was not aware of the reasons for such a recommendation of the Royal Commission which suggests he was aware of the recommendations themselves but obviously did not seem to agree to its suggestions and later clarified his position, "I think in majority of cases it is not possible to stay in the village and come to work in the factory. But wherever it is possible owing to the village being in close proximity to the factory, it would be advantageous to stay in the village. In

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my opinion it is best to stay in a house within the factory precincts in the interest of not only the factory itself but the workers also.” Singh opposed the classification of workers as permanent and non-permanent in order to determine their wages and advantages, “My idea is that there should be no differentiation, because in my opinion in the domain of industries there is no such thing as permanency. In a factory which is considered to be of a permanent nature, thousands of hands are retrenched in consideration of the profit and loss account. Therefore I want that labourers who have worked for six months or more should be permanent labourers and paid monthly.” In his memorandum, Singh had made a very structured set of demands, “security of service, a system of graded promotion, leave, gratuity, provident fund, old age pension and bonus.” He added in the oral testimony, “I think those who get provident fund and old age pension should not get gratuity, but those who do not get them they should be given gratuity.”

Basawon Singh considered the right to strike as inviolable and proposed a fixed period of negotiation to reach an agreeable settlement if possible. He was against compulsory arbitration at any stage of a dispute or strike by any Arbitration Board due to the low bargaining powers of labourers and supported voluntary arbitration instead. He opposed also the government having the right to impose compulsory arbitration and supported the right to strike available to workers at all stages of the unresolved dispute. He opposed a permanent board of arbitration like in Ahmedabad because of the severely disadvantageous position of labour in Dalmianagar. On the collusion of government police with the management, Basawon Singh very clearly pointed it out in the memorandum, “the Government thana (police-station) should not be prostituted for the purpose of converting it into a recruiting ground for black leg labour nor the Government officers be made to turn into hirelings of employers.” Basawon Singh highlighted to the committee how the Mehtars, the then lowliest and most disadvantaged sections of Indian society, treated as untouchables, were being compelled by police officers to work. “Breach of peace” could not be an excuse to stifle and oppress peaceful protest and disagreement, “But people should not be oppressed. “Breach of peace” should be defined. Collection of workers should not be breach of peace; picketing should not be considered a breach of peace; slogans are not a breach of peace. []Laws which are there to suppress people from exercising their rights should be amended.” Mr. Jain again asked an insinuating question, “Supposing there is a bad law and you do not like it, should not Government have power to enforce that law?”, to which he received a fitting reply from Singh, “Then the Government will not be for the people but for robbers.” Criticism of laws and policies of the government is part of the democratic process. Singh opposed communal representation in the executive board of trade unions with a clear statement, “Amongst labourers there are no majorities or minorities,” besides proposing that such an executive board should be formed on democratic principle on adult franchise basis.”

6.3. SUMMARY OF BASAWON SINGH’S ORAL EVIDENCE AS PRESIDENT OF JAPLA
LABOUR UNION BEFORE THE BIHAR LABOUR ENQUIRY COMMITTEE⁷³

Basawon Singh testified before the committee on 25th April, 1939 presided by Dr. R.K. Mukherjee with Mr. J.N. Lal and Prof. R.K. Saran as the other members sitting on the committee. His colleague and Vice-President Mr. Mohammad Habib Khan assisted Singh. It was as yet an unregistered union with 1100 members, some of whom were discharged from service by the

⁷³ Report of the Bihar Labour Enquiry Committee Volume IV Part A (Oral Evidence by the Officials), Patna: Superintendent, Government Printing, 1941, pp. 483-486.

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middlemen, i.e., the contractors, which was the usual problem faced by workers in all the companies and industries set up during this time.⁷⁴ Like in his other testimonies, Basawon Singh suggested how employment should be done by the management alone and not by contractors. He pointed out how the shift worker who works in shifts never got a day's off in the entire week. He further suggested reduction in working hours, increase in leisure hours and variable shifts and not the same shifts throughout the year. He suggested reduction in working hours making it less than 8 hours during summer. Instead of fines, straightaway suspension and dismissal were the kinds of punishment imposed on workers in cases of any dereliction. Singh suggested that the company was making profit and it could implement ameliorative measures for workers whereas the company claimed to have incurred losses. It is quite likely that there was manipulation in the balance sheet and the books of accounts by the management. There was a lack of adequate safety and sanitary measures with no protection given to gas workers and no availability of even soap and water for them. Provision of soaps was provided in the Mining Act. There was no provision for sick leave or retiring gratuity. All the workers were daily wage earners and were not employed on a monthly basis so that they could be deprived of the privileges of employment. Singh was emphatic when he said, "Under the Factory Act they get one day off in the week but without payment. In the case of monthly paid workers they work for 26 days and get payment for 30 days but in the case of daily, they work for 30 days but get for 26 days." In order to increase profit, the management would keep employing new workers instead of the old hands to avoid giving the employment privileges which might come with it. For the workers there was no provision for provident fund; no club, library or facility for recreation; and no scheme for mass literacy campaign for adult literacy.

6.4.SUMMARY OF BASAWON SINGH'S ORAL EVIDENCE AS PRESIDENT OF GAYA
COTTON AND JUTE MILLS LABOUR UNION BEFORE THE BIHAR LABOUR
ENQUIRY COMMITTEE⁷⁵

Basawon Singh testified before the committee consisting of Dr. R.K. Mukherji and Mr. R.K. Saran and presided over by Dr. Mukherji. It met in the Circuit House, Gaya at 12:15 pm on 1st March, 1939. The trade union was started in the month of September in 1938 and 560 workers were enrolled until the day of testimony. The union had a constitution and an executive was formed at the general meeting of the workers. More than 50% of the executive of the union were workers themselves. It was not registered, but recognised by the management. Singh mentioned how, "There was an industrial strike on the 30th of December and the strike continued for a week. At the end of the week an agreement was reached between the Union and the management and recognition of the Union was one of the terms agreed upon." Minor details were settled in a signed agreement on both sides without settling the terms of the dispute which was referred to a Board of Arbitration.

Singh gave a detailed description of the causes of the strike, "There was discontentment amongst the workers for a pretty long time. The wages were low. Besides, one custom of the Factory was that they employed a good many apprentices; nearly 200 in number were given opportunity to learn the work. They were not paid anything for the work they were doing, and the

⁷⁴ Strikingly, the problem of unorganized workers and daily-wage earners is still very much the same. The companies still do not employ them directly and they use middlemen/contractors who invariably exploit the condition of workers.

⁷⁵ Report of the Bihar Labour Enquiry Committee Volume IV Part A (Oral Evidence by the Officials), Patna: Superintendent, Government Printing, 1941, pp. 487-496.

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policy behind their entertainment was that the apprentices worked for the Company without taking anything and the Company saved a lot of money. Then there came a time as the management told us, when an accident occurred to some of the apprentices, and the apprentices were not given compensation or something like that. (*Dr. Mukherjee - You see the Act does not apply.*) Yes. Yet, the Managing Director had to pay something to them and the other directors and share-holders had nothing to do with this act of the Managing Director. So the Managing Director was put to a loss on account of this. He said – ‘Why should I take the responsibility of taking so many apprentices and why should the Company profit by it.’ He, therefore, refused to have that responsibility and discharged the apprentices. This can be said to be the starting point in the discontentment that prevailed amongst the workers. The apprentices struck work and gave the lead. The others followed. The strike was spontaneous. Before that we had sent some points to the Company for their consideration and we were waiting for a reply. In the meantime all this happened. We were taken unprepared and unawares and had to support our comrades. Various mill-hands were arrested and taken into custody and the strike continued. There was some outburst of violence. (*Mr. R.K. Saran- On both sides.*) Yes, on both sides. The arrested persons were belaboured while under the custody of the police.”

As a result an agreement was reached between the union and the management and the dispute was referred to a board of arbitration to enquire into the whole matter, gather the proper rates of wages and the terms of employment. Some of the apprentices were taken in. Singh defended the timings of the shifts where for some workers it was from 7-12 and 4-8 and for others it was 12-4 and 8-12, “because of the fact that over 90 per cent of the workers have not been provided with quarters and they have to go to their own houses for their food. Between the shifts they go to their home and come back. Until and unless they are provided with quarters the present arrangement may continue.” There was no protection of wages for the days of leave so there was effectively no provision and practice of leave for workers including those for Sundays and other holidays.

Singh's ideology and the biased nature of the functioning of the institutions of the state including police and magistracy is clearly made out, “I am connected with the labour movement in this province very intimately and I have come to know that the police force in Bihar, in the name of preserving law and order do really help the capitalists and oppress the labourers and try their best to undermine their unity and force them to submission. They are also the agents of the capitalists in some places. I have found this fact in my experience and so a special legislation should be brought in to stop all this. [...] I am of opinion that the State today exists only for the vested interest. [...] if the strikers are away - a considerable distance away, - from the area of the factory, why should the police then declare section 144 and ban demonstration as unlawful and the like?” This offers an object lesson at how the peaceful right of protest against the state, and indeed the company or its management, has to be an intrinsic part of a democratic polity built on a deliberative process based on an equal right of citizens. The police and administration as systems/institutions have to work based on their own inner rationality of functioning rather than based on the external factor of capital, politics and the like as it would lead to its own systemic destruction and a gross lack of fulfilling its systemic objectives of policing and administration.

7. ACTIVITIES IN 1940S

When Basawon Singh became the first Bihari to be arrested under the Defence of India Ordinance for delivering an anti-war speech at Husainabad in Palamau district on January 26,

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1940⁷⁶, the agitated workers of Dalmianagar took out processions and demonstrations. The communists and some company's agents instigated stray violence of stone pelting to which police responded with its full might by lathi-charging workers, destroying their household articles, molesting their womenfolk and driving them out of their quarters.⁷⁷ There were rumours of the company bribing the new Anglo-Indian district magistrate with money and a new motor car in order to crush the workers' agitation and bring them to their knees, "Acharya Narendra Dev, who had gone there to console the workers, was told by Ramkrishna Dalmia that the union which had haunted him was finally dead and buried "seven fathoms deep" and would never be resurrected".⁷⁸

After his release from Hazaribagh Central Jail in July 1941, Basawon Singh met with the workers on the outskirts of Dalmianagar because as an outsider he could be prosecuted for unlawful trespass and revived the "dead" union by serving a strike notice in November 1941 unless previous agreements were honoured.⁷⁹ Interestingly on this occasion, despite Ramkrishna Dalmia's connections with the echelons of power, the government refused to crush the workers so long as they abided by law and executed their strike by observing non-violent civil disobedience.⁸⁰ It is quite likely that the government did not want to infuriate the Indian nationalists and upset the delicate political balance as all its attention and resources were directed at the war effort and it wanted peace in its most important colony (the Second World War was ongoing).

The extent of opposition to the empowerment of workers led by Basawon Singh through RIMS was so much that the chairman of the company, Mr. Shanti Prasad Jain, himself led a pack of goons to prevent workers from going on a peaceful strike demanding their legitimate rights, "A curious episode finally precipitated events. On the eve of the strike, a meeting was to be held half a mile away from Dalmianagar. Basawon Singh was about to address the meeting when a big crowd of men with lathis, spears and other weapons surrounded the workers. Those men were also laced with cymbals and tabors. A deafening roar of crashing cymbals and frantic slogan-shouting against the union and more so against Basawon Singh was led by none other than Dalmia's son-in-law, Shanti Prasad Jain. Jain, who was also the chairman of the company, refused to allow the meeting to be held anywhere at all. In the meantime, thousands of workers, afraid of being identified by daylight, arrived with the descent of night. The crescendo of noise, maintained for an hour-and-a-half, stopped just for a moment. Taking advantage of this slight pause, Basawon Singh loudly announced that the strike would commence forthwith. The meeting was immediately dispersed. The workers attempted to return to their quarters only to find that their way was barred by hundreds of 'lathaits' (lathi-wielding goons) hired by the company. Shanti Prasad Jain, using a searchlight, tried to identify the workers and write their names. Confusion prevailed till Basawon Singh advised the workers to break the barricades. That night was one of ceaseless vigil. Workers on the night shift found themselves locked in and a worker jumped the high walls to join the strike. The strikers held no processions or demonstrations. Daily meetings were organized outside the company's premises. A peculiar phenomenon was the procession led by Shanti Prasad Jain to the union office

⁷⁶ Kumar (ed.) (2014) 320.

⁷⁷ *Ibid.*

⁷⁸ Sinha (2022) 128.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

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every morning and evening with the Congress tricolour and slogans like “Gandhiji ki jai (Hail to Gandhi)” and “Basawon Singh murdabad (Down with Basawon Singh).”⁸¹

After a continuous strike with huge hardships for a record 28 days, as a huge victory for the workers, the management relented on the 29th day by meeting all the demands, “The strike continued for 28 days notwithstanding the incredible hardship faced by the workers and their families who were on the verge of starvation. The Rohtas Industries Mazdoor Sangh members begged for food in the neighbourhood and distributed it among the workers. On the 29th day, the district magistrate of Shahabad, M Senapati, informed Basawon Singh that Ramkrishna Dalmia was ready to meet him. In this brief half-an-hour meeting, every demand was conceded. The monthly wage of a worker was upgraded to Rs 22 a month and various amenities and privileges like production bonuses were conceded by the company. Till 1948, industrial relations at Dalmianagar remained peaceful, though the leading cadre of the union had joined the Quit India movement and arrested only to be released in 1945. Basawon Singh was released from prison on April 3, 1946. Production, particularly of paper and cement, increased and several new units were constructed during this period. On their return from jail, the Socialist leaders negotiated for and won an increase in the monthly wage from Rs 22 to Rs 36 and then to Rs 45. The annual bonus was also granted during this period.”⁸²

After India's independence on 15th August, 1947, in 1948 the Congress government secretly in arrangement with the company wanted to artificially graft its own trade union organization, the Indian National Trade Union Congress (INTUC) in all the industrial towns of the state including in Dalmianagar.⁸³ INTUC was never active in Dalmianagar, but the government made such preconditions in order to permit the company to quarry limestone in the Murali Hills for its cement factory and acquire wood and bamboo from the forests for its paper factory.⁸⁴ This was the forerunner of the License Raj regime which was to follow in the decades to come which would hamper India's industrial growth and the possibilities to realise its full potential. The facts which unfolded were as follows, “In November 1948, Shanti Prasad Jain told Basawon Singh, the president of RIMS, of his decision to recognize INTUC as the official trade union at Dalmianagar, thereby throwing to the winds all laws and precepts. Singh took this decision of the company as a challenge and informed the company that the recognition of a union depended on the workers' expressed faith in it. A strike commenced on December 3, 1948, against the company's decision and ended on February 21, 1949. Despite the company using all its might to break the solidarity of the workers, the strike was total and production was at a standstill. () The Government of free India engaged in unparalleled repression during these seventy-one days. The Industrial Disputes Act of 1947 was invoked and the strike declared illegal. Mounted police encircled Dalmianagar, beating even passersby suspected to be striking workers and their leaders. Three thousand and six hundred workers were dismissed and most of them, along with Socialists of Bihar, were arrested. Finally, on the advice of Jayaprakash Narayan, Basawon Singh called off the strike. Basawon Singh

⁸¹ *Ibid.*

⁸² *Ibid* at p. 129.

⁸³ *Ibid* at p. 129.

⁸⁴ *Ibid* at p. 129.

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demanding an enquiry conducted by Rajendra Prasad on the suggestion of Jayaprakash Narayan⁸⁵ into the events of the period and went on a fast-unto-death to compel the government to accede to this demand. On the 30th day of Singh's fast, Prime Minister of India Pt. Jawaharlal Nehru pressurized the Bihar government to agree to an enquiry and Singh ended his fast. Later, the Bihar government excused itself on the ground that the company did not agree to an enquiry. The Rohtas Industries Mazdoor Sangh then demanded an impartial plebiscite to establish the genuine representative of the workers of Dalmianagar. According to the norms laid down by the labour department of the Government of Bihar, a trade union had to have the support of 75 per cent of the workers to be the recognized trade union. It was only in 1955 that the plebiscite took place. The Rohtas Industries Mazdoor Sangh won 97.3 per cent of the votes, thereby unquestionably vindicating its claim. It could henceforth function as the recognized trade union under the presidentship of Basawon Singh. It continued in this role till the virtual closure of the entire industrial complex of Dalmianagar in 1982.”⁸⁶

Although the Prime Minister of India, Pandit Jawaharlal Nehru did not approve of Basawon Singh's resorting to fast for the rights of workers as it would lead to unrest and reduction in the country's industrial production during his address to Bihar Political Conference in Muzaffarpur on April 2, 1949, while Singh's fast was still going on, “Basawan Singh, a prominent Socialist leader of Bihar is fasting at Dalmianagar in protest against the retrenchment of a large number of workers following the recent long-drawn strike. Although I am not fully posted with the facts of the case, I cannot approve of such a fast. [...] I am sorry to know that a man of Mr. Basawan Singh's standing is fasting for the last three and a half weeks, I hope he will give up his fast.”⁸⁷ Although Nehru insisted on an amicable solution to the dispute through arbitration in his communication to the then Chief Minister of Bihar, Dr. Sri Krishna Sinha on 31st March (Basawon Singh has commenced his fast on 16th March, 1949)⁸⁸, and later expressed dismay to Dr. Shri Krishna Sinha in his communication of July 10, 1949⁸⁹ at Shanti Prasad Jain retracting on his promise to enter arbitration based on which Basawon Singh had broken his fast on the 30th day, i.e., April 16.⁹⁰

Rajendra Prasad had decided in favour of the management and it took still many years of fighting by Basawon Singh, who won the general election from Dehri-on-Sone in 1952 from the Socialist Party, got massive mandate for his labour union Rohtas Industries Mazdoor Sangh with

⁸⁵ Rajendra Prasad did not have a very pro-peasant or pro-worker stand and he was in the board of directors of different Dalmia owned factories and enterprises including the one in Dalmianagar. Prasad had sided with the management during the strike in the Bihta sugar mill owned by Dalmia; he had opposed Kisan Sabha and Swami Sahajanand Saraswati to the extent of not including him in the Kisan Labour Enquiry Committee set up during the Provincial Congress government led by Sri Krishna Sinha (1937-39) and never made public their enquiry; had clandestinely supported a shadowy figure Jagat Narayan Lal from Hindu Mahasabha to fight against a Congress nationalist Anugraha Narayan Sinha in the provincial elections of 1936-37, which Anugraha Narayan Sinha won with a landslide victory and Prasad supported Jagat Narayan Lal lost his security deposit as well. Hauser with Jha (2015); Pratyush Kumar (2021). With this background, Jayaprakash Narayan, who was still active in the Socialist Party and appeared to believe in socialist policies, his suggestion to make Rajendra Prasad the arbitrator appears very strange.

⁸⁶ Sinha (2022) 129-130.

⁸⁷ Gopal (ed.) second series Vol. 10: 222-223.

⁸⁸ Gopal (ed.) second series Vol. 10: 228-229.

⁸⁹ Gopal (ed.) second series Vol. 12: 87-88.

⁹⁰ Prof. Sarvepalli Gopal incorrectly records it as 6th of April, 1949 instead of 16th of April, 1949 in his edited volume on Selected Works of Jawaharlal Nehru. Gopal (ed.) second series Vol. 10: 228 n.2.

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97.8% votes in the plebiscite held in 1955, when all the 3600 dismissed workers were finally reinstated.⁹¹ Both Dalmia and his cohort Rajendra Prasad, the then President of India had to bite dust. It must be pointed out how the then industries minister, Dr. Anugraha Narayan Singh, played the role of a statesman, where despite being from the treasury bench, he organized the plebiscite with complete impartiality, in which a leader from the opposition and the union he led won with a landslide victory.⁹²

The trade union movement in Dalmianagar thus pointed the way Basawon Singh's life was to take: a life of unrelenting devotion to the cause of the working class of India. It was this dedication that gave rise to the slogan "*Jai bola phir aasmaan ka antar yon kar utha ninad, ujra chaman basane wala Bir Basawon zindabad (Ringing hail to him emerged from the masses reaching the highest heavens, Hail to Brave Basawon the resurrector of desolate gardens)*".⁹³

8. CONCLUSION

After the end of World War II in 1945, the trade union movement gained urgency and strength due to Singh's untiring efforts. He organized the workers of sugar, coal, cement, mica, aluminium, explosives, iron and steel industries as well as the workers in the railways, post offices and banks. It was due to his unceasing effort in the 1930s that the minimum wages of Bihar's industrial workers was raised from Rs. 4 to Rs. 8 per month.⁹⁴ The workers of the Rohtas Industries Limited, Dalmianagar, were the first in the country to demand and get 6 per cent as dearness allowance within a month of the Second World War entirely due to Basawon Singh's effort.⁹⁵

Basawon Singh was actively involved with the All India Railwaymen's Federation since 1936 onwards. He was the president of the Oudh Tirhut Railway Union and the North East Railway Mazdoor Union for several years and since 1946, the vice-president of the All India Railwaymen's Federation.⁹⁶ Early in October, 1938, he was arrested in Dalmianagar under Section 107 of the Code of Criminal Procedure 1898 with six other leaders for his regular meetings and organizing intensive strike of about 2,400 workers.⁹⁷ In the course of the trade union movement, this prominent

⁹¹ Statement to the Press on Basawan Sinha's Fast, 14 March 1949. J.P. Papers (NMML). The statement, written during the train journey from Delhi to Calcutta on 14 March 1949, was published in newspapers on 15 March 1949. Vimal (2022) Dalmianagar aur mazdoor andolan ki kahani: Udaibhan Singh ki zubani [Dalmianagar and the history of labour movement: in the words of Udaibhan Singh] 177-180. Sri Udaibhan Singh came to Dalmianagar as an illiterate worker and, under the influence of Basawon Singh, joined the trade union movement, becoming Secretary of the Rohtas Industries Mazdoor Sangh (RIMS) at Dalmianagar.

⁹² Pathak (2022) 166-170; Shishir Kumar (2022) 141-154.

⁹³ Excerpt from the poem translated by the current author, which was coined after the historic 1955 plebiscite that took place in Dalmianagar. It was published in the weekly 'Janata', the mouthpiece of the Congress Socialists. Yugal/Jugal Kishore Pathak, Basawon Singh's close associate since the 1940s and personal secretary would render this verse with great feeling and lyricism to crying audiences. The current author is a witness to the rendition by Jugal Kishore Pathak in Basawon Singh's death anniversaries and the spell-binding effect it had on the audience. Mohan Lal Sharma (2022) 140.

⁹⁴ Kumar (2000) 32.

⁹⁵ Kumar (2000) 34.

⁹⁶ Kumar (2000) 47.

⁹⁷ Confidential fortnightly report for the first half of October 1938 from R E Russell, the chief secretary of Bihar, bearing confidential memo no. 902-C, dated Ranchi, October 20, 1938.

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socialist leader often resorted to the Gandhian method of fasting to protest against the injustice meted out to the industrial workers. On January 12, 1949, he was arrested in Dalmianagar under the Bihar Maintenance of Public Order Act and was released only at the very end of March.⁹⁸ Afterwards he fasted for 30 days in Dalmianagar and broke it only when Pandit Jawaharlal Nehru, the Prime Minister of India intervened.⁹⁹

Basawon Singh was arrested many times in the post-independence period for the cause of industrial workers of various fields. In 1951, he was arrested in Gorakhpur and imprisoned for a month in connection with the North-East Railway Workers Movement.¹⁰⁰ He was again arrested for a strike at the Indian Explosives Limited at Gomia in the Hazaribagh district in 1965-66.¹⁰¹

Basawon Singh, a stalwart of the trade union movement, had a genuine grievance that the trade union movement itself was gradually becoming a victim of narrow economism and was getting robbed of broader political perspective, missing in the process its political will. He was convinced that only a free and democratic trade union movement, free from the shackles of government and political parties, could broaden the base of the trade union movement and unify it.¹⁰² He said, "Trade unions in our country are in a pitiable condition notwithstanding the fact that the labourers were legally entitled to form unions of their choice. In fact, the executive policy has been affected in such a manner that trade unions instead of getting strengthened have weakened. Thanks to the Services Conduct Rules, the labour in public sector, that is, the government labour, do not have freedom of expression. They cannot join a political party; they cannot even disclose which party they like, nor can they put the flag of any party on their rooftops. And, parliamentary democracy presupposes the existence of political parties. Against this backdrop, I doubt if free trade unions will ever be a reality. I ponder how we are going to keep erect our "hut of democracy" if the "pillar of free trade unions" does not exist beneath it."¹⁰³

Of the government policies regarding industrial labour, Basawon Singh, very early on, said, "The government may claim that the income of the labour in factories or coal fields has doubled. But, unfortunately, the prices of essential commodities have also increased four times, and as such, though the labourers have moved a step forward in terms of income, they have gone two steps backward as far as their purchasing power is concerned. We need to bring parity in agricultural and industrial prices so as to better the living standard of the majority of our people who live in villages.

Under Section 107, sub-sections (3) and (4), the District Magistrate or any other Executive Magistrate under the British Colonial Government had excessive powers, where in their subjective satisfaction they could detain or arrest any person for an unspecified time-period if they had a "reason to believe that such person was likely to commit a breach of the peace or disturb the public tranquility". Cf. The Code of Criminal Procedure, 1898 (last accessed: March 20, 2025). Such subjective satisfaction of the Magistrate, even when reasons for such arrest were to be recorded, were often subject to abuse, as was abused in the present case with the arrest of Basawon Singh who was leading a peaceful strike of workers for their legitimate claims.

⁹⁸ Jha (2014) 443. It is interesting to note that the Bihar Maintenance of Public Order Act was notified in the official gazette only in 1950.

⁹⁹ Kumar (2000) 39.

¹⁰⁰ Kumar (2000) 48.

¹⁰¹ Kumar (2000) 48-49.

¹⁰² Jha (2014) 443.

¹⁰³ *Ibid.*

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Only thus can we bring them closer to, if not at par with, the industrialist minority. I think we have failed on this front for the simple reason that the government policies have proved of no help.”¹⁰⁴

It was precisely for bettering the lot of industrial labour that the Socialists, Forward Blocists and leaders of independent trade unions got together on December 24, 1948, to establish the Hind Mazdoor Sabha (HMS).¹⁰⁵ All trade unions existing at that point of time which wanted to be free from both the Congress-controlled Indian National Trade Union Congress (INTUC) and Communist-controlled All India Trade Union Congress (“AITUC”), came under the umbrella of HMS. The HMS was intended to be a third force in Indian trade unionism balancing between INTUC on the one hand and AITUC on the other. INTUC was discarded because it was believed to be under the control of the government and AITUC was rejected because it was controlled by the Communist Party of India.¹⁰⁶ The independence of trade unions from the government, the employers and political parties is the basic feature of Hind Mazdoor Sabha.¹⁰⁷ The HMS absorbed the Royists (named after Manabendra Nath Roy) Indian Federation of Labour and the Socialist Hind Mazdoor Panchayat. Basawon Singh, Ashok Mehta, R.S. Ruikar, Maniben Kara, Shibnath Banerjee, R.K. Khedgikar, T.S. Ramanujam, V.S. Mathur and G.G. Mehta were the founders of the Hind Mazdoor Sabha.¹⁰⁸ Singh was the state and national president of the HMS on many occasions.

Through this article, we observe the struggles of labour rights as part of fundamental human rights, which neither received the attention nor support it deserved from the British colonial state nor from the “native” Indian industrialists in the lopsided and stunted industrial growth in colonial India during the 1930s and early 1940s. This is when United Kingdom was a crucial member in the formation and structuring of ILO way back in 1919, besides being instrumental in framing different conventions and recommendations under its rubric. As a matter of fact, it is rather because the British were part of the formation and structuring of the ILO that they ensured a discriminatory labour standard get incorporated in the conventions of the ILO itself. For example, in the Convention No. 1 “Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week” itself, which came into force on 13 June, 1921, they ensured a separate and discriminatory provision of Article 10 governing conditions in British India to be incorporated, “Article 10: In British India the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the factory acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.”¹⁰⁹ The treatment of

¹⁰⁴ Basawon Singh's quotes taken verbatim from ‘Son of Bihar: Basawon Singh’ The Times of India, Patna, May 30, 1994, p 10.

¹⁰⁵ Karnik (1960) 138.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ International Labour Conventions and Recommendations 1919-1951 Vol. I, Geneva: International Labour Office, 1996, p. 5

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women workers and even minor girls was no different; “Convention No. 4 - Convention concerning Employment of Women during the Night” which came into force on 13 June 1921 “Article 5: In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office. Article 3: Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.”¹¹⁰ Ordering of such discriminatory provisions in ILO conventions shows how Indians were not considered equals to the British or other Europeans, so Indian workers also could not enjoy a life of dignity and equal treatment under the criminal rule of a mafia style colonial state which could extract resources and labour at will and keep it captive for its finished goods.¹¹¹ Rule of law including equal treatment before law, respect for fundamental human rights, respect for human dignity and the like were not the standards of the British either in principle or in practice. And they ensured discriminatory principles get enshrined even in international conventions, and in this article we had a peek into the systems and sub-systems of their state structure in India against which Basawon Singh had led his numerous struggles. The nature of state and the ordering of capital in the early years of post-colonial India sadly carried the trend of non-constitutionalization¹¹² of the inner systemic functioning of corporations often in collusion with those who were in the echelons of political power.

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¹¹⁰ *Ibid* at p. 17.

¹¹¹ Much like there cannot be two views for the Nazi regime and the genocide of Jews, Romani, gays, people with disabilities, “coloured” people, and anyone opposed to the regime; there cannot be two views for the British Empire, and there cannot be any acceptance of British denigration of India and the rest of its colonies. It is indeed surprising how apologists for the British Empire still offer arguments to justify it and there is not a single museum or memorial in London commemorating its cruelty. Germany, at least until now, has done a commendable work in having numerous museums and public memorials in prominent city centres, including in Berlin, as a constant reminder of the brutalities of its past which are never to be repeated again. No such public remorse is part of the makeup of British public life, its educational system and the numerous museums with looted artifacts from India and the rest of the world. Some recent outstanding works documenting this are, Chakrabarti and Patnaik (2018); Tharoor (2018); Dalrymple (2022); Elkins (2022).

¹¹² Drawing from Gunther Teubner, state constitutional structure cannot cover all the systems which have emerged due to functional differentiations as a result of industrial modernity. Therefore, the classical role of the state to enforce fundamental human rights becomes severely limited. Thus, in order to expand the scope and application of fundamental human rights, different systemic rationalities, including that of corporations, should be encouraged to self-constitutionalize. Teubner (1993), Teubner (1994), Teubner (2012), Teubner (2015).

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