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*** The Need for Uniformity in Labour Legislation**

[Here is the full text of speech delivered by the Hon'ble Dr. B. R. Ambedkar, member for Labour, Government of India, at the Joint Labour Conference in New Delhi on Friday, August 7, 1942.]

"I have great pleasure in welcoming you to this tripartite Labour Conference. I can hardly convey to you adequately the sense of gratitude which I and the Government of India feel for the ready response which you have given to our invitation and the trouble that you have taken to be present here this morning. I hope and trust that this ready response on your part will be followed by an equally willing cooperation in making this conference a success and in carrying through its purposes to fruition.

I do not wish to detain you long; these are days of grave emergency and I realise that everyone must return to his post as soon as he can. I will not, therefore, make any lengthy speech on this occasion but will contain myself with touching upon a few points with a view to bringing home to you the significance of the conference and to state its aims and objects.

TWO SPECIAL FEATURES

As you know there have been so far three Labour Conferences held in New Delhi under the auspices of the Labour Department of the Government of India. The first one was held on January 22 and 23, 1940, the second on January 27 and 28, 1941, and the third on January 30 and 31, 1942. The present conference is thus the fourth of this series. You will realise the significance of this conference better if I tell you in as few words as I can the special features which mark off this Conference from the previous ones. In the first place, although the

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previous Conferences met regularly at certain fixed periods, permanency was not a part of the plan of those conferences. There could have been a break in their regularity and the idea could have been abandoned without doing violence to any rule or convention or understanding. The present conference has permanency as a part of its plan. The organisation that we want to set up will have the permanency and regularity of a standing committee, ready to function when called upon to do so.

More important than this feature of the conference is the second feature to which I want to draw your particular attention. It relates to the composition of the conference. The previous conferences were representative of Governments only—the representatives of the Central Government, Provincial Governments and some of the Indian States' Governments—formed the only constituents of the conference. The most necessary and the most important elements, namely, the Employers and the Employees, were not represented at these conferences. Care was no doubt taken to establish contact and even to consult the organisations representing the Employers and the Employees. For instance, my distinguished colleague the Hon'ble Sir. A. Ramaswami Mudaliar, when he was the member in charge of Labour, did take occasion when he visited Calcutta to meet the representatives of Labour and of employers.

Similarly, my distinguished colleague, the Hon'ble Sir Firoz Khan Noon, to whom we owe the project of the present conference, did in his tenure of office as Labour Member seek occasion to take counsel with the organisations of Employers and Employees. It is for the first time, however, in the history of these Labour conferences that the representatives of the Employers and the Employees have been brought face to face within the ambit of a joint Conference. To my mind this is a feature of the conference which should find a very ready welcome from all concerned and particularly from the representatives of the Employees. Ever since the Witley Commission, in its Report on Labour in India, put forth the proposal that there should be established in India as a permanent body an Industrial Council, the representatives of Labour have agitated for effect being given to that recommendation. For various reasons it did not until now become possible to realise the ideal of an Industrial Council. I do not claim that the proposal

which this conference is called upon to give effect to amounts to a complete realisation of that cherished ideal. But there can be no doubt that this Conference seeks to pave the way towards the realisation of that ideal, and I am sure you will not deem it an exaggeration if I say that it marks a long stride on the road which leads to that goal.

LABOUR LEGISLATION

I will now say a word or two with regard to the aims and objects of this Conference. Some of you who are familiar with the proceedings of the previous conferences will know that one of the primary objects which brought those conferences into being was the great desire to avoid the danger arising out of the diversity in Labour Legislation with which this country was threatened as a consequence of Provincial independence in Labour legislation.

So long as the Government of India was a Unitary Government, uniformity in Labour legislation was not difficult to obtain. But the federal constitution created by the Government of India Act of 1935 by including Labour legislation in the Concurrent Legislative List had created a very serious situation. It was feared that if there was no central legislation each Province might make a particular law specially suited to itself, but different from that of its neighbour by allowing Provincial considerations to dominate over considerations of general and national importance.

THREE MAIN OBJECTS

The conferences were called to supply a most necessary corrective to this tendency and to foster among Provincial Governments a regard for the wholesome principle of uniformity in Labour legislation. In constituting this conference I do not propose to abandon this object of uniformity in Labour legislation with which the three previous Conferences were mainly concerned. It will remain one of the object which the Conference will pursue. But to this I would like to add two other objects, namely, the laying down of a procedure for the settlement of industrial disputes and the discussion of all matters of all-India importance as between Labour and Capital. Our Conference will have, therefore, three main aims and objects :—

- (i) the promotion of uniformity in Labour legislation;

- (ii) the laying down of a procedure for the settlement of industrial disputes; and
- (iii) the discussion of all matters of all-India importance as between employers and employees.

In regard to the first it is unnecessary to say why we have included it in our aims and objects. Uniformity in Labour legislation can never cease to be a matter of importance to so large a country like India with its many administrative and provincial jurisdictions. It must therefore, continue to occupy our attention in the future as it has done in the past.

INDUSTRIAL DISPUTES

As to industrial disputes both Labour and Capital have, once in war, behaved with a sense of responsibility and the number of strikes that have taken place has not been on a very extensive or disturbing scale. There was some tendency at the beginning of this year for an increase in industrial unrest, but the laying down of a procedure for adjudication of disputes under the Defence of India Rule 81-A has resulted in some reduction in recent months. That procedure will, we hope, prove an efficient and a reliable machinery, but it is a procedure for the settlement of industrial disputes as one of the aims and objects of the Conference which we propose to set up.

In designing the last item included in our aims and objects we have deliberately used wide language so as not to exclude from the deliberation of the Conference anything that is of importance to labour and capital. But I like to tell you what we have in mind in employing..... this broad expression "matters of all-India importance." We want to include in it all matters relating to Labour Welfare and the maintenance of Labour morale. So understood, I need hardly say this object, though placed last, may be regarded as the highest in importance. We certainly regard it as most urgent. The urgency I need hardly say is due to the necessities of the war.

A WAR OF SUPPLIES

The present war is a war of supplies and supplies depend upon peace in industry. How to secure peace in industry is a pressing problem for us today. I may not be wrong if I say that peace in industry depends

upon two things. In the first place, it depends upon the existence of the machinery ready at hand for the quick settlement of industrial disputes. Secondly, it depends upon the prompt removal of all such conditions in industry which may fray tempers and bring about a deterioration in the morale of people engaged in it. But there remain a large number of questions which are too small to lead to an industrial dispute, but which are big enough to raise temper. Most of those matters which are liable to raise tempers relate to what in ordinary parlance is designated as matters affecting social welfare. For dealing with such problems we have no machinery, and it is mainly the necessity to provide immediately a machinery for advising Government as to how such matters should be peacefully and satisfactorily dealt with that has led Government to institute this Conference forthwith.

THE TASK AHEAD

Such is the significance of this Conference and such are its aims and objects. Now as to the task before this Conference you will perhaps find our agenda to be a very meagre fare. There is no much meat in it. But that is unavoidable. We cannot place before you any agenda other than the one we have placed until we have reached a decision on the preliminary question as to whether we agree upon the plan of having such a conference and what its constitution should be. That being the position, all I can do today is to call upon you to decide upon the following matters :—

- (1) The desirability of establishing a Labour conference a permanent organisation to meet at least once a year;
- (2) The desirability of instituting a Standing Advisory Committee of this Conference which would meet, whenever Government thought it necessary to invite them to meet and to advise Government on matters placed before it; and
- (3) Defining in general terms the procedure for the constitution of these bodies.

As regards the constitution of these bodies, it may be desirable for me to place before you the plan which, we think, is best suited for the purpose of a tripartite conference like this.

PLENARY CONFERENCE

We propose to constitute two bodies :—

(1) a Plenary Conference, and (2) a Standing Advisory Committee.

The Plenary Conference will be composed of representatives of the Central Government, of Provinces, of States, of employers and of employees. In general, each Province or large State will be entitled to be represented, and those States not individually represented would be represented by a nominee of the Chamber of Princes. Representation would also be given to the main associations of employers and employees, and it would also be open to Government to nominate representatives of classes of employers or employees who in their opinion were not otherwise adequately represented. It would not in the case of the Plenary Conference be possible to ensure that the representation of employers and employees should be equal to that of Government representatives.

STANDING ADVISORY COMMITTEE

The constitution of the Standing Advisory Committee would be more rigid, and as you will see from the text of the resolution that will be placed before you that we propose to distribute the representation as follows :—(1) representatives of the Government of India, (2) representatives of Provinces, (3) representatives of States, (4) representatives of employers and (5) representatives of employees, with the Labour member of the Central Government as Chairman.

In suggesting this constitution for the Standing Advisory Committee we have followed as closely as we can the principles underlying the constitution of the Governing Body of the International Labour Office which was set up under the auspices of the League of Nations. There are three principles which to my mind underlie that constitution. First, equality of representation between Government and Non-Government representatives. This is illustrated by the provision contained in article 7, Clause 1, whereby out of 32 representatives 16 represent Governments and 16 represent employers and workers. We have given effect to this principle by giving 10 seats to Government and 10 seats to Industry.

The second principle is equality of representation as between employers and employees. This is provided by the same Article

whereby the 16 Non-Government seats are divided equally between employers and employees. We recognise this by distributing the 10 seats allotted to Industry equally between employers and employees.

THE THIRD PRINCIPLE

The third principle is an assurance of representation to certain interests by reservation. This will be found in Article 7 which by clause (2) reserves 6 out of 16 Government seats to Non-European States and by clause (4) reserves two seats from the quota of employers' seats to Non-European States. We propose to adopt this principle by allowing one representative from the quota of each, employers and employees, to be nominated by the labour Member of the Central Government. This will ensure some representation of interests other than those represented by the main employers and employees' organisations. I have the justice and fairness of these proposals will appeal to you and that you will not find any difficulty in giving them your approval.

We are setting up these bodies at the centre, but as you know very well Labour is much more concerned with Provincial Government than with the Central Government, and it seems to me that a body set up at the top will require to be supported from the bottom, and therefore if Provincial Government would desire to set up similar bodies in their own provinces to deal with question with which the Central Organisation would deal, I give on behalf of the Central Government an assurance that we should undoubtedly encourage any suggestion on this general point."

PLENARY LABOUR CONFERENCE AND STANDING COMMITTEE TO BE SET UP

A resolution setting up a Plenary Labour Conference and a Standing Committee was unanimously adopted at the Tripartite Labour Conference.

The Conference was attended by nearly 50 delegates, representatives of the Central and Provincial Governments, of certain States and of all important organisations of workers, and was opened by the Hon'ble Dr. B. R. Ambedkar.

Representatives of employers and workers were in full agreement with the objects of the Conference.

Mr. V. V. Giri, President of the All-India Trade Union Congress, welcomed the institution of the Conference and hoped that it would busy itself, not merely with discussions but with the question of the advancement of labour conditions and of peace in industry.

Mr. Jamnadas Mehta, President of the Indian Federation of Labour, remarked that the method of the conference should ensure peace and contentment in industry particularly at this critical period.

Sir A. R. Dalal and Mr. Sri Sri Ram, the presidents of the two all-India associations of employers, led their respective delegations. Representatives of the Chamber of Princes, and of Hyderabad, Baroda and Gwalior also took part in the discussions. All the delegates welcomed whole-heartedly the participation of the Indian States.

The Plenary Conference will consist of 44 members with the Labour Member of the Government of India as Chairman. Twenty-two members will represent various Governments, 11 workers and 11 employers.

Similarly the Standing Committee, consisting of 20 members with the Labour Member as its Chairman, will have equal numbers of representatives of Government on the one hand, and of employers and workers on the other.

The Hon'ble the Labour Member, who also presided at the conference, accepted on behalf of the Government of India the principle that representatives of all organisations of employers and workers should be appointed in agreement with such organisations.

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