

* The Indian Trade Unions (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member):
Sir, I move:

“ That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon. ”

The motion is merely for circulation for the purpose of eliciting public opinion on this measure. That being so, it seems to me unnecessary to take the time of the House to deal in any detailed manner with the provisions which are embodied in this Bill. It is enough, I think, to tell the House what are the main features of the Bill and what has led Government to undertake this particular piece of legislation.

The Bill has three important features. In the first place, the Bill seeks to compel an employer to recognise a trade union. In the second place, the Bill imposes certain conditions on a trade union in order to make the trade union, if I may say so, worthy of recognition by an employer. The third feature of the Bill is to make non-recognition by an employer of a trade union, which has observed all the conditions prescribed in this measure and which has therefore qualified itself for recognition, an offence which is made punishable by law.

As I said, it is unnecessary to discuss the merits of this measure. The motion is for circulation which obviously means that the provisions embodied in the Bill by the Government at the present stage are only tentative. There is no finality about it, and Government do not propose to make these provisions final unless they have received the opinions of leaders of labour, employers, Provincial Governments and other parties who are concerned in this measure. The Bill may therefore be quite different from what it is now, when Government has applied its

* Legislative Assembly Debates (Central), Vol. IV (1943), 13th November 1943, pp. 252-54.

mind to the various suggestions that it hopes to receive as a result of circulation.

Mr. N. M. Joshi (Nominated Non-official): I hope it will be better.

The Honourable Dr. B. R. Ambedkar: I hope so from everybody's point of view. All that therefore I propose to say is to tell the House what has led the Government of India to take this responsibility upon its shoulders.

The House will recall that this matter was considered and great deal of attention was devoted to the question of the recognition of trade unions by employer, and all those Honourable Members who have read the Report of the Royal Commission on Labour will realise what great emphasis the Royal Commission laid on the recognition of trade unions as a measure for the healthy growth of trade unions and for amicable relations between employers and workers. The House will also remember that the Royal Commission at that stage stated that they would very much desire if the recognition was achieved voluntarily by the consent of the employers without any legal obligation upon them. The House will also remember that the Royal Commission reported in 1929,—practically 12 years have elapsed—and there has been no willingness on the part of employers to recognise trade unions voluntarily. Indeed the objections which the employers made before the Royal Commission for opposing the recognition of trade unions are still the objections which the employers are pressing for non-recognition. Consequently the situation has certainly not improved.

As Honourable Members will remember, this question was taken up after 1937 when provincial autonomy came into being, by most of the Provincial Governments which came and took office under the new Act. There were both private measures and measures introduced by the Ministries in order to bring about recognition of trade unions by employers. For instance, in Madras there was a private Bill brought in, there was also a Government measure brought in by the Ministry of the day. In Bombay, Government brought in a measure called the Bombay Trade Disputes Act. In C.P. an Act was contemplated and a draft was prepared and the same was done in the province of the U.P. Unfortunately, except in the case of Bombay, the Ministries in other provinces resigned before their projects could assume a statutory character. However, the Government of India, after provincial

autonomy had come into existence, had inaugurated a system of collaboration between the centre and the provinces and one of the means adopted for collaboration was to inaugurate what were called Labour Ministers' Conferences. The First Labour Ministers' Conference was held in 1940 when this subject was discussed between the Provincial Governments and the Central Government. It was then decided that there was not enough material before the Conference to come to any definite conclusion on the matter and the Conference gave instructions to the Central Government that the matter should be referred to the Provincial Governments in order to elicit opinion from the Provincial Governments as well as leaders of labour and employers and that the material should be placed at the second session of the Labour Ministers' Conference which was proposed to be held in the year 1941. Accordingly the Government of India addressed a letter to the Provincial Governments asking them to collect the opinions of the different parties relating to this measure, and a very large body of opinion was collected by the different Provincial Governments and forwarded to the Central Government with the opinions of the different provinces on them. The whole of this was placed before the Labour Ministers' Conference held in 1941 and the conclusion reached then was that the Central Government should undertake legislation, that that legislation should not be purely provincial and that draft should be prepared on the basis of the replies that were received from the Provincial Governments and from the various parties which were concerned with this matter. As a result of this the Government of India undertook the task and the present Bill is really the result of the sifting of the information which the Central Government received and the opinions which were expressed by the various parties concerned. This is the origin of the measure. This will explain why, although labour legislation is a provincial subject, the Central Government has come in with this measure.

I do not think that it is necessary for me to say anything further on this measure. As I have said, the proposals are tentative, there is no finality, and there cannot be any finality unless and until we receive opinions on the draft Bill as it stands. All that I say is that it is one of the most important measures which this Legislature has been invited to undertake. It is also a unique measure. Except in the case of the

United States and Sweden, recognition of trade unions in other countries has been left to voluntary effort. I hope this will not be a controversial measure. In any case I do not wish to say more than what I have said in view of the fact that I prefer to submit the Bill to public scrutiny before I undertake to make myself responsible for any of the provisions contained in the Bill. Sir, I move :

Mr. President (The Honourable Sir AbdurRahim): Motion moved :

“ That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon. ”

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* **Mr. P.J. Griffiths** (Assam : European): Mr. President, the motion at present before the House is that this Bill be circulated for eliciting opinion thereon.....Let me remind my Honourable Friend too that trade unions have many enemies.

The Honourable Dr. B. R. Ambedkar : Employers are one of them.

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@ **The Honourable Dr. B. R. Ambedkar** : Sir, the Bill, which I have the honour to move for circulation has given rise to controversy. This is, of course, not unexpected. As I said in my opening observations, the Bill is undoubtedly a controversial measure but I also stated in the course of my opening observations that I do not propose to enter into the controversy today and to reply to the various points that have been made. I do not do so in any spirit or discourtesy to Honourable Members who have taken part in this debate and presented their point of view. I assure them that I will bear their points in mind and consider their validity on the occasion when such occasion will arise.

If I rise at this stage, as I said, it is not to reply to the various points that have been made but I do feel that I am bound to meet certain points of criticism which were made by my Honourable friend, Mr. Griffiths. There is one point which he made which, if he will permit me to say so, I think was very unfair. He said that I have brought in a measure which was vague in some way and which contained, if I may use the phrase, empty clauses. His criticism was that I was not justified and that it was unfair on my part to ask the House to consider a Bill which contained such vague and empty clauses. I do not accept that criticism and I do say that it was entirely misconceived and unfounded. I do not

* Legislative Assembly Debates (Central), Vol. IV (1943), 13th November 1943, p. 256. @ *Ibid.*, p. 276.

admit in the first instance that there are any clauses in this Bill which are vague or that there are any clauses in this Bill which are empty, so empty as not to enable anybody to understand what the Bill aims at. But assuming for a moment that there are certain clauses which are vague and other clauses which require content to be put in I do not think that the criticism was valid. If I asked the House to proceed to enact the measure in the form in which it was presented, I could have understood the point of the criticism but that is not what I am doing. I am asking merely the permission of the House that this Bill, such as it is, may be circulated for the purpose of eliciting further opinion, so that Government may have guidance from such parties as can give guidance and Government in the end may be able to fill in the gaps and make definite what is vague. I therefore submit that there was no point in that criticism which Mr. Griffiths made.

Mr. Griffiths then said that the Bill in his opinion was unsound in principle. Well, that is a matter of opinion. We have heard people on the other side saying that there is a perfectly sound principle in the Bill and that it ought to be embodied in an Act. Therefore I shall not dwell on that point of his criticism.

The second point that he made was that I have somehow not stated what a representative trade union was. Without meaning any offence, if I may say so, he has either not read the clauses of the Bill, or if he has read them he has not understood them. It is perfectly clear from the provisions that are set out in this Bill that there are two principal conditions laid down. One is this—that a trade union before it can be recognised must fulfil certain conditions. The second condition which has been laid down is this—that mere fulfilment of the conditions laid down is not a qualification enough for recognition but that the trade union, in addition to fulfilling these qualifications, will have to undergo the test of a certification by a Board. In fact, if I may say so, the principle of the Bill—the fundamental part of it—is that the representative character of the Union will depend primarily subject to other conditions on the certificate that a tripartite board, representing Labour, Government and the Employers, will be able to give. My friend then made great play of sub-clause (g) of clause 28D which says : any further conditions that may be prescribed. I cannot understand how Mr. Griffiths could have so completely misunderstood the purport of that clause. The position of the Government is.....

Mr. P. J. Griffiths : On a point of personal explanation. I did not refer to sub-clause (g) at all.

The Honourable Dr. B. R. Ambedkar : I am very sorry if I misunderstood the Honourable Member. That is what I took down. What I would like to say is this. The position of the Government is perfectly plain and may be stated briefly. On the basis of the views that were communicated to us in 1941 and on the basis of the views that were communicated to us from the various organisations representing labour and capital, Government came to the conclusion that the positive conditions which they have laid down ought to be sufficient. But Government does not wish to dogmatise about it and Government does feel that there might be certain conditions which either the Provincial Government or the employers of labour or capital may find to be necessary to be introduced in this Bill before recognition is granted. It is to make provision for a contingency of that kind we have introduced these clauses wherever it is stated that further conditions may be prescribed. It is a loophole, it is an opportunity which we have left and designed to take to ourselves the benefit of any advice that we might receive. There is certainly no vagueness and no uncertainty with regard to the provisions of the Bill as to what a representative character means.

Mr. P. J. Griffiths : On a point of information. Would you explain to the House the meaning of the new clause 28D, sub-clause (e) “ that it is a representative Trade Union ” ?

The Honourable Dr. B. R. Ambedkar : It means a Union which has been certified by the Board as a representative Trade union.

Mr. P. J. Griffiths : Of their own free will ?

The Honourable Dr. B. R. Ambedkar : The Board will make an investigation and that was the point of comment of my friend, Mr. Joshi, who said that the Board is authorised to ask for all sorts of information including the views of the private members.

Mr. P. J. Griffiths : Is it the intention that the Board shall have some guidance as to what is meant by “ representative ” ?

The Honourable Dr. B. R. Ambedkar : We propose to. On that point we would like to have a suggestion from various parties as to what sort of instructions they would like us to give to the Board.

Mr. P. J. Griffiths : So, you have a blank mind on the subject.

The Honourable Dr. B. R. Ambedkar : It is not a blank mind; it is an open mind. That is the way I would like to define my position correctly.

Mr. Griffiths as well as other Members who spoke on the Bill said that the Government was not justified or rather, to use their own words, Government was illogical in applying clause 27J by exempting Government undertakings from the operation of this Bill.

Now, Sir, the first point that I would like to make in reply to the contention is that *Logic is certainly not always life*. There are many occasions when illogicality would reduce ourselves to extremism and I do not think any man would prefer extremism to illogicality. Personally myself, I think, if anything could be said with regard to clause 28J, it could be said that Government is not timid, Government is not illogical; Government is wise and Government is cautious. I think that this clause has been somewhat misunderstood. There is no intention to exempt Government from the provisions of this Bill. All that is said is this that a date will be fixed when the provisions of this Bill will be applied to Government undertakings. Therefore, if there is any discrimination made in favour of the Government, it is not with regard to the application of the Bill but with regard to the date on which it will become applicable to Government.

Mr. P. J. Griffiths : Why is that made ?

The Honourable Dr. B. R. Ambedkar : There may be necessity for it.

Mr. P. J. Griffiths : What is it ?

The Honourable Dr. B. R. Ambedkar : As I said, I do not want to enter into controversy at this stage and as the Secretary of the Posts and Telegraphs Department said, Government feels that, at any rate for the present, the Government Departments who are employers of labour have made sufficient provision for the recognition of their trade unions. And in view of the fact that Government has certainly been far more ready to recognise Trade Unions than private employers, I do not think that the interests of labour will suffer if the date for the application of this Bill is postponed. Sir, I have nothing more to say.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“ That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon. ”.

The Motion was adopted.