

*** Government's Policy Towards Labour**

Speech in Central Assembly

"I think I may say that whatever may be said with regard to the Government of India in the matter of labour it can be legitimately claimed that there has been a new orientation with regard to the attitude of Government in respect of labour," observed the Hon'ble Dr. B. R. Ambedkar, Labour Member, Government of India, replying to the debate in the Central Legislative Assembly (on March 16) on Mr. N.M. Joshi's cut motion on the policy of the Labour Department regarding labour questions. Dr. Ambedkar said :

"Mr. Joshi has travelled over such an extensive field and raised so many points that I feel that it would be hardly possible for me to deal with each one of them specifically and to discuss what he has said and what I, as representative of the Labour Department, have to say in reply. Having regard to the inadequacy of time, I am bound to pick and choose such points as I think are necessary for me to reply to in the course of this debate.

Conditions Of Labour

Sir, Mr. Joshi started by making a general statement that the conditions of labour in India were extremely unsatisfactory as compared with conditions obtainable in the rest of the world. Sir, it is not my business to say from here that I dispute that proposition. Undoubtedly it is a fact. All that I want to say is this, that it can hardly be said to be the responsibility of the Government of India if the conditions are as unsatisfactory as Mr. Joshi has depicted them to be.

Sir, the conditions of labour in India are largely governed by the industrial development of this country over which this Government has

*Indian Information, April 15, 1944, pp. 410-13. [Legislative Assembly Debates (Central), Vol. 11, 16th March 1944, pp. 1187-91.]

hardly any control, and therefore it is of no use accusing the Government of India if conditions are really unsatisfactory. Mr. Joshi said that as a result of the examination of the conduct of the Government of India, he found that the Government was guilty of neglect, of inaction. It was timid and whatever it did was on an inadequate scale. I should like to say that in passing this judgment, Mr. Joshi failed to make a distinction which, I think, is a very necessary one to make.

There are labour problems on which there is no dispute. There are labour problems which raise no financial consequences. Now what I would like to know from Mr. Joshi is this: Whether on any labour problem on which there was no dispute between the parties concerned, or which did not raise any financial question, the Government of India had not taken action with all the necessary promptitude that the urgency of the case required? Sir, I have no hesitation in saying that in all such cases, where there has been perfect unanimity or an approximation to unanimity, and where there has not been the involving of any financial burdens, the Government of India has acted with all the promptitude that is due from it.

Nawabzada Muhammad Liaquat Ali Khan : There was no need for action in such cases.

Dr. Ambedkar : Very much action is necessary.

Wartime Measures

Then Mr. Joshi said that the conditions of labour during the war had suffered great deterioration on account of the fact that Government had granted certain exemptions from the Factories Act with regard to the time of working and they had introduced a limitation of labour's right to strike on requiring 15 days' notice. He also referred to the fact that Government had introduced the National Labour Service Ordinance and the Technical Personnel Ordinance by which people were compelled to stick to certain jobs notwithstanding their unwillingness to do so. I am glad to say that Mr. Joshi had the fairness to admit that in the midst of war such limitations were justifiable, and I would say on my part that wherever any complaint has been brought to my notice with regard to the operation of these wartime measures, I have taken the promptest action to rectify the grievance. I shall give only one instance. I remember Mr. Joshi raised a point that the power given under

the Ordinance to the employer to prosecute the employee was harassment of the labourer. I readily accepted the point and I remember we issued an amendment to the Ordinance to remove the power from the hands of the employer and to hand it to the Crown Prosecutors.

Sir, as I said, I cannot deal exhaustively with these matters but I could sum up the whole situation by saying this, that when I examine the wartime legislation of the Government of India, which undoubtedly has the effect of restricting the liberty of labour, I think two new principles have emerged from it. The first is this : that the Government of India for the first time has taken upon itself the responsibility which it never did before of fixing the conditions on which a labourer may be employed. I think this is altogether a new principle which had no place in our labour legislation so far, and I am sure that this principle which has found its place in wartime legislation will be given a permanent place in the labour legislation of this country.

The second important principle which this wartime labour legislation contains is the principle of compulsory arbitration. Sir, I think my friends, Mr. Joshi and Mr. Jamnadas Mehta, will allow me to say that I have some personal experience of labour. I have known and seen the wasting efforts that labourers have made by going on strike in order to obtain certain advantages from their employers, and I think I can say without exaggerating the matter that I know hardly of a case where the workers, after a long, arduous, painful, wasting struggle, extending over months together, had ultimately to surrender to the employers and go back on their old conditions or conditions much deteriorated.

Sir, the provision contained in Rule 81 of the Defence of India Rules, which gives the Government the power of compulsory arbitration, has been to my mind a matter of the greatest benefit to labour.

There are very few cases, so far as I know, where this power, when it has been adopted, has not given labour what it was struggling to get. There are very few strikes, so far as I know, which have not ended successfully in favour of labour. The complaint which Mr. Joshi makes with regard to the provision contained in section 81 is that we had not employed Rule 81 in each and every case. His contention, so far as I have been able to find out, is that Government is not willing always and in every case, where labour has raised a dispute, to apply this section.

Sir, I have great sympathy with that point; but it is obvious that the contention of Mr. Joshi cannot be accepted. With qualification we could not accept the position which Mr. Joshi has taken up, that is to undertake to apply this rule in every case, the moment a trade union notifies its intention to go on strike, because its grievances have not been met.

An Honourable Member : Why is this right being refused to India when it is not refused in the case of other countries ?

Dr. B.R. Ambedkar : There is no compulsory arbitration there, if I may tell my Honourable friend.

Dealing with the point, as I said, we cannot accept the principle that the moment a trade union sends a notice to the employer or threatens a strike we should at once proceed to apply Rule 81. We must have the opportunity, we must have on our shoulders the responsibility, of examining whether the grievances are genuine ; otherwise the question of strike may be a matter of day-to-day work, to which I am sure nobody in this House will be prepared to lend countenance.

The other point which Mr. Joshi raised was with regard to the inadequacy of the Labour Department in order to deal with the problems of labour. His contention was that there should be a separate and exclusive Labour Ministry to deal with questions of Labour, that there ought to be officers appointed—one for reporting on the old age pension, another on sickness insurance and the third one on some other urgent labour problems. Now, Sir, it is not my business to controvert what Mr. Joshi has said; in fact, personally, I have a great deal of sympathy with what he said.

Expansion Of Labour Department

All I wish to say on the point is this : that if we take the circumstances in which we are living and carrying on administration, it cannot be said that the Department of Labour, as it is constituted, is inadequate to deal with the problems arising. Sir, the first thing to be noticed is that the Labour Department is no longer an appendix to some other Department. At one time it was an appendix either to the Commerce Department or an appendix to the Industries Department. It is no longer so. It is a separate and an independent Department. It is true it is not an exclusive Department. All the same let nobody argue that it is an independent and a predominant department in the group of

Departments which are controlled by the Honourable Members in charge of them.

Then, Sir, we have recently considerably expanded the Department. Before 1942, we had only one Under-Secretary to deal with labour matters in the Labour Department. We have now one Deputy Secretary and two Under-Secretaries in the Department. In addition to that we have a Labour Adviser, we have a Labour welfare Adviser—Mr. Nimbkar—we have eight Assistant Labour Welfare Advisers. We have appointed a statistician in our Department in order to collect all labour statistics, and in addition to that we have a very large staff, in fact, a very considerable staff to deal with technical training, which, I am sure, is a matter of great benefit to labour in general.

An Honourable Member : A good case for a scrutiny committee.

Dr. B.R. Ambedkar : Then, Sir, with regard to the question of appointment of special officers, this is not a matter about which the Department had no knowledge. As a matter of fact, we had made a beginning by appointing a special officer to report on sickness insurance. He was Professor Adarkar. It was our wish and our proposal to go on appointing similar officers to deal with similar problems, to make reports and to suggest means and methods for carrying this proposal into legislation.

But what happened was this. Last August, when the Tripartite Conference met, we placed before them the report for consideration. The Committee and the Tripartite Conference unanimously passed a Resolution that the Government of India should also appoint a Committee to consider social welfare measures and also to suggest ways and means by which the principle of social security could be applied to working classes of India.

To that resolution, I am glad to say, we immediately gave effect, and constituted a Committee which has now been working on that subject. Obviously, Sir, it would have been very wrong for the Department to have gone on appointing other officers to report on separate subjects. We had to wait till the report of the Committee was placed before us. I can assure my Honourable friends that the project which we have of appointing special officers to make investigation into special problems is not abandoned, but will be taken up when the report of the Committee is made available to Government. Sir, I think, that

having regard to what I have stated on the point, Mr. Joshi will admit that, so far as the present machinery of the Government of India to deal with Labour problems is concerned, it cannot be said to be inadequate machinery.

Tripartite Labour Conference

Mr. Jamnadas Mehta made certain comments on the Tripartite Labour Conference. He said that the Tripartite Labour Conference should be raised to the level of the International Labour Office. Mr. Joshi said that it should have a separate secretariat and Mr. Mehta also suggested that the member in charge of the Labour Department, who generally presides over the proceedings of the Conference, should divest himself of that authority. Mr. Mehta also said that the reports of the Committee should be placed before the Legislature for rectification.

Sir, I sympathise very greatly with all that has been said by my Honourable friends, Mr. Mehta and Mr. Joshi. I would like to say this. As both of them are aware, the procedure of the Committee is more or less a matter for the Conference itself to decide. This question whether the Conference should have a separate secretariat was discussed at the time when the Conference was inaugurated and I think I am right in saying that the Conference was unanimous in their decision for the time for having a separate secretariat, but in a subsequent Conference it was altered and that gave us a direction of a different character. I have no hesitation in saying that the matter will be considered again.

Sir, there is only one more point about which I would like to say one thing, if I am right in presuming that both Mr. Mehta and Mr. Joshi regarded the Tripartite Labour Conference as a matter of small moment and not of much value. Sir, I beg to differ from this, because I think that the Labour Conference performs so important a function that I think it is really impossible to exaggerate its value.

The point that I would like to make, and I ask the Members of the House to take particular note, is this. If anyone were to examine the agenda which has been placed before the Tripartite Labour Conference or the Standing Labour Committee, I think it would be admitted that the topics placed before them for consideration and discussion have been of the highest moment. I am speaking from recollection, but they

have ranged from almost anything which could be regarded of great moment to the labour world.

I would like to say this. Would it have been possible for the representatives of labour outside the Tripartite Conference to have approached any employer even to consider or to talk about those projects? I am sure about it that no employer in the present disorganised condition of Indian labour would pay a tuppenny worth of attention to the problems which might be brought before them by representatives of employees.

I do claim credit for the Tripartite Labour Conference, that, if we have done nothing more, we have at least done one thing, namely, to induce, if not to compel, the representatives of employees to meet the representatives of employers and discuss matters of the utmost and gravest importance.

I think it is a great service that the Tripartite Conference is doing to the working classes of this country.

Women In Coalmines

My Honourable friend, Mrs. Subbarayan, in her speech referred largely to the question of the introduction of women in coalmines. I do not doubt the intensity of feeling which she said she has on a question of this character. But, Sir, I cannot go over the ground once again because the House will remember that this matter has already been discussed on an adjournment motion. I repeat again that I am indeed unhappy over the decision that we have to take and I assure the House that I am taking every possible step in order to increase the labour force to be employed in the mines and in order to increase coal output so that I may be in a position to put the ban on again at the earliest moment possible.

Shrimati K. Radhabai Subbarayan : May I ask a question of the Honourable Member? Did Government consult the Tripartite Conference before issuing a notification about employment of women for underground work in mines?

Dr. B.R. Ambedkar : I am afraid we had no time to do it. As I said it was an emergency and we had to meet it by a most emergent measure.

One point which I would like to mention is the point raised by her, namely, that the Government of India, instead of trying to

remedy the grievances of labour, was engaged in imprisoning labour leaders. Well, Sir, that is not a matter with which I, in my department, specifically deal. We had a great deal of discussion yesterday. I have not seen either yesterday or to-day any specific illustration or instance given to me of any Labour leader having been imprisoned by Government.

Seth Yusuf Abdoola Haroon : I just referred to a case in the Karachi Port Trust.

Mr. Hooseinboy A. Laljee : Is the Port Trust under you ?

Dr. Ambedkar : No.

Mr. Laljee : Railwaymen ?

Dr. Ambedkar : No.

Mr. Laljee : Seamen ?

Dr. Ambedkar : No.

Mr. Laljee : Then what else have you got ?

Dr. Ambedkar : There are very many other categories of labour. I was dealing with the question of imprisonment of labour leaders.

Smt. K. Radhabai Subbarayan : Was not Mr. Dange imprisoned ?

Dr. Ambedkar : I am just coming to that. Knowing the labour leaders, as I do, the trouble I think is that labour leaders play more than one part.

They are sometimes labour leaders, sometimes they are communists, sometimes they are national leaders, sometimes they are members of the Congress; and sometimes they are members of the Hindu Mahasabha or of some other organisation.

An Honourable Member : All are to be tabooed !

Dr. Ambedkar : It is very difficult to say that labour leader who plays such a multiple part is imprisoned because he is a labour leader and not because he has acted in some other capacity—as a communist, as a member of the Congress, or as a member of the Hindu Mahasabha. In fact, if I may say so with all humility, in my judgment, if labour leaders were to exclusively devote themselves to the labour cause and not to be instruments of political parties of other complexion or other character, or of other programme, then they would be not only excluding themselves from the clutches of Rule 26, but they would also be doing a great deal of service to labour itself. Unfortunately we have not been able to get in this country labour leaders who are exclusively devoted to labour.

An Honourable Member : Mr. Joshi is there.

Dr. Ambedkar : I do not know if there is any other matter which has been raised in the course of this debate to which I have not given a reply, or which calls for a reply.

I think I may say that whatever may be said with regard to the Government of India in the matter of Labour it can be legitimately claimed that there has been a new orientation with regard to the attitude of Government in respect of labour.

Mr. Amarendra Nath Chattopadhyaya : What is the policy behind it?

Dr. Ambedkar : For the last half an hour I have been saying nothing else.

Maulvi Muhammad Abdul Ghani: May I seek one piece of information from the Honourable Member? How is it that the technicians after being trained at a centre do not get certificates after the training?

Dr. Ambedkar : I will look into it.

Mr. N.M. Joshi: Sir, in the hope that this discussion will lead to increased activity and better activity on the part of the Labour Department, I ask leave to withdraw my cut motion.

The cut motion was, by leave of the Assembly, withdrawn.

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***International Labour Conference in Philadelphia**

The Government of India have nominated the following delegation for the forthcoming International Labour Conference on April 20, 1944 at Philadelphia, U.S.A. said a Press communique issued on March 24 :

Government Representatives : Sir Samuel Runganadhan, High Commissioner for India, Leader; Mr. H. C. Prior, Secretary, Labour Department, Delegate ; A member of the High Commissioner's Office, Adviser to Government delegates and Secretary to the Indian Delegation.

Employers' Representatives : Mr. J.C. Mahindra, Delegate; Mr. D.G. Mulherkar, Adviser.

*Indian Information, April 15, 1944, p. 416.

Workers' Representatives: Mr. Jamnadas Mehta, Delegate; Mr. Aftab Ali, Adviser; Mr. R. R. Bhole, Adviser.

India, as a member of the International Organisation, has undertaken to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representatives of employers or work people, as the case may be, in their respective countries. The employers' representatives have been chosen in this manner as agreed recommendations were received.

As regards employers, there are two main organisations of employees and they have failed to submit agreed proposals. As Government have no machinery to examine which of the two organisations is the more representative body and as Government desire that labour should not lose its opportunity of having its say at this conference because of its failure to come to an agreement, Government have decided to adopt, for the present, the principle of nominating representatives alternately in agreement with each of the two organisations.

In accordance with this decision they have nominated as representatives of workers the Delegates and one Adviser recommended by the Indian Federation of Labour, and have also included, as an Adviser, Mr. R. R. Bhole, recommended by the All-India Municipal Employees' Federation, who has been accepted as a Co-Adviser by the workers' Delegate.

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