

* Labour Policy of Government of India

Mr. Deputy President (Mr. Akhil Chandra Datta): Discussion will now be resumed on the cut motion moved by Mr. Joshi yesterday.

Prof. N. G. Ranga : Sir, myself and my Party wholeheartedly associate ourselves with the cut motion moved by Mr. Joshi.

Some Honourable Members : The question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is...

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): What about the Government's reply ?

Mr. Deputy President (Mr. Akhil Chandra Datta): I waited but did not find anybody getting up.

(At this stage, the Honourable Dr. B. R. Ambedkar was seen to rise in his seat).

Mr. Deputy President (Mr. Akhil Chandra Datta): Does the Honourable Member want to speak ?

The Honourable Dr. B. R. Ambedkar (Labour Member): Yes.

Mr. Deputy President (Mr. Akhil Chandra Datta): The House is impatient.

The Honourable Dr. B. R. Ambedkar : I will try to keep my patience. I will promise that.

In the course of the observation which Mr. Joshi made yesterday in support of his cut motion, he levelled certain charges against the Labour Department. At the conclusion he not only stated that the Labour Department had failed in dealing adequately with the duties which are cast upon it to conserve and protect the interests of the workers but he also ended by saying, which I thought was a somewhat extravagant observation, that the Labour Department had not even sympathy for

*Discussion on Demand No. 23 of the Labour Department. Legislative Assembly Debates (Central), Vol. II, 13th March 1945, pp. 1456-62.

the worker. Sir, the speech delivered by my Honourable friend was delivered by him in a more or less telegraphic fashion, omitting prepositions, participles, conjunctions and disjunctions and certainly did not advance any detailed arguments in support of his conclusions and I therefore feel at a certain disadvantage in dealing with his cut motion. I however propose to do my best to meet his charges.

Sir, the first charge that he levelled against the Labour Department was with respect to dearness allowance. His first accusation was that the dearness allowance granted by the Government of India was not adequate and the second ground was, if I understood him correctly, that in the scheme of dearness allowance sanctioned by the Government of India there was no kind of uniformity. With regard to the first part, I think Mr. Joshi will agree that the notions of adequacy must necessarily differ. It will be difficult to find two people who could agree on the exact quantitative measurement of what adequate dearness allowance would mean and therefore I do not wish to enter upon that aspect of the case. What however I would like to draw the attention of the Honourable House to is that the Government of India has always been taking considerable interest in the matter of the dearness allowance and has been watching the situation ; that it has from time to time taken steps in order to increase dearness allowance is beyond question. To give only a few facts to the House, I think it will be recalled that the first dearness allowance was given in August 1942. It was thereafter increased in January 1943. It was further increased in June 1943. (An Honourable Member: What was the amount of dearness allowance in 1942 ?") I really have no time to go into details and I hope the Honourable Member will let me proceed. It was further increased in March 1944. We have not only increased dearness allowance but we have also from time to time increased the higher limits of the workers who should be entitled to get dearness allowance. On the first occasion, when dearness allowance was given the highest limit fixed was 100 to 120. On the third occasion, it was raised to 150 and on the fourth occasion it was raised to 250. I may tell the House that the Government of India is most actively considering the question of further increased in dearness allowance and I hope and trust that before long the decision of the Government of India in this matter will be announced.

With regard to the question of want of uniformity, I will very readily admit that there is no uniformity, that different classes of employees of the Government of India are paid at different rates. But, Sir, the question I would like to ask is—who is responsible for this want of uniformity. I have no hesitation in saying that if anybody is responsible—for the want of uniformity in dearness allowance it is Mr. Joshi himself.

Mr. N. M. Joshi : Why ? I am not the Government.

The Honourable Dr. B. R. Ambedkar : When I say 'My Joshi' I mean the whole of the Labour organisation. It is they who are responsible for this want of uniformity. What has happened in the matter of the grant of dearness allowance is this. You have got different sections in the labour world. You have got a body like the Railwaymen's Federation, a body like the Posts and Telegraph Union, like the Textile Union and so on, and there are lot of other people among the working classes who have practically next to no organisation. I think Mr. Joshi will agree that the policy followed by most of these labour organisations is really nothing else but a policy of organised loot, the first man trying to take whatever he can from the Government of India, leaving the rest of the people uncared for. Here is the Railwaymen's Federation which meets the Railway Board, uses its power-politics and compels the Railway Board to grant the highest degree of dearness allowance. Then comes the Posts and Telegraph Union. They wait upon my Honourable friend in charge of that department. They threaten him with strike. They tell him that they are the most essential part of the service to the country and they eke out from him something which they think is best for themselves. The rest of the people have nobody to look after their cause and I have certainly not seen any move on the part of what are called the All-India Trade Union Congress or the All-India Labour Federation to come together and work out a policy which could be applied uniformly to all the working classes and to the men in the service of the Government.

Mr. N. M. Joshi : Is it not the duty of the Government of India to formulate a uniform policy ?

The Honourable Dr. B. R. Ambedkar : Yes, certainly, if we are left free to do so. But every time a section of the labour world comes

up and uses its dagger and says "We shall not work and we shall go on strike unless you give us this or that, the Government are certainly very helpless in the matter. (An Honourable Member "Why don't you meet together?") Then Mr. Joshi referred to want of attention to unemployment caused by involuntary circumstances. If I followed him correctly, he referred in somewhat contemptuous terms to the circular issued by the Central Government to the Provinces and to the employers telling them that it was the view of the Government of India that whenever there was any involuntary unemployment due to shortage of coal or shortage of raw material, the employers should pay certain compensation to their employees. In our letter to the Provincial Governments, we had informed them that the Government of India was prepared for a certain scale of payment to be made to the workers during this period of unemployment. We had told them that they should pay 75 per cent. of the ordinary rate of pay for the first fortnight and for the second fortnight, they should pay 50 per cent. of the wages, that the period for which this benefit was to be payable was one month and that the waiting period should be seven months. Mr. Joshi ended by saying that all that the Government of India had taken no further step in order to see that these benefits were actually made payable. Now, Sir, I should like to point out that if Mr. Joshi had read the letter that we circulated to the Provincial Governments and to employers, he would have seen that we had also made some definite proposals with regard to meeting the cost of this involuntary unemployment. In the circular letter sent out, we had stated that the cost of these benefits paid to workmen for involuntary unemployment would be admissible as a revenue expenditure for income-tax and for E.P.T. purposes. Obviously, then, if I may say so, this was a special clause in the letter and we did not think anything more was necessary. There is in addition to that Rule 81-A of the Defence of India Rules, under which it is perfectly open to workers who have been thrown out of employment by reason of these circumstances to apply to the Provincial Governments for the purpose of submitting the issue to arbitration. I am glad to say that the matter is now being pursued in that direction. As Honourable Members are aware, there is a case of arbitration going on between the employers in Ahmedabad and the workers there on this issue.

The third point which Mr. Joshi mentioned was connected with workmen's compensation. I was not able to get at exactly the gravamen of his charge as to what was the deficiency in the position as it existed in this country and what exactly he wanted me to do. What I got from him was that he thought that compensation was not adequate. Now, the House will recall that our definition of wages in the Workmen's Compensation Act is a very wide one. It not only includes money wages, but it also includes everything that is capable of being estimated in terms of money. From this it will be clear that wherever there is a case of compensation to workman, he is not only entitled to get compensation on the basis of his money wages, but he is also entitled to get compensation on his money wages plus dearness allowance. Mr. Joshi mentioned the further fact that while in Great Britain the law has been altered, we have done nothing of the kind in this country. He said that during the war the benefits payable to workmen under the Workmen's Compensation Act in England have been enhanced. I have looked up the matter and the position is really this. I am sorry to say that Mr. Joshi has not really understood what the difference is. As Honourable Members of the House will be aware, the English law makes payment under Workmen's Compensation periodical, while in India our payments are mostly lump sum payments. This has a very important effect. In the case of lump sum compensation a workman receives his payment and he is out of the picture, nobody has any continuing liability about him, either his employers or the Government. But in cases where the liability to pay is a continuous liability by reason of the fact that the benefit extends for a period, obviously the liability is continued on the employer, and just as an employer is liable to pay for instance dearness allowance to a workman, who is in employment, in the same way, an employer is also required in English law to pay enhanced compensation by reason of the fact that payment being periodical the liability to pay continues. If it was the desire of the House that our system of Workmen's compensation should also be so altered that instead of lump sum to a worker, we should pay him periodical payment either for life or to his children until the time that they come of age, no doubt the case that has been in England will also become operative in this country.

Mr. Deputy President (Mr. Akhil Chandra Datta): It is the desire of the House—not a ruling from the Chair—that you should be brief.

It is the desire of the House that the next motion should be reached. It is for you to consider.

Sir Cowasjee Jehangir : No, Sir, it is not the desire of the House, at any rate I wish to hear him.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order.

Sir Cowasjee Jehangir : It is not the desire of the House, Sir, You speak in the name of the House, Sir. I say so far as this part of the House is concerned, we desire to hear him.

Dr. P. N. Banerjea : There are other Honourable Members who desire that he should conclude his speech.

Sir Cowasjee Jehangir : But we want to hear him.

Mr. Deputy President (Mr. Akhil Chandra Datta): You do not constitute the whole House.

Mr. Abdul Qaiyum : That is right.

The Honourable Sir Sultan Ahmed : After all, Sir, this side of the House wants to hear him.

Mr. Deputy President (Mr. Akhil Chandra Datta): Where is the trouble ? I am telling over and over again that it is not a ruling from the Chair. It is only a request from the Chair to the Honourable Member, and it is for him to decide whether he wishes to comply with it or not.

The Honourable Dr. B. R. Ambedkar : Sir, the next point which Mr. Joshi made was with regard to Technical Personnel Ordinance. He said that this Technical Personnel Ordinance has in it the principle of inequality of treatment between employer and the employees. The point that is sought to be made out there was that under the Technical Personnel Ordinance, an employee is not free to resign from his employment, while under the same Ordinance an employer is free to discharge an employee. Sir, I should like to state the true position as may be found from a reading of this Ordinance. The true position is this : that an employee is not required to obtain permission of his employer if he wants to resign. What is required by the Ordinance is that he should ask permission of the Tribunal if he wants to resign. On that point, I think Mr. Joshi is somewhat misinformed. Then, Sir, with regard to the power of the employer to discharge, the position again is this. That, as a rule, he is not allowed to discharge or dismiss an employee unless he has obtained permission of the Tribunal. To that there is undoubtedly one exception and that exception is that in case

of insubordination or misconduct which calls for disciplinary action the employer may dismiss his employee without obtaining the permission of the tribunal. To that there is undoubtedly one exception and that exception is that in case of insubordination or misconduct which calls for disciplinary action the employer may dismiss his employee without obtaining the permission of the tribunal. Now, Sir, I do not think that this particular provision which permits an employer to get rid of an employee who has misconducted himself or who is insubordinate can be a ground for complaint.

N. M. Joshi: Who is to judge ?

The Honourable Dr. B. R. Ambedkar : I should like to ask Mr. Joshi, who judges in ordinary cases where the Tribunal does not become operative ? In the way in which our industry is organised it is the employer who has rightly or wrongly the right to dismiss a worker whom he thinks is of no service to him. Therefore I think there is no point in that. But what I wanted to inform the House, and Mr. Joshi particularly, is that in order that there may be no abuse of this provision we have amended the Ordinance in two important particulars. The first thing that we did and that was done expressly at the desire of Mr. Joshi was to constitute advisory committees to be associated with the tribunal. On these advisory committees there are representatives of labour, and I have not the slightest doubt that with the help of these advisory committees, constituted as they are, they will be able to bring to the attention of the Tribunal such cases which they have reason to believe are due to victimisation.

The second and the most important step which has now been taken is this. We have now issued an order calling upon the Chairman of the Tribunal to place on record his reasons for not allowing an employee to resign or to quit his job. This is a provision which we have borrowed from the Criminal Procedure Code, so that at the centre of the Government it would be possible for us to know whether there were legitimate and proper grounds, for the Chairman of the Tribunal not permitting an employee to resign his job.

Sir, Mr. Joshi then proceeded to point out that the conditions in coal mines were not very satisfactory. I do not claim that the conditions are ideal but I do like to say that the Labour Department has taken definite and quite large steps to bring about better conditions in coal mines.

We have now been working our coal mines with two types of labour—local labour and the labour which we have imported from outside, principally from the Gorakhpur district of the U.P. I should like to give the house certain figures with regard to wages. The Gorakhpur labourer gets 12 annas per day as basic wage ; in addition to that he gets four annas of production bonus and he gets four annas of extra allowance for working underground. Then we give him food free, the cost of which comes to 14 annas per day per man.

Mrs. Renuka Ray (Nominated Non-Official): Sir, on a point of order, I think the Honourable Member has taken 25 minutes already.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member in charge can be given more than 20 minutes.

Mr. N. M. Joshi : The rule is 20 minutes.

Mr. Deputy President (Mr. Akhil Chandra Datta) : No ; 20 minutes or more if necessary.

The Honourable Dr. B. R. Ambedkar : As I said, Sir, apart from these wages the Gorakhpur labourer is given 14 annas per day for his food. He has free housing and free medical aid.

Coming to the other colliery labour, their wages stand as follows. There is an increase in cash wages of 50 per cent. over the pre-war rates which were 8 annas on the surface and 14 annas underground. Then he or she gets certain rations. The local colliery labourer gets 4 seers of foodgrains per worker at controlled rates for himself or herself and 4 seers for each adult dependent and 2 seers for each child between two and twelve years. In addition he or she gets one-fourth of the basic ration in cereals and dal at the concession rate of six seers to the rupee. Each worker also gets one seer of rice free of cost for each day of attendance. In addition to that he gets cash benefits which are two annas per day of attendance to a worker who has no dependent, three annas to a worker with one dependent, five annas to one with an adult dependent and a child or children.

Mr. Sri Prakasa : Sir, on a point of order. So far as I know, the option to allow a Government member to speak for more than 20 minutes, to which you referred, was for the Member in charge and not for any Member of Government who might jump up and speak. In this case the Member in charge is the Finance Member whose motion is before the House. It is not the Labour Member's motion.

Mr. Sami Vancatachelam Chetty (Madras : Indian Commerce): Sir, I move that the question be now put.

Several Honourable Members : The question may now be put.

The Honourable Dr. B. R. Ambedkar : Sir, I cannot be disturbed in this fashion.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. Closure motion can be moved only after the speech is finished. I have done all that I possibly could to help the Opposition with regard to the next motion, but I have no option now.

Mr. Abdul Qaiyum : Sir, on a point of order, the Government Member can speak for 20 minutes or more. But the point is, is it to be left to the sweet will of the Government Member himself to spin out his speech to inordinate lengths ? Or is it for the Chair to decide whether the Honourable Member has had sufficient time or not ? I contend that this power lies solely with the Chair and the Government Member cannot be allowed to spin out his speech to any length he likes. I contend he has had sufficient time.

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is a very delicate thing for me to say that he has had enough time to speak or that he is taking time deliberately.

Several Honourable Members : The question may now be put.

Mr. Sami Vencatachelam Chetty : I rise to a point of order. Evidently the Chair is under the impression that I cannot move the motion for closure, but I think this time as the Honourable Member has resumed his seat I can move the closure motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): It is a convention that closure motion cannot be moved when a member is speaking. But the point is that the Honourable Member did not take his seat because he had finished his speech but because he was interrupted.

The Honourable Dr. B. R. Ambedkar : Then, Sir, Mr. Joshi said that the Labour Department was short-staffed. I am rather surprised how Mr. Joshi came to make that statement. I would like to inform the house about the staff which has been employed by the Labour Department quite recently. So far as the coal Mines are concerned, we have got the Chief Executive Officer for the Coal Mines Welfare Committee. He has got a Chief Welfare Officer under him and under

him are two inspectors—one of them is a lady welfare inspector. Then, Sir, we have a Director of Unskilled Labour Supply. He has under him three Deputy Directors and four Assistant Directors.

(At this stage, there was a loud uproar and thumping of the table on the Opposition Benches.)

Mr. Abdul Qaiyum : Your demand will be thrown out completely.

The Honourable Dr. B. R. Ambedkar : There are 20 officers under the Chief Inspector of Mines. Then, in addition to that we have now appointed a Chief Labour Commissioner at the Centre. Under him there are three Deputy Labour Commissioners who will be in charge of all the welfare activities.

Then, Sir, Mr. Joshi said that the Labour Department was always behind time in taking action, that delay was the rule. On this point what I would like to submit is this that in the circumstances in which we are carrying on the activities of the Labour Department delay is inevitable. We have got to consult the Provincial Governments, we have got to consult the organisers of labour, we have got to consult the employees. All this must necessarily take time, and therefore I do not think that there is any point in Mr. Joshi saying that we delay matters.

Mr. N. M. Joshi : Mr. Deputy President, I rise to a point of order. Is it your ruling that a Member of Government can speak at any length ? I want a ruling from the Chair definitely.....

Mr. Deputy President (Mr. Akhil Chandra Dalta): I understand the Honourable Member has finished his speech.

Mr. N. M. Joshi : Sir, I want to save the time of the House, and therefore I ask leave of the House to withdraw my cut motion.

The Honourable Dr. B. R. Ambedkar : I would like to say one thing that if my Honourable friend, Mr. Joshi had told me that he was going to withdraw his cut motion, I would not have spoken as long as I have done.

Mr. Deputy President (Mr. Akhil Chandra Datta): Mr. Joshi was not bound to give any previous intimation to the Honourable Member to the effect that he was going to withdraw his cut motion.

The motion was, by leave of the assembly, withdrawn.