

* State's Obligations to Labour

Presiding over the Seventh Labour Conference, which will in future be called the Indian Labour Conference, held in New Delhi on November 26, the Hon'ble Dr. B. R. Ambedkar, Member for Labour, struck a balance-sheet of the State's obligations to labour and urged legislation for raising Indian labour standards to the international level.

Taking stock of Government action on the recommendations of the Royal Commission on Labour and the ratification of I.L.O. conventions Dr. Ambedkar said there were actually only ten recommendations which were still outstanding, whereas India has yet to ratify 19 out of the 63 Conventions. "But", the Labour Member pointed out, "this is due not so much to the unwillingness of the Government" but to "the rule which requires that a Convention must be adopted without change or modification. It should be possible", remarked the Labour Member, "for the I.L.O. to draft a Convention so as to provide for stages."

Welcoming the gathering, Dr. Ambedkar Said :

"I am sure we are all happy to see that peace has come. It has cost us six years of hard struggle involving incalculable destruction of life and property, not to mention the hardship and the misery which all had to undergo in order to win victory. It is a matter of great relief to us that we have no longer before us the problem of war and of war effort which required us not only to make things ready, but to make them ready at the shortest notice. Thank God that all our worries are over. But you all know that, though the problems of war are no longer there to trouble us, there are before us problems of peace, such as the reconstruction of the social and economic life of the people. These problems affect India no less than they do other countries of the world.

* Indian Information, December 15, 1945, pp. 684-88.

State's Liabilities

“Among these social and economic problems, this Conference will be concerned with the most important of them, namely, the problems effecting the welfare of labour and the relations of Capital to Labour. In order that the Conference may know what work lies before it, I think it would be desirable if I use this occasion to enter upon what might be called ‘stock-taking’, so that all of us may have a correct estimate of what has been done and what remains to be done in the field which is ours.

“For the purposes of this stock-taking, I would like to begin with our liabilities first. Our liabilities are derived from two different quarters. Firstly, they are derived from the recommendations of the Royal Commission on Labour which reported in the year 1930. The second source of our liabilities is the Conventions of the International Labour Organisation of which India has been made a member from the very beginning.

“The Royal Commission on Labour made 357 recommendations—a formidable total which serves to show how far behind India was in 1929 as compared with other countries in matters of labour legislation. Of these 357 recommendations 133 (in whole or in part) involved legislation. Of these 133, no less than 126 were accepted by the Government. Only seven were rejected out of 126 which were accepted, 106 have generally been given effect to. Only 20 are still outstanding. Of these 20, 10 relate to legislation for workshops for which discretionary powers already exist with the Provincial Governments under section 5 of the Factories Act. Really speaking, there are only 10 recommendations which are outstanding. Our liability on this account is therefore very small.

I.L.O. Conventions

“Turning to the second source of our liabilities, it will be noticed that the I.L.O. has between the years 1919 and 1943 passed altogether 63 Conventions on various matters effecting labour. Of these, India has ratified only 14. India has yet to ratify 49 Conventions.

“You will notice how the balance-sheet stands. Our Royal Commission account is better than our I.L.O. account. That is of course likely as the Royal Commission recommendations have specific

relations to the conditions of India while the I.L.O. Conventions are general in character.

"The fact, however, remains that there is very little outstanding liability on account of the Commission and the magnitude of our liability on account of the Convention is great. Among the Conventions not ratified, there are some which are very important and it behoves us to examine these most carefully and raise our labour standards, in so far as national conditions allow, to standards laid down internationally

"This brief survey will, I hope, enable you to see what is outstanding in the matter of legislation. I need hardly say that this debt we shall have to discharge. I am sure you will agree with me when I say that we do not wish to escape it. Permit me to say that we cannot escape it. World public opinion will not allow us to escape it.

"If I have made a point of our honouring our liability it is because one hears in this country many misgivings being expressed about the necessity and urgency of labour legislation. There is always somebody to ask us to copy the British example. It is said that the British people have waited for a century, before they had their present Labour Code. There are others who urge that it would be unfair to put the cost of labour legislation on Indian Industries, which are at present in an infant stage, and point to the example of Russia where the working class was forced to accept very low standards in order to enable industries to grow. One also hears it said that the administrative machinery necessary for enforcing labour legislation is not in existence in India and that, therefore, it is useless to enact laws which must remain a dead letter. There is also the plea, commonly raised, that India is a poor country and that it cannot afford the luxury of high standards of labour.

Labour Legislation

"I am not sure that these arguments will satisfy world opinion. Far from accepting them as good and valid reasons for holding back labour legislation of which we are in arrears, labour is sure to regard them as so many excuses.

"Labour may well say that the fact that the British took 100 years to have a proper code of labour legislation is no argument that we should also in India take 100 years. History is not to be studied merely with a view to know how well to imitate the mistakes of other countries.

We study history with a view to know the errors people have made and how they could be avoided. History is not always an example. More often it is a warning.

“Labour is bound to say that the example of Russia is entirely out of place in a discussion about labour standards in a country in which industry is run as a private enterprize working in pursuit of private and personal gain. In Russia, industry is a State enterprise and the profits of industry go to fill the Treasury of the State and not to swell the private fortunes of individuals. Where the profits of industry belong to the State, the subjects of the State may well be asked to undergo, during an interim period, reduction in wages and other standards of life in order that the State industries may be stabilised. No worker would mind such a sacrifice knowing that, in the end, the industry would belong to the State and that he would be able to share in the prosperity of the State. How can the workers be asked to agree to reduce standards of life in an economy in which the profits which are to result from such reduced standards are to go to private individuals. I am sure you will agree that an argument on these lines has great force.

Funds For Labour Welfare

“The plea that we have no administrative machinery to give proper effect to labour laws cannot be admitted to be a strong plea. It is liable to be attacked by labour from many points and you will find it vulnerable at every point. The State maintains a large body of police force to maintain law and orders; the State maintains a body of Revenue Officers to collect taxes. Labour may well say, why should not the State maintain a force to see that labour laws are given effect to? Is the duty of the State to be confined merely to collecting taxes and punishing persons who disobey its laws? Does not the duty of the State extend to the maintenance of terms and conditions of employment, which are in consonance with civilised life? If that is the duty of the State, is it not obligatory on the State to create and sustain such machinery? The lack of machinery is too weak a plank to stand on.

“The argument about the capacity to bear the burden of the cost involved in labour legislation is an argument of very serious import, and labour will have to take note of it. At the same time, the question is about the faith behind the argument. Is it a *bona fide* argument? or

it is merely a cloak for avoiding liability? Labour may well say that this argument about cost loses much of its force when one thinks of the money spent on war. All of us know what a colossal amount of money has been raised for the war and how the monied classes have borne the crushing weight of high and heavy taxations for carrying on the war.

“Labour may well ask statesmen to say how many houseless persons could have been decently housed, how many naked persons could have been properly clothed, how many hungry men and women could have been given full nourishment, how many uneducated persons could have been educated, how many sick persons could have been restored to health, if the money spent on war had been spent on public welfare? Labour may ask monied classes a very pertinent question saying, if you do not mind paying taxes to meet expenditure on war, why do you object to raising funds when their purpose is to raise labour standards? I am sure these are not very easy questions to answer.

“I have given you an estimate of the labour legislation which is outstanding. I have shown why we cannot escape it. That being so, I do not think it necessary to make any apology for the large Agenda that has been placed before you. The Agenda includes eight items. Some of them are very important, particularly item II, which deals with reduction of working hours, item III which deals with minimum wage legislation and item VIII which deals with the Recognition of Trade Unions.

Anti-Slump Measures

“You can well imagine why I have singled out these items for particular emphasis. The peace we are glad to have will be bringing on its plethora of problems. The most serious of these will be the dreadful problem of unemployment. We must do our best and do it immediately to mitigate it and to prevent it from lowering labour standards. I believe three things are necessary to ease the situation. Firstly, to reduce hours of employment so as to provide employment for many. Secondly, to provide machinery for fixing minimum wages. The absence of such machinery combined with unemployment is bound to cause labour standards to slump, which ought to be prevented. Thirdly, to provide the employers and workers with a resolve to

collective bargaining and learn to work together in the solution of other common problems. Nothing in my judgment can bring this about more effectively than sound and responsible Trade Unions.

“I do not propose to assert that the Labour Department does not linger on. I must mention I find one great handicap in pursuing our goal. It arises from the provisions of the I.L.O. with regard to Conventions. I said that our liability arising out of non-ratification of the Conventions is indeed very great. I must at the same time point out that this is due not so much to the unwillingness of the Government to recognise the essential good underlying the Conventions, it is due largely to the rule which requires that a convention must be adopted without change or modification. It must be adopted as a whole, or not at all. I am sure it is this provision, forcing on us a policy of ‘all or none’ is not very helpful. It does not permit us to realise our goal by progressive stages which is the only one by which vast and backward countries like India can hope to advance.

Stage By Stage Progress

“I want to press for a modification of this rule, as being very necessary for Asiatic countries which have a long and a different journey to cover. It should not be impossible to get a change made in the existing provisions. It should be possible for the I.L.O. to draft a Convention so as to provide for stages. It should also be possible for the I.L.O. to lay down that the convention should be carried out stage by stage, coupled with the provision that the whole list of Conventions should be carried within a given period. I am sure you will agree with me that a change which permits progressive realisation of international conventions is to be preferred to a rule which makes them so many dead letters.

“There is one other matter to which I must make some reference lest you should misunderstand. You remember, the Conference last year appointed a Committee to consider some of the proposals I had made for changing the Constitution of the Conference. You might like to know what action Government propose to take on the report of the Committee.

“As recommended by the Committee, Government do not at present propose to make any changes in the Constitution of the Conference.

Government think it enough not to do anything more than to change the name of the organisation as recommended by the Committee. The Conference is meeting under different names, such as Ministers' Conference, Tripartite Conference and Plenary Conference. I am glad that the Committee decided to call it the 'Labour Conference'. Notwithstanding what Shakespeare has said there is much in a name. The name 'Labour Conference' may not have a partite' or 'Plenary'. The only comment I have to make is that the name as proposed by the Committee lacks colouring—a defect which could be easily removed if instead of calling it 'Labour Conference' we decided to call it the 'Indian Labour Conference'. I take it that you are in agreement with me on this point.

“There is another thing which Government propose to do, which is quite independent of the report. It is to enlarge the functions of this Conference.

“At the last I.L.O. Conference held in Paris the delegate of the Government of India gave an undertaking to place all recommendations and Conventions passed by the I.L.O., before, this body for discussion. The Government of India have decided to honour that undertaking. I am sure you will welcome this extension of your powers and functions. It will enable the Provinces and States to know what was done at each Session of the I.L.O. and profit by the views of the employers and employees in regard to it.”

CONFERENCE PROCEEDINGS

The Indian Labour Conference, consisting of the representatives of Central and Provincial Governments, important states and employers' and workers' organisations unanimously supported the principle of the 48-hour week in India's factories at its meeting on November 27. There was, more or less, complete agreement in regard to the Government's proposals for the statutory provision of industrial canteens and for the amendment of the Workmen's Compensation Act, 1934.

The Labour Department's memorandum on the reduction of working hours pointed out that it was both unjust and unwise to deny the workers a reasonable amount of spare time away from the factory, which was indispensable for the building up of citizenship and for the maintenance

of his physical efficiency. It emphasised that the present was an opportune moment for taking up this question because there was a need for giving relief to factory workers who had been put to a great strain during the war. Moreover, shorter hours would lead to greater employment. The memorandum made it clear that the reduction in hours should not be accompanied by any reduction in basic wages or dearness allowances unless there was a fall in prices. The rates of piece-workers should be adjusted on the principle that a piece-worker should earn not less than a time worker.

The Conference also discussed the organisation and functions of the Employment Exchanges set up by the Labour Department to help the resettlement and employment of demobilised Services personnel and discharged war workers during the transition period.

The Labour Department's memorandum on the subject recorded that Employment Exchanges can only give useful assistance if they are in possession of information regarding the employment opportunities available or likely to be available. The use of the Employment Exchange organisation, it continued, will prove of mutual benefit to employers and employment-seekers and will ensure satisfactory distribution of manpower among various branches of production. It will also facilitate the mobility of Labour, both occupational and geographical, and will obviate any bottle-necks in the supply of various categories of workers.

The attitude of Employment Exchanges during strikes or lockouts and the question of compensation to the workers during involuntary unemployment resulting from controls were the two other subjects considered in today's session. The first subject was adjourned after some discussion for tomorrow's session, and on the second the Conference was not able to arrive at an agreed decision.

Minimum Wages

When the Conference assembled on November 28 to conclude its seventh session, the Hon'ble Dr. B. R. Ambedkar announced that a committee consisting of two representatives of employers and two of employees will be formed shortly to advise the Government in drafting legislation for fixing minimum wages for labour and for amending the Indian Trade Unions' Act, 1926.

Though the principles of these two measures were agreed to by the Conference, various points of view were expressed during the discussions. The appointment of the Committee is to meet the point raised by many speakers at the Conference that, in view of the importance of these two measures, they should be examined in detail.

The Conference was unanimous in its decision regarding the framing of standing orders in industrial concerns and on the attitude that should be adopted by the Employment Exchanges during strikes or lock-outs. It was agreed that, during strikes or lockouts, Employment Exchanges should accept vacancies and inform suitable applicants of the existence of the trade dispute before submission. They should register workmen and submit them for other employment, informing the prospective employers that they are unemployed as the result of an existing trade dispute.

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