

*** Rejection of Railway men's Federation
Demands *Re: Retrenchment***

The Honourable Dr. B. R. Ambedkar (Labour Member) : Mr. Chairman, in the morning when this adjournment motion was admitted I did not think that the Labour Department would have to come into this debate in order to explain its position. But when the debate opened I found that two of the speakers who have supported the motion have come down somewhat heavily on the Labour Department. Their charge was that although the dispute has been going on for some considerable time, the Labour Department has not played the part which it is expected to play in this dispute. Sir, I admit that the Labour Department has a considerable amount of responsibility in this matter. It is a department which has been established in order to see that the working classes do get their dues and if the Labour Department can be found to have failed in its duty, it would undoubtedly be deserving of the censure that is moved. But I am sorry to say, Sir, that my Honourable friend, Sardar Mangal Singh,—who in the first instance alluded to the responsibility of the Labour Department and said in a somewhat, if I may say so, slighting manner, that the Labour Member was either sleeping or fiddling—was completely unaware of the facts of the situation and has certainly not informed himself of what the Labour Department has done in this matter. I think it would therefore be desirable that I should place before this House some very relevant facts with regard to this matter.

First time when the Labour Department came to know that there was such a dispute between the Railwaymen's Federation and the Railway Board was on the 5th October, 1945, when a letter was sent by an official of the Indian Railwaymen's Federation forwarding a number

* Legislative Assembly Debates, Vol. I-No. 2, 22nd January 1946, pp. 106-08.

of resolutions that had been passed at a session of the Railwaymen's Federation. After that letter a second letter was received by the Labour Department on the 10th October, 1945. In that letter a request was made that the Labour Department should move and appoint an adjudicator in order to decide upon the terms mentioned in the resolution. Now, Sir, it will be admitted that before any such grave step as that of the appointment of an adjudicator is taken, it is the duty of the Labour Department to bring the two parties together and to induce them to meet in a formal manner, discuss the various outstanding questions, reduce their differences as far as they possibly can agree to each other's demands. That duty, I am glad to say, the Labour Department immediately performed and they induced the Railway Department to meet the representatives of the Indian Railwaymen's Federation and to discuss points of dispute. Honourable Members might be aware that after the discussion had taken place between the Railway Department and the Indian Railwaymen's Federation a communique was issued by the Railway Department stating that a meeting had taken place and certain matters which were matters of dispute were discussed between the two parties. Now that thing happened as late as the 5th of December, when this communique was issued. Certainly from the 5th of December up to day it cannot be said that an unduly long delay has happened or an unduly long delay has been brought about or that there has been any dilatoriness on the part of the Labour Department that they did not move in this matter as soon as they ought to have done.

But there is one other point to which I would like to draw the attention of the House. It cannot be said—and I think Mr. Guruswami ought to be in possession of this fact—that the negotiations have not been concluded. Negotiations are still going on and I may tell the House that it has been agreed between the Railway Department and the Federation of Indian Railwaymen that a small committee of the Indian Railwaymen's Federation be appointed in order to carry on further negotiations with the Railway Department. The date fixed for that meeting is towards the end of January 1946. The end of January 1946 has not yet come. There is still time for negotiation.....

Shri Prakasa : 'Towards the end' has come.

The Honourable Dr. B. R. Ambedkar : Yes, but that is a matter which I am afraid I cannot accept.

Diwan Chaman Lall (West Punjab—Non-Muhammdan): May I interrupt my Honourable friend for a minute? Is it a fact that the demand for the appointment of an adjudicator has been definitely turned down by the Government?

The Honourable Dr. B. R. Ambedkar: I am coming to that. The point I was making was this—that there can be no question of the appointment of an adjudicator unless the Labour Department is fully satisfied that the last attempt for a mutual settlement between the two parties has failed; and what I am pointing out to my honourable friend is this—that an opportunity still exists, an opportunity is still provided, and it is for the Railwaymen's Federation to inform the Railway Department what will be the exact date on which they will meet the Railway Department.....

Diwan Chaman Lall: May I ask my honourable friend once again whether it is a fact that the Government have denied to the Railwaymen's Federation any information regarding the number of people that they have decided to retrench, and secondly, whether they have refused to appoint an adjudicator, and thirdly whether they are still continuing to retrench men? I think about 10,000 have already been retrenched. Where then is there the further question of negotiation when the Government has taken up this point of view?

The Honourable Dr. B. R. Ambedkar: I think my honourable friend forgot, when I got up to intervene in this debate, that I said I would confine myself to the question of adjudication. The rest of the question as to how many will be retrenched, whether they will be retrenched, if retrenched how they will be dealt with, all that is a matter which I am sure will be dealt with by my Honourable colleague who will reply after I have finished. As I said, I am only discharging the responsibility that falls on the Labour Department. The point that I was making was that unless and until the Labour Department is satisfied that there is no further room for settlement, it would be impossible, it would be unfair and quite contrary to established procedure for the Labour Department to intervene and say "We shall appoint an adjudicator". The point I was making, therefore, is this—that this motion, at any rate that part of the speech of my Honourable friend who accused the Labour Department of not having stepped in at the right moment, is certainly too premature, and I think if he will bear

in mind the facts I have disclosed, he would himself voluntarily withdraw the statement that he made that the Labour Member was fiddling. I certainly was not.

Then let me come to the other side of the question. It is true that under the Defence of India Act, the Government does possess the power to appoint an arbitrator under rule 81 of the Defence of India Act. But I think it is only fair to mention that although this is an emergency legislation, we are not altogether precluded from observing such canons of judicial consideration from exercising the powers that we possess under rule 81, that is, arbitration. For the purposes of arbitration we must have a dispute in existence. As I have said, at the present moment there is no dispute ; the matter is under consideration. Secondly, before any adjudication is made, we must be satisfied that the dispute relates to terms and conditions of employment—for instance, that the dispute relates to hours of work, to wages, and to points of that kind. What is the point that is at dispute between the Railway Department and the Indian Railwaymen's Federation ? I am sorry to say that the Railwaymen's Federation has certainly not conducted its case in the way in which it ought to have conducted it. They have certainly have gone and done a great deal of harm to themselves. The point, I would like to make in this connection is this—what is the point on which the Railwaymen's Federation is stressing all through ? Is it a point that relates to hours of labour ? Is it a point that relates to wages ? I say definitely that the points of dispute do not relate to either of these two points. It is quite true that the Railwaymen's Federation has passed a number of resolutions many of which refer to hours of work and to conditions of labour. But we have got to make a distinction between what are called fundamental points of dispute and points which are merely tagged on. If one were to examine the resolution that has been passed by the Railwaymen's Federation, we find that the gravamen of their complaint is that the railways shall not reduce a single workman. Questions relating to hours of labour and questions relating to wages are just tagged on—they are not the points of difference. In order to substantiate what I am saying, the fundamental point of dispute between the railways and the Indian Federation of Railwaymen is the question of retrenchment, the question is as to how many persons will be

employed and how many will be discharged. I would like to point out one or two other circumstances.

The first is this—as I said, in their letter of the 5th of October 1945, they had put forward some fifteen or fourteen demands. A conference was arranged between the Labour Department and the President of the Indian Railwaymen's Federation, Mr. Gin, in order to assess and find out what exactly were the points which they regarded as fundamental, and I should like to tell the House that although there were fifteen resolutions, only three points were placed before the Labour Department for consideration. The rest of them were regarded by the Railwaymen's Federation as matters of no consequence. Again when a formal meeting was brought about the Railwaymen's Federation and the Railway Department, even the three points that were raised before the Labour Department were dropped, and the only point that was taken up was the question of retrenchment. With all respect to the gentlemen who have spoken and to the President of the Railwaymen's Federation, I must confess my utter inability to understand how, for instance, a question as to how many people should be employed by a particular department, can be treated as a justiciable dispute. I am wailing, as I said, for the president of the Railwaymen's Federation to evolve out of the negotiations with the Railway Department some point which might be regarded as justiciable, so that the Labour Department may find it is worthwhile to intervene and to persuade that an adjudication be made. Sir, I think that a censure motion is not deserved.

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