

CHAPTER - VI

Ambedkar and Labour Welfare

B. R. Ambedkar held the port-folio of Labour member in the Viceroy's Executive Council from July 20, 1942 to the end of June, 1946. He has been the architect of India's Labour Policy (1942-1946) and the present labour policy has been based on the seminal ideas emanating from Ambedkar's labour policy. The employer-employee relationship in industry is an exclusive matter between the two parties the-employers and the employees. Here, constructive and harmonious relations can develop only if the parties concerned are able to appreciate and respect the legitimate concerns, needs, interest and appreciations of each other. If they can evolve appropriate strategies and approaches with the necessary organizational objective and if they can settle their own differences on the basis of mutual gain in the spirit of give and take, a third party intervention may be unnecessary.

However, the concern of the state for industrial peace and harmony remains. Although industrial relations are basically a matter between employers and their employees, the state becomes involved because of two factors: (1) employer - employee frictions in industry can have far-reaching and extensive consequences on the state of economy, on community well-being and social stability, and (2), industrial strikes can cause immense loss to the parties concerned, in terms of production and wages.

In a developing country like India, seeking economic development with social justice, the state has to remain vigilant. And the basic question is: what is, and what should be the role of labour in the economic development of the nation? It may be noted that the national development of a country depends basically upon more production of goods and services. From the national viewpoint, increased productions generate a healthy cycle of more income, more investment, more employment, and growing national wealth. The plans framed for the country

have fully realized the importance of labour in economic development. As stated in the First Five year Plan:

“ The worker is the principal instrument in the fulfilment of the targets of the plan and in the achievement of economic progress, generally. His co-operatives will be an essential factor in creating an economic organisation in the country which will best subserve the need of social justice.”

In this light the plans are to assure to workers certain rights, such as minimum wages social security, training facilities, housing etc. On the other hand the workers are expected to fulfil certain responsibilities such as maintenance of industrial peace, labour management co-operation and higher production. And Ambedkar gave assurance to the working classes in India on his assumptions of the labour portfolio in the Viceroy's Executive Council as follows: “I assure you that I shall not surrender in the battle I will have to wage for protecting and advancing the interests of working class in India in the Executive Council.”¹

Ambedkar adopted a three-fold approach towards dealing with Indian labour problems—

(i) Providing safeguards and social security measures to workers. (ii) Giving equal opportunity to workers and employers to participate in formulating labour policy and strengthening the labour movement by introducing compulsory recognition of trade unions in order to enable labour to play an effective role in the economy of the country. (iii) Establishing a machinery for enforcing labour laws and settling disputes. Some major functions performed by the Ministry of Labour headed by Ambedkar from July 1942 to June 1946 may classified as thus: Convening of the Indian Labour Conference and standing Labour Committee ; Enactment of labour laws ; Establishment of the Chief Labour Commissioner's Organisation ; Appointment of the Labour Investigative Committee ; Machinery for fixing minimum wages ; Standing orders in industrial employment ; and Recognition of trade unions. These are now discussed below:²

I. The Indian Labour Conference and the Standing Labour Committee

The Indian Labour Conference is a tripartite body consisting of (1) Representatives of employers, (2) Representative of employees, and (3) Representatives of Government. The Indian Labour Conference was constituted to provide a forum for employers, employees and the

government to come together and to evolve policies for the promotion of economic development. The first conference was held on the 7th August 1942. In his keynote address Ambedkar said that —

“It is for the first time in the history of these Labour Conferences that the representatives of the employers and employees have been brought face to face within the ambit of a joint conference.”³

The conference had three main aims and objects- (i) the promotion of uniformity in labour legislation ; (ii) the laying down of a procedure for the settlement of industrial disputes ; and (iii) the discussion of all matters of all - India importance between employers and employees.

In this light two bodies were constituted - (a) A Plenary Conference, and (b) A Standing Advisory Committee. According to Ambedkar, three principles underlined the constitution of these bodies. First, equality of representation between Government and non-Government representatives; the Second principle of equality of representation as between employers and employees; the Third principle was an assurance of representation. This would ensure some representation of interests other than those represented by the main employers and employees ' Organisation.⁴ Ambedkar stressed the importance of the Indian Labour Conference on the 6-7 , September 1943 and during the Conference he stated :

“The motive for calling such conference is two-fold . For a long time the conviction had gained ground that the industrial problems and problems of labour welfare could not be solved unless the three parties — Government, employers and employees — developed a sense of responsibility towards one another and agreed to work in a spirit of give and take; and that there was not much change in such a sense of mutual respect and responsibility growing up so long as one was not engaged in talking to the other. A plan to bring them together and to let them talk to each other across the table , was felt to be necessary for the realisation of this purpose. The Tripartite Labour Conference....is going to be an institution which will have a permanent place in the economic structure of the country.”⁵

Indian Labour Conference

Ambedkar explained in the Indian Labour Conference held on 27th and 28th November 1945 the utility of such a conference and of it naming so. According to him, it was the name that counted. The role-played by Ambedkar in the pre-Independence days formed the background of the labour welfare on which the labour policy of India was built . Ambedkar's contribution

during the period from 1942 - 1946 was extraordinary. There had been four Tripartite Conferences held under the auspices of the Indian Labour Conference. All the conferences were held under the chairmanslip of B. R. Ambedkar. The topics and the discussions following them are summarised below so as to show the basic nature of the problems and actions taken on them.

First Tripartite Conference held at New Delhi on the 7th August 1942

Discussion took place on the following topics :

- (i) Provision of adequate A.R.P. measures including the provision of slit trenches or other shelters and of adequate air-aid services.
- (ii) Propaganda including the provision of wireless sets for the dissemination of concrete news.
- (iii) Maintenance of cost - price grain shops to ensure steady supply of food grains at reasonable prices to workers.
- (iv) Provision of stocks of grain for emergencies and adequate arrangements for cooking.
- (v) Provision of canteens particularly in places where worker's families live. (vi) Facilities for remitting allowance to families of workers.
- (vii) Short breaks during work to enable production to be sustained at a high level.
- (viii) Payment of wages in the event of suspension of work due to air -aid conditions.⁶

Second Tripartite Conference held at New Delhi on 6th and 7th September 1943

Discussion took place on the following topics:

- (i) Involuntary unemployment due to shortage of coal, raw material, etc.
- (ii) Procedure for the conference - adoption of the report.
- (iii) Labour representation in Legislatures, Local bodies and statutory committees.
- (iv) Social security, minimum wages.
- (v) Principles for fixing dearness allowance.
- (vi) Provision for standing orders on the lines of provisions in Chapter V of Bombay Industrial Disputes Act in large industrial concerns.

- (vii) Statement by provincial governments regarding setting up of Tripartite Organisation in the provinces.
- (viii) Model provident fund rules.⁷

Third Tripartite Conference held at New Delhi on 27th and 28th October 1944

Discussion took place on the following topics:

- (i) Compulsory Insurance of liabilities under the Workmen's Compensation Act, 1923.
- (ii) Revision of the Trade Disputes Act, 1929.
- (iii) Organisation of Employment in the transition from war to peace.
- (iv) Participation of States in the Sickness Insurance Scheme for Industrial Labour in India.
- (v) Statutory Machinery for fixation of Minimum Wages.
- (vi) Resolution proposed by the All - India Trade Union Congress and the procedure for amendment of Defence of India Rules affecting labour.
- (vii) Special relations for workers doing heavy work.⁸

Fourth Tripartite Conference held at New Delhi on 27th and 28th November 1945

Discussion took place on the following:

- (i) Unemployment - (a) involuntary unemployment resulting from controls and (b) in the transition period.
- (ii) Reduction of working hours in Factories Act.
- (iii) Minimum wages legislation.
- (iv) Attitude of Employment Exchange during strikes and lockouts.
- (v) Industrial Canteens.
- (vi) Proposed amendment of the Workmen's Compensation Act, 1923.
- (vii) Proposed legislation for compelling employers to frame rules for regulating service rights of employees in industrial concerns.
- (viii) Proposed amendment of the Trade Unions Act, 1926.⁹

Standing Labour Committee

The standing Labour Committee was created to serve as a watch dog of the workers' interest. It was to monitor the implementation of the decisions of the Tripartite Indian Labour Conference, as opined by Ambedkar. There have been eight meetings of the Standing Labour Committee under his Chairmanship. A summary of the matters discussed in these meetings is given below:

First Meeting held on the 30th November and 1st December, 1942

Matters discussed are noted below:

- (i) Wartime Legislation affecting labour.
- (ii) (a) Production - Prevention of Stoppages of work, (b) Hours of work, and (e) Industrial Health Research Board.
- (iii) Earnings of labour -(a) Dearness Allowances, (b) Profit Bonuses.
- (iv) Labour Welfare.
- (v) Industrial Statistics Act-Collection of information regarding wages , hours or work etc.
- (vi) Shortage of small coins and payment of wages.¹⁰

The Second Meeting of Standing Labour Committee held on 25th January

Matters discussed are noted below:

- (i) Food supplies to Industrial Labour.
- (ii) Joint adjudication under Defence of India Rule 81-A
- (iii) Deferred Bonuses.¹¹

The Third Meeting of Standing Labour Committee held on 7th and 8th May 1943

Matters discussed are noted below:

- (i) Report of procedures, Sub-Committee.
- (ii) Fair wage clause in Government contracts.

- (iii) A plan for labour legislation and labour welfare during wartime (a) Social Security (b) Wages and (c) Welfare.
- (iv) (a) Joint Production Committees in undertakings engaged in war work (b) Labour officers in industrial undertakings.
- (v) Working of the Defence of India Rule 81-A.
- (vi) Employment Exchange.
- (vii) Industrial Statistics Act XIX of 1942.¹²

The Fourth Meeting of Standing Labour Committee held on 25th and 26th January, 1944

Matters discussed are noted below;

- (i) Statutory wages control.
- (ii) Scheme for the establishment of employment exchanges.
- (iii) Model Provident Fund Rules.
- (iv) Canteen for workers.
- (v) Consideration of the report of the Committee on dearness allowances/
- (vi) Absenteeism.
- (vii) Maintenance of records of service of industrial workers.
- (viii) Amendment of Factories Act, Consequent upon the change in the Indian Standard Time.¹³

Fifth Meeting held on 27th June 1944

Matters discussed are noted below:

- (i) The Indian Trade Union (Amendment) Bill, 1943.
- (ii) Draft Rules under the Industrial Statistics Act, 1942 for collection of statistics of trade dispute.
- (iii) Monetary compensation to workers who have been refused leave.¹⁴

The Sixth Meeting of the Standing Labour Committee held on 17th March 1945

Matters discussed are noted below:

- (i) Report on health insurance for industrial workers.

- (ii) Changes in the constitution and functions of the tripartite Organisation.¹⁵

The Seventh Meeting of the Standing Labour Committee held on 24th August 1945

Matters discussed are noted below:

- (i) Report of sub-committee on the constitution of the tripartite organisation.
- (ii) Industrial housing and the responsibility of the employer in connection therewith.
- (iii) Draft rules under the Factories (Amendment) Act, 1945 relating to holidays with pay.
- (iv) Amendment of the workmen Compensation Act. (Viii of 1923). Definition of "workmen" (Wage level).¹⁶

The Eighth Meeting of the Standing Labor Committee held on 15th & 16th March 1946

Matters discussed are noted below:

- (i) Amendment of the Trade Disputes Act (Improvement) on Government machinery for conciliation and adjudication.
- (ii) Review of employment in industry and extent to which unemployment is likely to occur.
- (iii) Possibilities of Welfare Trust Funds for industrial employment.¹⁷

II. Labour Laws (1942-1946)

B. R. Ambedkar played a crucial role in passing laws so as to provide social security in the promotion of the welfare of the workers. He strengthened the process of worker's participation by moulding the Industrial relations Policy and by implementing the decision of the Indian Labour Conferences. To this end he matched various labour laws during the period from 1942 to 1946. Such laws are listed below:

1942

1. The Workmen's Compensation (Amendment) Act, 1942 (I of 1942).
2. The Indian Boilers (Amendment) Act, 1942(V of 1942).

3. The Cotton Ginning and Pressing Factories (Amendment) Act, 1942 (IX of 1942).
4. The weekly Holidays Act, 1942 (XVIII of 1942)
5. The Industrial Statistics Act, 1942 (XIX of 1942)
6. The Repealing and Amending Act, 1942 (XIX of 1942) amending the Indian Trade Unions Act, 1926.
7. The Coal Mines Safety (Showing) Amendment Ordinance, 1942 (XXV of 1942).
8. The Railways (Hours of Employment) Ordinance, 1942 (XIV of 1942).¹⁸

1943

1. The Indian Boilers (Amendment) Act, 1943 (XVII of 1943).
2. The Mines Maternity Benefit (Amendment) Act, 1943 (XIVII of 1943).
3. The Injuries Compensation Insurance Act, 1943 (XXIII of 1943).
4. The Motor Vehicles (Amendment) Act, 1943.
5. The Factories (Control of Dismantling) Ordinance, 1943 (XXXI of 1943).¹⁹

1944

1. Coal Mines Safety (Stowing) Amendment Act, 1944 (III of 1944).
2. Factories (Amendment) Act, 1944 (XIV of 1944).
3. Coal Mines Labour Welfare Fund Organisation, 1944 (VII of 1944).
4. Coal Mines Labour Welfare Fund (Amendment), 1944 (XXVII of 1944).²⁰

1945

1. Factories (Amendment) Act, 1945 (III of 1945).

2. Mines Maternity Benefit (Amendment) Act, 1945(X of 1945).
3. Mines (Amendment) Ordinance, 1945 (XVII of 1945).²¹

1946

1. Workmen's Compensation (Amendment) Act, 1946 (I of 1946).
2. Indian Mines (Amendment) Act, 1946 (II of 1946).
3. Factories (Amendment) Act, 1946(X of 1946).
4. Industrial Employment (Standing orders) Act, 1946 (XX of 1946).
5. Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946).²²

III. The Chief Labour Commissioner's Organisation Setup

To improve the welfare of the workers Central Machinery for industrial relations was found necessary. In 1911 the Royal Commission on Labour suggested such machinery. To this end three factors were important, namely (i) Mobilizing Public opinion ; (ii) Enactment of legislation; and (iii) Provision for implementing machinery. It may be noted that Royal Commission on Labour in India had advocated the appointment of a Labour Commission under each of the then Provincial and Central Government. The idea was that a great majority of questions relating to labour administration could be dealt with by each government through a single office. Besides, the commission had recommended that the Central Labour Commissioner should have status like that of the then Education Commissioner to the Government of India. In pursuance of the recommendation , the Government of India appointed on the 9th April, 1945 a Chief Labour Commissioner with the field staff, charged with the duty of Prevention and settlement of industrial disputes, enforcement of labour laws and promotion of labour welfare in the industries and undertakings controlled by the Central Government, the then Federal Railways, and in Mines, Oil Fields and major Ports. The organisation consisted of the following:

1. A Chief Labour Commissioner (Central) with headquarters at New Delhi.

2. Three Regional Labour Commissioner (Central) with headquarters at Bombay, Calcutta and Lahore.
3. A Deputy Labour Commissioner , at New Delhi.
4. Nine Conciliation Officers and 23 Labour Inspectors (Central) located at various centres throughout India.
5. One Central Inspector of Industrial Concerns.

The functions and powers of the new organisation were as follows:

Industrial Relations and Conciliations

These include assistance in the formation and maintenance of voluntary machinery in industrial establishments for the prevention and settlement of trade disputes and maintenance of a continuous contact with the employers and workers.

Labour Welfare

This excluded the Coal mines for which there existed a separate organisation under the Coal Mines Welfare Commissioner. However, this included the examination of welfare measures and advice to employer and governments. The Central Inspector of Industrial Canteens had to inspect and advise on the setting up of Canteens in undertakings of the Central Government.

Implementation of Labour Laws

Maintenance of information regarding wage rates and conditions of work

The Chief Labour Commissioner (Central), the Regional Labour Commissioner (Central) and the Conciliation Officers (Central) had been vested with statutory powers of conciliation under section 81-A of the Trade Dispute Act, 1929. The Chief and the Regional Labour Commissioners (Central) were also appointed supervisors of railway labours under the Indian Railways Act, 1890, and Inspectors under the payment of Wages Act, 1936. They were also authorised to act under the Employment of Children Act 1938 for Federal Railways and major Ports. The Labour Welfare Adviser and the Assistant Labour Welfare Adviser were designated Concilia-

tion Officers (Central) to work under the Regional Labour Commissioner (Central).

It may be noted that the relationship of the Industrial Relations Machinery had been tagged to the administrative machinery of departments and establishments. Thus labour officers or Labour Welfare Officers, Civilian Labour Officers and the like continued to function under the respective establishments or administration. The Chief Labour Commissioner (Central) and his officers had to maintain close liaison with the administrative machinery of various departments and establishments. The Chief Labour Commissioner (Central) Organisation became instrumental in implementing labour policies. At times the functioning of the Organisation helped the promotion of congenial atmosphere for the growth of Trade Unions. The organisation also helped the employers and the unions in creating awareness in providing statutory welfare measures for the workers and maintaining peace in industry. Moreover, it succeeded in extending the fruits of labour legislation to unorganised sector, where workers had exploited on a large scale.²³

IV The Labour Investigating Committee

Three important committees had been constituted before and after Independence to enquire into the conditions of workers in India and to give suggestions to Government so as to enable it to formulate labour policies. These committees were known as (1) the Royal Labour Commission, (2) the Labour Investigative Committee and (3) the National Commission on Labour. The first two committees had been formed in the pre-partition days. The Royal Commission on Labour was based upon restricted samples. It was thus felt necessary to conduct a detail study covering all industries for providing social security measures to the workers. The government resolutions constituted the Labour Investigative Committee No. L. 4012 dated 12th February 1944. As a result the Governor-general in Council appointed a Committee of Inquiry to be known as Labour Investigating Committee.²⁴ The Committee consisted of (1) M. D. V. Rege, I.C.S., Chairman, (2) Mr. S. R. Deshpande, M. B. E., (3) Dr. Ahmed Mukhtar and (4) Mr. B. P. Adarkar. The terms of reference were as follows:

- (a) To collect data relating inter-alia to wages and earnings, employment housing and social

conditions of labour and in particular of industrial labour in India; and (b) To investigate and report inter-alia on the following matters: (i) the risks which bring about insecurity; (ii) the need of labour, by various classes to meet such risks; (iii) the methods most suitable for meeting such risks and (iv) Housing and factory conditions.

The Labour Investigation Committee selected the following industries for its comprehensive study:

A. Mining : 1. Coal, 2. Manganese, 3. Gold, 4. Mica, 5. Iron ore, 6. Slate.

B. Plantation: 7. Tea, 8. Coffee, 9. Rubber.

C. Factory Industries: 10. Cotton, 11. Jute, 12. Silk, 13. Woolen, 14. Mineral Oil, 15. Dockyard, 16. Engineering & Mineral and Metals, 17. Cement 18. Matches, 19. Paper, 20. Carpet Weaving, 21. Coil Matting, 22. Tanneries and Leather Good's Manufacture 23. Potter, 24. Printing Presses, 25. Glass, 26. Chemical and Pharmaceutical, 27. She lac, 28. Bidi making, Liquor & Cigarettes, 29. Mica splitting, 30. Sugar, 31. Cotton ginning & boiling, 32. Rice Mills.

D. Transport: 33. Transport Services (Tramway & Buses), 34. Non-Gazette Rly. Staff.

E. Other type of Labour : 35. Port Labour, 36. Municipal Labour, 37. Cetral P. W. D., 38. Rickshaw pullers.²⁵

The committee published its report on the 5th March 1945. The recommendation of Labour Investigative committee subsequently became the basis for the enactment of social security legislation for workers in India.

V. Machinery for Fixing Minimum Wages

The wages had been classified into three categories: (a) Living Wages (b) Fair Wages and (c) Minimum Wages.

The living wage had been defined as the wage, which provided for maintaining maximum

efficiency of the workers and enabled him to live with the members of the family a dignified life as a citizen of the country. It is interesting to note that Dr. B.R.Ambedkar as the chief architect of the Indian Constitution incorporated in Article 43 this ‘Living wage’ for workers as one of the Directive Principles of State Policy. Article 43 runs thus:

“The State shall endeavor to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wages conditions of work ensuring a decent standard of life and full enjoyment of leisure, social and cultural opportunities and, in particular, the state shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.”

The term “Fair Wage” had been defined as a wage which was determined on the basis of productivity, efficiency of workers and capacity of the industry to pay. The term ‘Minimum Wage’ had been defined as the wage, which was sufficient for providing the bare necessities of man. Incidentally the Minimum wages Act was passed in 1948 - it fulfilled the requirements of ‘legislation’ as stated in Article 43 of the Constitution. A distinction may be drawn between the three expressions as defined above. A “Fair Wage” is the demand and the destination. Its upper limit is the ‘living wage’ while the lower limit, the ‘minimum wage’. The only relevant consideration for fixing the minimum wages is the minimum requirements of the worker concerned.²⁶

VI. Standing Orders in Industrial Establishment

The nature of the relationship between the employer and worker is a type of contract for employment. It is governed by two factors. First, the fairness of the contracts depends upon its clear provision binding the parties to the contract. Second it is depended on the extent of equality of states between the parties. Of the two parties one is stronger than other. In fact the employer is powerful and he can exploit the weaker worker. In this context the government as a third party has to intervene. To bring about fair play between the parties, the concept of standing order comes in, in order to determine the terms and conditions for services between parties.

In this context the Labour Investigating Committees’ main Report of 1946 made in pursuance of observations in Chapter V-1: Standing orders Rules and Agreements, (Page 113 &115) deserves mention:

" An industrial worker has the right to know the terms and conditions under which he is employed and rules of discipline which he is expected to follow. Broadly speaking in Indian industry, the rules of service are not definitely set out and like all unwritten laws, where they exist, they have been very elastic, to suit the convenience of employers...Neither worker's organisations nor the Government are generally consulted before these orders are drawn up and more often than not, they have given the employers the upper hand in respect of all disputable points."

The first Legislative enactment in India which incidentally sought to regulate the making of Standing Orders was the Bombay Industrial Disputes Act, 1938...Workers organisations suggested that legislative provision should be made for the preparation and approval of standing orders by government authority in consultation with workers' organisations; and that provision should also be made for appeals to some higher authority in the event of a dispute. A proposal for provision being made, requiring every factory employing 250 or more workers to have a set of standing orders, somewhat on the same times (Chapter - V of the Bombay Industrial Dispute Act), was discussed at the Fifth Labour conference (September 1943). The memorandum for discussion set out that the essential thing was to define the working conditions on a clearly recognised contractual basis and to have that basis approved the Commissioner of Labour or some such authority. A contract in the form of standing orders was also considered necessary before the penalty provided for under section I of the Payment of Wages Act, could be enforced for striking without notice. The members were generally in favour of Standing orders being given statutory rather than contractual force, contravention being punishable equally with other offences under the Factories Act. It was decided to have a statutory authority to deal with the disagreement of employers with the labour Commissioner on dispute arising out of standing order.

Standing Order No.22 for Cotton Mills in Bombay, as settled by industrial courts, laid down a detail procedure in connection with the suspension and dismissal of workers found guilty of misconduct. It might have been worthwhile to adopt a similar provision in the Standing orders for other industries. The Central Trade Dispute Act. 1929, unlike the Bombay Industrial Dispute Act 1938, made no mention of standing orders while these formed an integral part of the Bombay Act. The Sixth Labour Conference in October 1944 discussed the question whether

provision should be made under the Trade Dispute Act through separate legislation for statutory authority in respect of Standing order. As a result the Government of India proposed to introduce a separate Bill entitled the Industrial Employment (Standing orders) Act, 1946. The proposed Bill would remove a long-standing lacuna in labour legislation in India.²⁷

On the 8th April 1946 the Government of India introduced in the Legislative Assembly a Bill providing for the framing of ‘Standing Orders’ defining conditions of employment in all industrial establishments employing one hundred and more workers. And the Industrial Employment (Standing Orders) Act 1946(XX of 1946) came into force on the 23rd April 1946. It applied to a wide range of industrial enterprises, including factories, railways, mills, quarries, oil fields, plantations, workshops, inland steamer vessels, docks, harbours and of jetties, and tramways or motor omnibus services and it related to industries having one hundred and more workers on any day of the 12th months preceding 23 April 1946.²⁸

Under the 1946 Act every employer was required to submit to the Certifying Officer (Labour Commissioner) within six months of the application of the Act, five copies of the draft standing orders which he proposed to adopt for his establishment, along with the prescribed particulars regarding the workmen employed, and the name of the trade Union to which they belong. These draft orders were required to provide for certain matters laid down in the schedule appended to the Act. The Certifying Officers certified these orders after taking into consideration objections, if any, from the employers. Persons aggrieved by the decisions of the Certifying Officer can prefer an appeal for failure to submit contravention thereof; an employer was punishable with fine.²⁹

VII. Recognition of Trade Unions

The first case of collective representation of the claims of workers was recorded in 1884 by the Labour leader, Mr. Lokhanday. He organised a conference of Factory workers to draw up a memorandum to the Factory Commission. The earliest trade Union in the country was the Bombay Millhands’ Association formed in 1890. Trade Unions had been growing both in number and volumes since 1918. However, they did not enjoy the legal status and the workers’ right

to organise and strike. The decisions of the Madras High Court in 1920 in the famous case of the Buckingham Mill granting an injunction restraining the Madras Union officials from influencing labourers to break their contract with the employers by striking in order to obtain increased wages focussed public attention on the necessity of giving legal recognition in the Workers' rights to organise and strike in defence of the legitimate rights.³⁰

In 1921 the government of India accepted a Resolution of the Legislative Assembly to take steps to introduce such legislation as might be necessary for the registration and protection of Trade Union. The government of India consulted the Provincial governments and drew up a Bill for the registration of Trade Union and introduced it in the Legislative Assembly on 31st August 1925. The Indian Trade Union Act was passed in 1926(XVI of 1926) and it came into force on the 1st of June 1927. The Act defines the legal provision of trade unions and provides for registration.³¹

Registered Trade Unions in India

The legal status of trade unions in India has not been greatly advanced since the passing of the Act in 1926. There were 29 registered trade unions in 1927-28 with a total membership of 1,00,619. The Royal commission on Labour deprecated obligatory recognition, but the position regarding voluntary recognition did not improve as expected.³²

Freedom of Association

The Labour Investigation Committee in 1945 in its (page 372) conclusion on Freedom of Association observed:

"This brings us to what we consider to be one of the fundamental principles, namely freedom of association. According to the law of the land, there is perfect freedom of association and as a matter of fact, the I.L.O. convention on the subject was ratified by the Government of India in the year 1923. Actually, however, from such evidence as we were able to obtain during the course of our enquirer, we found that, barring a few honourable exceptions such as municipal and port trust administrations and a few individual employers, freedom of association exists only in name. And even where they are, the relation between the two is far from cordial. Moreover, excepting a few enlightened employers, most others in country are inclined to look upon trade unions as no better than necessary evils. This is one of the reasons why during the recent years, whenever agreement had to

be brought about between employers and employees, these were seldom the result of collective bargaining but almost invariably of adjudications of awards.³³

In this circumstances the Labour member Ambedkar's advice to labour leaders on 11th May, 1943 at Bombay, and 17th September 1943 at New Delhi, at a function arranged by the Indian Federation of Labour, is relevant in terms of promoting the interest of workers:

"The utter hollowness and the superficiality of the present labour movement in India was deplored by him. He advised the labour leaders present to sink their differences and present a united front against capitalism. He referred to the growth of the labour movement in Britain and traced how it had captured the reigns of Government twice, wresting power from the hands of the ever dominant Tories. It was an example for the Indian labour movement to emulate. He urged the need for formation of a United Labour Party in this country, on the model of the British Labour Party. In conclusion Ambedkar said that if democracy in England had failed it was because it was in the hands of the Tories. It was, therefore, important in whose hands Swaraj would be. He exhorted the labour leaders of India to see that when Swaraj came it would be in the hands of Indian Labour."³⁴

In Setember 1943, Ambedkar urged in a speech before the study circle of the Indian Federation of Labour at Delhi the organisation of a Labour Party in India with the declared objective of taking charge of the government. He pointed out two things. The first thing was to discard mere establishment of trade unions as the final aim and object of the labour in India. It must be declared that its aim was to put the labour in charge of the government. To this end a Labour Party was to be organised. The second thing for labour in India was to realise that without knowledge there could be no power.³⁵

Ambedkar endeavoured to amend the Indian Trade Union Act to provide for compulsory recognition of a trade union by a employer. The 9th November 1943 issue of the Free Press Journal New Delhi reported :

"It is felt that the time has now come when the compulsory recognition of trade unions must be provided for by legislation of trade unions. With all its limitations, recognition by statute will at least clarify the position and give organised and well conducted trade unions the status they deserve. It may achieve much more. The Bill introduced by Dr. Amedkar in the Central Assembly provides for the compulsory recognition of trade unions under certain conditions and defines what recognition would imply. Union formed on a communal or sectarian basis would not be eligible for recognition."³⁶

The Government of India introduced the Indian Trade Unions (Amendment Bill) in the

Central Legislative on 14th February 1946. The Indian Trade Union Act 1946 provides for obligatory recognition of a representative trade union. It is for the Labour court to decide if a trade union is represented or not. The Bill was referred to a Select Committee, which submitted its report on the 28th February 1947. The Bill was passed on the 19th November 1947(XL.V of 1947).³⁷

VIII. Untouchability as a Social Theory for Labour Exploitation

B. R. Ambedkar has formulated a social theory of exploitation. This may be found in the following works of his : (a) *Castes in India : Their Mechanism, Genesis and Development* ; *Indian Antiquity* , vol. IL VI.1977, pp. 81-95; (b) *Annihilation of Castes in India* ; (c) *Who were the Shudras and Untouchables* (d) *What Gandhi and Congress Have Done to the Untouchables?* (e) *Dr. Babasaheb Ambedkar: Writings and Speeches*, Vol. 1 to 7, (various unpublised papers and manuscripts), Education Department, Government of Maharastra, Bombay, 1989-90.

To comprehend fully and appreciate the relevants of Ambedkar's economic development strategies prescribed for Scheduled castes and Scheduled Tribes, it is necessary to have a knowledge of his conception of the social theory of labour exploitation. Here the focus is not on Ambedkar's analysis of the origin and growth of the Untouchabales and *Shudras*, instead the emphasis is mainly on his analysis of Brahminisation (or Sanskritisation) leading to : (1) imposition of social, religious and cultural disabilities on 'Dalits' and 'Shudra'; and (2) their impact on the economic deprivation and economic exploitation of the labour belonging to the Dalit and *Shudras* groups. In fact , B. R. Ambedkar was one among the important forerunners, who have analysed the impact of social and religious discriminations and segregation on economic well-being of the people.³⁸

Ambedkar has clearly brought out that : (a) the Hindu social order being hierarchical had formulated several socio-economic and legal rules which have created a disproportionate preaching system. Accordingly, the labour belonging to Dalit and *Shudra* groups have tended to receive share whereas the shares of people belonging to higher Hindu *varnas* had proportionately increased in relation to their social placement; and (b) the legal punishments and penal fees imposed on *Shudras* and Dalits were most inhuman and cruel as well as exorbitantly high; this

legal system has devised methods like confiscation of property; penal fee and physical punishments for various types of social, cultural, criminal and property-related crimes and robberies committed by the *Shudras* and Dalits. Ambedkar rightly considered these factors as highly discriminatory, and reactionary in nature, which would create nothing more than destitutes and impoverished rural population. Ambedkar was one among a few Indian leaders who paid a serious attention to the analysis of the problems of widespread poverty and underemployment as well as unemployment.

Moreover, there was a difference in the treatment of the *Shudras* and Dalits. Thus the *Shudras* did not suffer from the total and complete socio-economic exploitation, to which the Untouchables were subjected to by the people of the higher castes. This may be illustrated as follows. The *Shudras* were tenants, agricultural labourers, skilled and semi-skilled craftsmen, while the Dalits were totally manual labourers attached to specific family of the caste Hindus. In other words, the Dalits were subjected to the bonded labour system. The *Manusmiriti* excluded both the *Shudras* and the Dalits from owning land and right to take up arms in exigencies. In this context both the *Shudras* and Dalits had been reduced to the status of 'wage labour' and 'bonded labour' respectively. To carry the point home B. R. Ambedkar provided a comparative analysis of Western slaves as in ancient Rome and the Indian Untouchables. Ambedkar brought out the differences between Roman slaves and Indian Untouchables. He argued that the western ancient slavery possessed some degree of freedom, liberty and had the opportunity to become free citizens. Unfortunately the Untouchables or the Dalits did not have the right of the Roman slaves.

Ambedkar elaborated the economic deprivation of Dalit labour in agriculture. According to him, a living by agriculture was not generally open to the Untouchables. There were various reasons for this. First, purchase of land was beyond their means. Second, even if an Untouchable had the money to purchase the land, he had no opportunity to do so. Such an act of daring on the part of an Untouchable (Dalit) was not only frowned upon but might easily invite punishment. In some parts of the country they were disabled by law like the land Alienation Act in Punjab. The wages paid to the Untouchables were paid either in cash or in corn. In U.P. the corn given to the

Untouchables as their wages was called *Gobarah* meaning privy corn or corn contained in the dung of an animal. Because of the seasonality of agricultural operations, the Scheduled caste labours would be subject to seasonal unemployment . This might be true of other sections of rural labours. But the incidence of seasonal employment of Dalit labour was very high, since they did not posses any other alternative means of earning a living.

The process of Sanskritization kept out the scheduled castes population from all avenues to high pay and high status based job. Moreover, it imposed various social restrictions upon the consumption pattern of the Scheduled Castes, resulting in the low materialistic culture of these people. This was illustrated by Ambedkar from the experience of a Scheduled Caste community named Balais. For example they were not allowed to wear gold-lace bordered puggarees, they had to play music before the processions and during the marriages of caste Hindus, the Balais women were not allowed to wear fancy grown or Jackets and the like. Such restrictions also applied to many other sections of Dalit labours.

In the context of agricultural labour, Ambedkar's idea of socialism was an attack on poverty. He emphasised two concepts —(1) 'Concept of State Socialism' and (2) Concept of Constitutional Law and Parliamentary Democracy'. He advocated state ownership of agricultural land with a democratic 'collectivised method of cultivation'. 'Consolidation of holding ' and 'Tenancy legislation' would not benefit landless labourers, including the servile classes, the *Shudras* and Untouchables. It was only the Collective Farm that could help them , provided that agriculture became a "State - Industry".³⁹

According to Ambedkar , caste - consciousness hampered all economic growth. It created condition which were harmful for collective efforts in agriculture and other activities. Rural development , in the presence of caste relations, turned to be against the principles of socialism. Therefore, the great feudal estates based on casteism had to be broken up and the land be distributed among the people who tilled it and who could collectively produce things for the rapid progress of both cities and villages.⁴⁰

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