
UNIT 12 LABOUR AND LABOUR LEGISLATION

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12.0 OBJECTIVES

This unit would enable you to understand:

- Ambedkar's views on economic development, planning, and state;
- Ambedkar's thought on labour and labour legislation;
- The role of parliamentary democracy in protection of labour; and
- Ambedkar's views on the interrelationship between labour and caste.

12.1 INTRODUCTION

In this unit we will emphasis Ambedkar's views on economic development, planning, state and his thought on labour and labour legislation. B. R. Ambedkar made significant contributions to the field of political economy. He was a labour member of the Viceroy's Executive Council from 1942 to 1946. He also became a member of the Constituent Assembly and later a minister in India's first Central Cabinet. His writings covered a wide range of issues, including democracy, capitalism, economic development and planning, alternative economic systems and the economics of the caste system. Ambedkar's writings show that he identified himself with the working classes and was a critic of existing imperialism.

12.2 AMBEDKAR'S IDEAS ON ECONOMIC DEVELOPMENT

To understand Ambedkar's views on labour and labour legislations, we need to understand his theoretical framework of economic development. Ambedkar's engagement with India's economic development goes back to 1918, when he published a paper in the *Journal of Indian Economic Society*. In his paper 'Small Holdings in India and their Remedies', Ambedkar presented an economic analysis of agricultural backwardness and proposed industrial development as its solution.

Ambedkar approached the issue of small holdings from the standpoint of economics of production. The farm, be it small or large, was a paying economic unit in terms of production, governed not by land alone but by a combination of land, capital and labour. Mere size of land, as it is normally viewed, did not make a piece of land economical or uneconomical. It was the proportion of other factors of production on the land that was crucial.

The problem of economic backwardness was essentially a problem of agricultural backwardness due to a deficiency of capital in relation to land and labour. The solution, therefore, lay in:

- improving the productivity of land and labour
- increasing the farm income of cultivating households, and
- expanding the domestic capacity to save for productive investment.

This could be achieved if surplus labour on land were transferred from agriculture to industry. This would not only increase productivity but also the value of labour in both agriculture and industry.

Ambedkar implemented these ideas when he was made a member-in-charge of the Labour (and also Irrigation and Power) portfolio in the Central Cabinet in 1942. The world at that time was facing the problem of post-war reconstruction and economic development. Ambedkar believed that the problem of post-war reconstruction in India was essentially different from that of other war-affected countries. Unlike European countries where the focus was to reconstruct the industries that were destroyed in war, the problem in India was mainly of industrialization of economy, including the agricultural sector.

Aware of the limitations of a capitalistic economy under parliamentary democracy in ensuring economic security to the masses, Ambedkar argued for an important place for labour in the economic development of the country. He was particularly concerned about peace, housing, clothing, education, good health and above all, the right to work with dignity. The state should not be content merely with securing fair conditions of work for labour but should strive to secure fair conditions of life as well. Great responsibility lay on the state to provide the poor with facilities to grow according to their needs.

This could not be achieved if the government accepted laissez-faire. Provisions to make labour more productive included the state providing the following:

- free or subsidized education up to the age of 14
- medical relief
- water supply, and
- other public utility services, including electric power.

These measures were to improve the health and efficiency of labour. Other goals were:

- fair wages,
- maternity and sickness benefits,
- holidays.

Many of these schemes were undertaken by the Labour Department while Ambedkar was president of the Policy Committee on Labour.

The declared objective was to raise the standard of living of the people as a whole and to ensure employment for all. This would eventually increase the productivity of labour on the one hand and simultaneous development and re-organization of agriculture, industries and services on the other.

12.3 AMBEDKAR'S THOUGHTS ON LABOUR AND LABOUR LEGISLATION

Ambedkar's concern for labour was not only at the policy level but also at the political level. He floated the Independent Labour Party (ILP) in August 1936 which projected itself as a party of workers. The programme of the ILP, published in 1937, described it as a 'labour organisation in the sense that its programme was mainly to advance the welfare of the labouring classes'. It supported state ownership and management where necessary, but even for workers its stress was on what is called the 'unorganised sector'.

Offering land resettlement and public works to aid the unemployed and landless, it promised the following:

- To legislate measures to save peasants from the clutches of money lenders
- To put up a strong opposition to land revenue
- To campaign for a more equitable system of tax
- To establish land mortgage banks and agricultural producers' cooperatives and marketing societies.

It also promised protection to tenants and *khot* landlords.

More can be understood about his views on protecting the interest of the labour by reading some of the volumes of a weekly named *Janata* founded by him in the 1930s. The weekly stated that the existing political parties, particularly the Congress, had betrayed the workers as they were under the control of capitalist powers. It also criticised the Gandhian attempts to organise an alternative trade union centre based in Ahmedabad, Mazdur Mahajan, following the 'trusteeship' principle. Ambedkar was of the opinion that this attempt by Gandhi would split the working class movement. The ILP was projected as a party of workers and peasants and quintessential for the fight against the imperial powers.

In the provincial elections held in 1937, ILP won 14 seats out of the 17 it contested. This included 11 reserved (out of 13) and 3 general seats (out of 4). Soon thereafter, ILP got involved in a number of mass struggles of workers and peasants, in particular the fight for the abolition of *khoti* landlordism, climaxing into a march of 20,000 peasants to the Bombay council hall on 12 March 1938.

To break this unity of workers led by Ambedkar and other Communist leaders, the Congress government in Bombay started using emergency powers and introduced an Industrial Disputes Bill in the Bombay Legislative Assembly in September 1938. This Act, also known as the first of the 'black acts' against Bombay workers, made conciliation compulsory and, under certain very ill-defined conditions, made strikes illegal. Ambedkar was quick to expose the anti-labour

nature of the bill, describing it as the 'Workers' Civil Liberties Suspension Act' and defended the 'right to strike' of the workers as equivalent to the 'right to freedom'. He made it clear that under conditions described in the Bill, India once and for all would lose the possibility of any free union growing up in the country. The one-day general strike of textile workers with the support of ILP, the Communists and the moderates, on 15 November 1938 was an attempt to register their protest. He addressed several conferences outside the legislature concerning the problems of Indian labour.

India, in the meantime had become a founder member of the International Labour Organisation (ILO), established in 1919, the only non-independent country to be so. In 1928, the ILO opened a branch office in Delhi, the first in Asia. As a consequence, India had adopted the ILO's tripartite principle (of coming together of government, business and labour) early on. In 1942, the Government of India set up a permanent Tripartite Labour Organisation, which included a committee on conventions to examine ILO standards. The Government also organized an Indian Labour Conference, named Tripartite National Labour Conference. The first Tripartite National Labour Conference was held on January 22 and 23, 1940, the second on January 27 and 28, 1941, and the third on January 30 and 31, 1942. Ambedkar, as a member holding the portfolio of labour in the Viceroy's Executive Council (1942-46), addressed the fourth Tripartite National Labour Conference on 7 August 1942 in New Delhi. It was during this conference that for the first time representatives of employers and employees were brought face-to-face within the ambit of a joint conference. It was at this conference and later that Ambedkar spoke both about the universality of labour legislation and labour's internationalism.

Ambedkar visited Dhanbad in December 1943 to enquire about the conditions of coal labourers. He visited several collieries himself and even went down to a 400 feet deep mine to see the conditions of coal cutter labourers. He closely watched the condition of female labourers and the amenities provided by the government and the colliery owner.

He also visited Koderma in April 1944 to see mica mines to understand the problems of mica labourers. Addressing the meeting of Mica Mines Council, he said, **"If sufficient wages will not be paid to labourer, no reform will be possible.** It is the duty of the Mica Company Owner to take steps for the upliftment of the living standards of the labourer." After these visits, Ambedkar argued that all industries should establish equal pay for equal work irrespective of sex. He advocated workers getting paid holiday. Later, on his recommendations, the following were implemented:

- A labour welfare fund was set up
- Working hours were reduced from 10 hours to 8 hours
- Female labourers were given maternity leave.

Addressing the fourth Tripartite National Labour Conference on 7 August 1942 in New Delhi, Ambedkar emphasised that one of the primary objectives of such conferences was to look for mechanisms to avoid the danger arising out of diversity in labour legislation. He believed that as long as the Government of India was a unitary government, uniformity in labour legislation was not difficult.

However, with the federal constitutional structure created after the enactment of the Government of India Act 1935, labour was placed in the concurrent legislative list and this generated the problem of uniformity. It was feared that in the absence of any central legislation, provinces might choose to make laws to suit their own interests. Thus, in the given conditions, it became important to curb this tendency and create an atmosphere among provincial governments to work for the principle of uniformity in labour legislation.

In a country as large as India, uniformity in labour legislation will always remain a matter of importance. With such wide administrative and provincial jurisdictions, it is utmost important that industrial disputes both over capital and labour should be solved with uniformity and sensibility. Setting up bodies at the centre alone would not work, as labour is much more concerned with provincial government. A body set up at the top would require to be supported from the bottom, and therefore provincial governments also need to set up similar bodies in their own provinces to deal with questions with which the central organisation deals.

Ambedkar believed that labour achieves security through legislation. It obtains the right to safety, care and attention, through the conditions of welfare enforced by the government upon the employers for the benefit of labour. But labour's security is not ensured merely with fair conditions of work. What labour wants is fair conditions of life, obtained through fair conditions of liberty, equality, and fraternity.

In the context of labour, he believed the three principles had the following definitions:

- Liberty, is not merely the negative conception of absence of restraint; it involves the idea of government by the people, not only in name, as in parliamentary democracy, but in fact as well. Liberty of labour means ensuring that the state ensures right to equal opportunity and provides the fullest facilities for growth to every individual according to his needs.
- Equality means the abolition of privileges of every kind in law, in the civil service, in the Army, in taxation, in trade and in industry: in fact the abolition of all processes which lead to inequality.
- Fraternity means unifying all classes and all nations.

Ambedkar strongly felt that nationalism was a serious opponents of labour. He did not want labour to idolize nationalism. He openly said that labour cannot accept nationalism as its creed, if it means worshipping the ancient past or discarding everything that is not local in origin and colour. Labour shall not allow itself to be cramped in a narrow jacket of local particularism. Labour must constantly insist upon renovating the life of people by being ever ready to borrow in order to repair, transform and recreate the body politic. If nationalism stands in the way of this rebuilding and reshaping of life, then labour must deny nationalism.

For Ambedkar, labour's creed was internationalism. It needs nationalism only because the "wheels of democracy—such as representative Parliaments, responsible Executive, constitutional conventions, etc.—work better in a community united by national sentiments." Labour cannot sacrifice what it regards as the most essential principles of life for nationalism.

Ambedkar remained in the Viceroy's Executive Council between July 1942 and June 1946. This period is known as a remarkable period in the history of labour welfare legislations in the country. It was under his leadership that the Government of India took keen interest in dealing with industrial problems and problems of labour welfare and undertook the responsibility of ensuring the right to prescribe fair wages and fair conditions of service. The standing committee, which was set up by him in 1942, met thrice in a year and in addition to discussing the Wartime Labour Legislation, also discussed issues such as the following:

- Hours of work;
- Earnings of labour;
- Dearness allowances;
- Rounding-off wage payments in view of shortage of small coins;
- Supply of essential food articles to labour;
- Consideration of a fair wage clause in government contracts;
- Appointment of labour officers in industrial undertakings; and
- Collection of statistics under the Industrial Statistics Act.

He was very critical of the fact that despite 12 years of the passing of the recommendations of the Royal Commission on Labour (which submitted its report in 1929), neither the employers had shown any willingness to recognise trade unions voluntarily, nor the provincial governments have acted to ensure that. He, therefore, moved the Indian Trade Unions (Amendment) Bill in November 1943 for:

- compelling employers to recognise trade unions
- making any attempt by any employer, of non-recognition of a trade union (which has observed all the conditions prescribed in this measure and which has therefore qualified itself for recognition), an offence punishable by law.

During his tenure, Ambedkar took steps to amend the Maternity Benefits Act and the Workmen Compensation Act of 1923. In 1944, Ambedkar initiated to amend the Factories Act of 1934 with several modifications. According to the modifications, all industries were required to provide washing facilities for workers (Section 19). Changes also took place in working hours (clause 2) and earned leave facilities. The modifications also clarified that the only condition required for a worker to claim seven days holiday was that the worker had worked for a period of 12 months in continuity. The Bill also provided for what should be considered as interruptions and declared certain interruptions, such as interruptions arising out of sickness, accident, authorized leave, lock-out period and a strike period, provided the strike is legal, valid for claiming as holidays with pay.

On holidays with pay for factory workers, Ambedkar opined that a worker is to be paid at a rate equivalent to the average of his earnings during the three preceding months barring overtime. He followed the British pattern of 48 hours of working hours per week and opposed the practice of 12 hours work in industry by workers.

He also moved the Payment of Wages (Amendment) Bill in November 1944. He was opposed to Section 5 of the Payment of Wages Act, which had classified factories into two categories:

- 1) Category No. 1: factories with workmen fewer than 1,000 and
- 2) Category No. 2: factories with workmen more than 1,000.

After making this division, the section provided that in the factories which fall into category No. 1, payment of wages must be made within 7 days, while in the case of the latter the limit of the period is prescribed to be 10 days.

He opposed this provision on the ground that the number of workmen was never a constant figure; it always changes. For instance, if the number of employees goes down by one, the category automatically shifts from No. 2 to No. 1. Similarly, if the number of employees is increased by one, category No. 1 goes into category No. 2.

He believed that this classification was discriminatory and also non-feasible administratively. Ambedkar recommended amendment in Section 5 to bring uniformity. Whether the factory was seasonal or perennial, every discharged workman was to be paid within 7 days after this amendment.

He also moved a Bill for protection of minimum wages in April 1946 and the same was enacted into law on 9 Feb 1948. He vehemently opposed the Industrial Employment (Standing Orders) Bill introduced in the Central Assembly in April 1946. But despite his opposition, the Bill was passed and came into force on 23 April 1946. During his period as a labour member, Ambedkar also invited V. V. Giri to head the commission on 'Forced labour'. But the commission could not be established because the Indian Princes protested to the Viceroy against the idea of such a commission.

12.4 LABOUR AND PARLIAMENTARY DEMOCRACY

Ambedkar's writings and speeches also make it clear that he did not have much hope of protection of labour's interest in the parliamentary system of democracy. Ambedkar felt that although there were good grounds for having high hopes in a parliamentary democracy, which has the legislature to express the voice of the people, the executive, subordinate to the legislature and bound to obey the legislature, and over and above all, the judiciary to control both and keep them within prescribed bounds, the reality was on the contrary.

Parliamentary democracy, he explained, has never been a government of the people, by the people, and for the people. Notwithstanding its characteristics, parliamentary democracy, in reality can only create a government of a hereditary subject class by a hereditary ruling class. And due to this, parliamentary democracy has failed in fulfilling the hopes of the common man of ensuring him liberty, right to property and pursuit of happiness.

According to Ambedkar, there were two main problems in parliamentary democracy.

- 1) The idea of freedom of contract, sanctified and upheld in the name of liberty. Parliamentary democracy took no notice of economic inequalities and did

not care to examine the result of freedom of contract on the parties to the contract, should they happen to be unequal. It did not mind if the freedom of contract gave the strong the opportunity to defraud the weak. The result is that parliamentary democracy in standing out as a protagonist of liberty has continuously added to the economic wrongs unto the poor, the downtrodden and the disinherited class.

- 2) Parliamentary democracy failed to realize that political democracy cannot succeed where there is no social and economic democracy. He believed that social and economic democracies are the tissues and the fibre of a political democracy. The tougher the tissues and the fibre, the stronger is its body. Democracy means equality, but parliamentary democracy has developed a passion for liberty over equality. It has failed to realize the significance of equality, and does not even endeavour to strike a balance between liberty and equality. It is due to this that liberty has swallowed equality and has left a progeny of inequities in parliamentary democracies.

Delivering a speech at the concluding session of the All-India Trade Union workers' study camp held in Delhi in September 1943 under the auspices of the Indian Federation of Labour, he warned the labourers that if they wanted to live under a system of parliamentary democracy, which was being negotiated in India at that time, then it must devise the best possible means to turn it to their benefit. He also warned the workers that establishment of trade unions should not be their ultimate aim. The ultimate aim shall be to put labour in charge of government. And for that, Ambedkar suggested that the labourers must organize a Labour Party as a political party. This no doubt will cover trade unions, but it must look beyond the narrow and cramping vision of trade unionism. It must equally dissociate itself from communal or capitalistic political parties.

In parliamentary democracy, it is necessary to form the Labour Party to take forward the interests of the working class. A government formed only by labour as a separate political organisation will serve labour's interest. He also made it clear that the character of such a government cannot be of laissez faire. It will be a government which must be based on a system of controls. A system of controls needs a far greater degree of knowledge and training than a laissez faire government does.

12.5 AMBEDKAR'S VIEW ON LABOUR AND CASTE

Ambedkar had keenly studied the Indian society and therefore, saw a link between caste and labour in the following ways:

- Caste divides labourers
- Caste disassociates work from interest
- Caste disconnects intelligence from manual labour
- Caste devitalizes the labourer by denying him the right to cultivate vital interest and
- Caste prevents mobilization.

He did not agree with those who claimed that the caste system, a peculiar feature of the Indian subcontinent, was a form of division of labour. Civilized society

undoubtedly needs division of labour. But in no civilized society is the division of labour accompanied by this unnatural division of labourers into watertight compartments. For Ambedkar, caste was division of labourers authorized and perpetuated by Hindu social order. In fact, it was not merely a division of labourers - it was a hierarchy in which these divisions were graded one above the other. In no other country is the division of labour accompanied by this gradation of labourers.

Division of labour is based on individual's choice, but the division of labourers brought about by the caste system is not a division based on choice. Individual sentiments and preferences have no place in it. It is based on the dogma of predestination. This division of labour is not spontaneous; it is not based on natural attitude. Social and individual efficiency requires us to develop the capacity of an individual to the point of competency to choose and to make one's own career. This principle is violated in the caste system, in so far as it involves an attempt to appoint tasks to individuals in advance - selected not on the basis of trained original capacities, but on that of the social status of the parents.

For Ambedkar, the Hindu social order was based upon such a division of labourers that reserves clean and respectable jobs for the Hindus and assigns dirty and mean jobs to the Untouchables, thereby clothing the Hindus with dignity and attaching humiliation and embarrassment upon the Untouchables. Such occupations make no appeal to those who are engaged in them. It rather constantly provokes one to aversion, ill will, and the desire to evade. Caste system was not only "graded inequality" but it is also graded labourers inequality which perpetuated untouchability.

Thus, according to Ambedkar, there were two enemies of the working classes in India - Brahmanism and capitalism. By Brahmanism, he did not mean the power, privileges and interests of Brahmans as a community. He actually indicated towards the negation of the spirit of liberty, equality and fraternity that we have discussed in the earlier section. Thus, according to Ambedkar, Brahmanism was rampant in all classes and was not confined to Brahmans alone though they have been its originators. The effects of Brahmanism were confined not only to social rights such as inter-dining and inter-marrying; it denied civic rights and economic opportunities to the working classes.

12.6 LET US SUM UP

In this unit you have learned about Ambedkar's views on economic development, planning, and state and his thought on labour and labour legislation. Bhim Rao Ambedkar's life was a struggle to alter the course of Indian history through social and economic democracy. He was deeply concerned over economic and social exploitation of depressed classes, particularly the working class. He therefore took keen interest in understanding the issues of labour. He not only challenged the existing theoretical explanations, but also provided many solutions for the problems of labour. He was the only Indian to begin an independent political organisation of labour and was very successful in his experiment.

In his short spell as member of the Viceroy's Executive Council (July 1942 - June 1946), he undertook major steps towards protecting the interests of the labour and made this period a remarkable period in the history of labour welfare legislations. He ensured that the government takes the responsibility of ensuring

the right to prescribe fair wages and fair conditions of service. His contribution towards various labour issues was immense. Some of the important Acts he contributed to were the following:

- The Indian Trade Union Act
- The Maternity Benefits Act
- The Workmen Compensation Act
- The Factories Act
- The Payment of Wages Act
- The Protection of Minimum Wages Act.

However, due to the peculiarity of the Indian subcontinent where the religious and social order sanctified the division of labourer instead of the division of labour, Ambedkar had to change his course to address the issue of caste in his later years. This was one of the reasons that the Independent Labour Party made way for the Scheduled Castes Federation (SCF) in the 1940s.

12.7 QUESTIONS TO CHECK YOUR PROGRESS

- 1) Explain the relationship between Ambedkar's idea of development and labour.
- 2) Why did Ambedkar press upon the universality of labour legislation?
- 3) What according to Ambedkar were the challenges for labour in a parliamentary democracy?
- 4) What does Ambedkar mean by caste as division of labourers?
- 5) What do you understand by caste system in India? What were Ambedkar's views on the Indian caste system?

SUGGESTED READINGS

Moon, Vasant. Dr. Babasaheb Ambedkar: Writings and Speeches, ed. vol. 10. Bombay: Government of Maharashtra.

Omvedt, Gail. Dalits and the Democratic Revolution: Dr Ambedkar and the Dalit Movement in Colonial India. New Delhi: Sage Publication, 1994.

Thorat, S K. Ambedkar's Contribution to Water Resource Development. New Delhi: Central Water Commission, 1993.

Thorat, S K. "B R Ambedkar's Thoughts of Economic Developmet", in Manu Bhagwan and Anne Feldhaus (Eds.), Claiming Power from Below: Dalits and the Subaltern Question in India. New Delhi: Oxford University Press. 2008.