



Labour Ministers, State and the Prism of Law, 1942-52¹

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I Introduction

In the decade spanning 1942-52, labour was represented consecutively by Ministers whose social origins lay in Dalit labouring castes. Dr. B. R. Ambedkar, from the Mahar caste, was the Labour Member of the Governor General's Executive Council from 1942 to 1946 and Jagjivan Ram, from the Chamar caste, served as Labour Minister from 1946 to 1952. They shared an interest in the mobilisation of Dalits and labouring classes in 1930s but differed radically in their political outlook. Ambedkar joined the Viceroy's Executive Council as Labour Member when the Quit India Movement was launched. Unlike Ambedkar, Ram conducted his politics by remaining within the "national mainstream" of the Congress. This decade is a productive historical conjuncture to study the labour department and its approach to the idea of law against the backdrop of the war and post-war economy. The Indian Labour Department passed and enacted an enormous number of labour legislations during this period.

In the context of exigencies of the Second World War and subsequent transformations in the economy, labour as a category gained huge administrative attention within the State. By 1942, the Labour Department was no longer an



appendix either of the Commerce or the Industries Departments. It was established as a separate department and was expanded as well. A pamphlet, "The Ministry of Labour: Organisations and Functions" issued in 1950 by the Labour department noted, 'With the outbreak of the Second World War the need for creating an adequate and contented labour force was increasingly felt in order to ensure maximum production and the Central Government stepped in and assumed wide powers of controlling and regulating the work and welfare of industrial labour' (Ministry of Labour 1950: 2).

The context of the war, growing industrial unrest, the Quit India movement, provincial autonomy, partition of British India, constitutional developments and shifts in the relations between India and Britain provided a backdrop for discussions in the Labour department, particularly on legislations. Against the backdrop of the war and massive retrenchment and strikes, more than 40 Central labour legislations in the form of Acts, Amendments to Acts and Ordinances as well as numerous provincial labour legislations were passed and enacted. Not only were several national and regional level conferences conducted and many committees established to look into matters of labour in the course of this decade, but also the administrative apparatus of the labour department was massively expanded.

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The article focuses on two periods- that of the Second World War and the post-war period. The workings of tripartite mechanisms and the invocations of law in both these periods will be discussed. An account of the establishment of the tripartite mechanism will show the overwhelming role the government envisaged for itself and the proportion of space occupied by state representatives in regulating industrial relations. This, as the article will demonstrate, cleared the path for state-initiated institutionalisation of labour during this decade. With such a machinery in place, there was a turn to invoking different aspects of law by the Labour Ministers. I shall discuss in detail the language of law being used by these ministers in mobilising labour during the war and post-war period. At one end, while law was seen as enabling new conditions of labour, on the other hand it could also take the form of a repressive mechanism in curbing "industrial unrest" and ensuring "industrial peace".

II War, labour and law

Tripartism: a collaborative mechanism

Tripartism was deployed as a strategy by the Labour Department to see labour as collaborative with industry and the state. Tripartism started at the level of the Indian Labour Conference and expanded at the level of industry in constituting



mechanisms for building "industrial peace". Uniformity in labour legislation and settlement of industrial disputes were the key aims of the tripartite conferences.

A permanent tripartite organisation consisting of the representatives of the Government of India (GOI), employers and employees was established in India during the war period. The tripartite body included the Labour Member of the GOI and representatives from the provinces and states, employees' representatives from the all India organisation of organised industrial labour such as the All India Trade Union Congress (AITUC) and the Indian Federation of Labour (IFL), employers' representatives from the Employer's Federation of India and All India Organisation of Industrial Employers, a few nominated members, and advisers and representatives of "other workers". The delegates of the "other workers" nominated by the government were supposed to include labour interests not adequately represented within the two All-India labour organisations—AITUC and IFL.

In the first tripartite Labour Conference, Ambedkar said,

Although the idea of such a tripartite organisation was there it is doubtful if it would have taken concrete shape so quickly if the war had not made the maintenance of labour morale an urgent and immediate necessity. The war has hastened the implementation of the Tripartite Organization in another way. Under the stress of the war the Government of India was called upon in increasing degree to deal with industrial problems and problems of labour welfare [...]. (Indian Labour Gazette [hereafter ILG] 1/4 1943: 77)

Ambedkar thought it possible for labour to collaborate with the industry and the state rather than being confrontational or antagonistic. Within this tripartite model, the government possessed enormous power such as being solely responsible for fixing the agenda of the conference. It also appointed the Standing Labour Committee, another tripartite organ, to function as an "agent" of the conference. It could only meet when convened by the central government and only examine issues referred to it by the Labour Conference or the Central government. By 1944, a new tripartite body called the Labour Welfare Committee was constituted to engage with issues relating to labour welfare, administration of the labour laws in individual industries or local areas and make recommendations to the government.

The implementation of tripartism necessitated an organised collection of statistics. In 1942, the same year when tripartism was firmly established, the Government of India also passed the *Industrial Statistics Act* which called for a systematic collection and documentation of statistics about labour and laboring conditions in factories and provided penalties for refusal or neglect in submitting information or disclosing wrong information. The *Industrial Statistics Act 1942* also



conferred powers on the Statistics authority to call for relevant records and documents and to enter at any reasonable time any premises wherein such records and documents were kept. The Labour Department further considered setting up necessary machinery for research and collection of information on labour and allied questions.

State intervention through tripartism also made its way into the intensification of the machinery of factory inspectorate and training courses for the same were organised in India and Britain. Training in Personnel management was given to the Government Labour Officers. Moreover, attention was drawn during the training of the Personnel managers and welfare officers to the mental and psychological conditions of workers by the end of the war. The Labour Department proposed to send officers to the headquarters of the Ministry of Labour and other centres in the UK to gain experience and training in dealing with problems of labour administration, industrial relations, factory inspection, labour welfare, wage regulations and inspection, employment exchange, demobilisation and resettlement.

At the end of the War, Ambedkar argued for expanding and strengthening the tripartite model and reiterated that it should be given a permanent place. In the inaugural address to the conference of the newly-constituted Industrial Relations Machinery of the Government of India held on 6 and 7 December, 1945 at Bombay, Ambedkar argued:

Industrial peace based on social justice is a hopeful proposition. This involves a triangular approach which must start by recognising (1) on the part of the workers, the duty to work which is the same as elimination of shirking; (2) on the part of the employers to pay reasonable wage which is the same as elimination of exploitation and to provide comfortable conditions of work—which is another name for labour welfare, (3) the duty on the part of the State and Society to realize that the maintenance of proper industrial relations is a public affair and is not a mere matter of contract between the employer and the employee. (ILG 3/8 1946: 238).

Tripartism was thus seen as an administrative solution for the maintenance of "industrial peace" in order to ensure continuous production in the industries. Ambedkar emphasised the necessity of instituting a tripartite labour conference in each province consisting of the representatives of Government, employers and employees similar to the organisation set up by the central government. He considered this a 'powerful machinery for ensuring industrial peace' (ibid.: 239).

The constitution and functioning of this state-led tripartite model served three purposes for the state. First, the tripartite conference was a safeguard for the state



to engage with certain kinds of labour and employers relevant for production in the war economy. This was an attempt to make visible selected work areas for administrative and legislative attention by the state and also strengthen unions representing organised formally regulated workforce. Workers in organised industrial establishments constituted only a very small minority in India. Since representation was confined to the most representative organisation of employers and employees under this tripartite model, it excluded agricultural, cottage industry workers, a majority of whom were Dalits and women a not sufficiently organised section of workers to secure a direct representation at this conference. Second, tripartism in industrial relations machinery sought to make the role of the state crucial to the regulation of conditions of employment. Third, tripartite bodies worked towards mobilising labour for war production by deploying the narrative of the opportunities opened up by the war for labour in India. Having learnt its lessons from the broad-based strike movement during the First World War, the colonial government used tripartism not only to serve as a collaborative mechanism but also to alert the state to prepare itself for the post-war crises.

War as opportunity and the hope in law

237 This section will demonstrate Ambedkar's narrative of war as an opportunity for labour and his hope in law against the backdrop of the war and the need for increasing industrial production. The change in the language of Ambedkar's politics by the turn of the 1940s has been noted by both Gail Omvedt and Anupama Rao, but within the frame of seeing Ambedkar as a Dalit politician.² His role as a Labour Member in the Executive Council is either mentioned as one of the many "contributions" of Ambedkar in 1940s or as a culmination of his politics in what Omvedt calls "radical years" of 1930s. In 1940s, Omvedt says, 'the class radicalism of the ILP (Independent Labour Party) had been given up, the national scope of the SCF (All India Scheduled Castes Federation) indicated a new stage of the Dalit movement in India as a whole' (Omvedt 2004: 106). Omvedt in her biography of Ambedkar mentions the changes in his economic orientation in the manifesto of the AISC. She underlines that the 1940s was the time when Ambedkar's economic thrust underwent a major change. The notion of state-guided development, oriented to industrialisation, was taking precedence. Through an analysis of state intervention and the hope reposed in law by Ambedkar, this section adds to the discussion on shifts in his economic thinking in 1940s. The focus on him as solely a Dalit politician in the context of 1940s poses the danger of his isolation from the historical context of the war and post-war economy when he was also a Labour Minister. I shall discuss in this section how the ameliorative, enabling and



controlling aspects of law were foregrounded at different moments to ensure peaceful wartime production during Ambedkar's tenure.

For Ambedkar, the Second World War revealed the possibilities for both expansion of industries and protection of labour. He said, 'This war is full of potentialities for good. It promises to give birth to a New Order' (*Dr. Babasaheb Ambedkar, Writings and Speeches* (Hereafter BAWS), vol. 10: 42). I discuss his conceptualisation of the possibilities offered by the War for exit from unskilled manual labour. My focus here is on the emphasis placed on the "protection" of labor, which was central to Ambedkar's narrative while mobilising labour for wartime production. In his broadcast from the Bombay station of All India Radio on "Why Indian Labour is determined to win this War", Ambedkar said, 'Labour is aware that the only compensation for the cost of this war is the establishment of a New Order in which liberty, equality, and fraternity will not be mere slogans but will become facts of life' (ibid.: 36). In the context of the massive opposition to the war-effort by the Congress, Ambedkar mobilised industrial labour for wartime production by promising the security that legislation would provide. This implied the '[...] right to safety, care and attention, through the conditions of welfare [...] enforced by the Central Government upon the Employers for the benefit of Labour' (ibid.: 37).

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It was not only the legislative security but also attainment of labour's conception of liberty, equality and fraternity which was central to Ambedkar's narrative during the war. He said,

Labour wants liberty [...] Labour's conception of liberty [...] involves the idea of Government by the people [...] Labour wants Government which is Government by the people in name as well as in fact. Secondly, liberty as conceived by Labour includes the right to equal opportunity and the duty of the State to provide the fullest facilities for growth to every individual according to his needs. Labour wants equality. By equality Labour means 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. Labour wants fraternity. By fraternity it means an all-pervading sense of human brotherhood, unifying all classes and all nations, with "peace on earth and goodwill towards man" as its motto. (BAWS: 37)

He argued that these ideals constitute 'the New Order' (ibid.: 37f.) which can be established only with support for the war. He called this 'New Order' as the 'ideal of labour' (ibid.: 39f.) and hence more emphasis should be on 'New India—and less on "Quit India"' (ibid.: 41). 'The appeal of a New India with a New Order', Ambedkar argued, 'is bound to be greater than the appeal of independence' (ibid.: 41). He



said, 'This war besides being a war is also a revolution—a revolution which demands a fundamental change in the terms of associated life—a replanning of the society. In this sense it is a people's war, and if it is not, it could and should be made into a people's war' (ibid.: 42).

Furthermore, Ambedkar argued in the Central Legislative Assembly in support of 'a new orientation with regard to the attitude of Government in respect of labour' (Legislative Assembly Debates (Central) [hereafter LAD] 1944: 1191). He said, '[...] the conditions of labour in India are largely governed by the industrial development of this country over which this Government has hardly any control, and therefore it is of no use laying any accusation at the Government of India if conditions are really unsatisfactory' (ibid.: 1187). Regarding labour problems in which there were no disputes between the parties concerned and which raised no financial consequences, Ambedkar said, 'I have no hesitation in saying that in all such cases, where there has been perfect unanimity or an approximation to unanimity, and where there has not been the involving of any financial burdens, the Government of India has acted with all the promptitude that is due from it' (LAD 1944: 1187).

Ambedkar argued that although war-time legislations had the effect of restricting liberties of labour, in many ways it had equalised the conditions of labour. He said:

The Government of India for the first time has taken upon itself the responsibility which it never did before of fixing the conditions on which a labourer may be employed. I think this is altogether a new principle which had no place in our labour legislation so far, and I am sure that this principle which has found its place in wartime legislation will be given a permanent place in the labour legislation of this country. The second important principle which this wartime labour legislation contains is the principle of compulsory arbitration [...] I have some personal experience of labour. *I have known and seen the wasting efforts that labourers have made by going on strike in order to obtain certain advantages from their employers [...] the provision contained in Rule 81 of the Defence of India Rules, which gives the Government the power of compulsory arbitration, has been to my mind a matter of the greatest benefit to labour.* (BAWS: 151, emphasis added)

For Ambedkar, 'three things were necessary to mitigate or prevent industrial disorder, namely, a machinery for conciliation; secondly, an amendment of the Trade Disputes Act; and thirdly, minimum wage legislation' (Keer 1971: 374). The enabling potentials of law along with its controlling aspects were thus deployed by him in ensuring continuous production in the wartime industries.



Both regulation and subsequent "protection" of labour by law at a time of war were means to build "industrial peace". In the Joint Labour Conference in August 1942, Ambedkar argued,

The present war is a war of supplies and supplies depend upon peace in industry [...] Peace in industry depends upon two things. In the first place, it depends upon the existence of the machinery ready at hand for the quick settlement of industrial disputes. Secondly, it depends upon the prompt removal of all such conditions in industry which may fray tempers and bring about a deterioration in the morale of people engaged in it. (BAWS: 14f.)

The discussion on "labour morale" predominated not only the official discourse in the Labour Department but also the workers organisations. In a letter to the Department of Labour, the AITUC 'advised the workers not to be panicky' (File No. 21/39/42- Poll (I), Home (Political), Labour Department Orders Regarding Resources for the Maintenance for Morale among the Labour in the Events of Enemy Action).

Against the backdrop of massive mobilisation for wartime production, employment in Government and local fund perennial factories such as clothing, dockyards, engineering, mints, railways, telegraphs, ordnance etc. increased vastly. Industries under private management expanded as well, such as textiles, engineering, minerals & metals, food, drink & tobacco, chemical and dyes, paper & printing, wood, stone & glass, hides & skins. The total employment in factories increased from about 17.5 lakhs to 26.4 lakhs or by 50.9 per cent between 1939-45. Industrial expansion was maximum in sectors in which war effort was greatest such as textiles, engineering, chemicals and dyes factories, hides and skins etc.

The opportunities for work expanded but not commensurate facilities. The social welfare measures or labour welfare measures for women for instance were not protected as firmly. As the Indian Labour Gazette noted, no uniform policy was adopted regarding working conditions of women in wartime industries. Since the Central undertakings were not regulated by the *Factories Act*, the provision of maternity benefit was not applicable to these undertakings. 'The women workers therefore lost continuity of service and ran the risk of losing their jobs at the time of maternity' (ILG 4/2 1946: 42). It further says,

Special provision for women workers like creches, maternity benefit payment and separate arrangement at canteens, rest-rooms and work-places was by no means common. The lack of uniformity and regularity in such provision was due to their adoption as voluntary measures by the depots. Naturally, only those depots which employed women in considerable number felt the need to



arrange for them. But others with a small number of women workers could not help over-looking the special requirements of their women employees. (ibid.: 43)

There was a gap between the rhetoric in terms of what the war provided as opportunity for new ideas of "equality" and "fraternity" and what actually transpired. As Indivar Kamtekar shows us 'while the condition of the British working class improved, the condition of the Indian working class deteriorated' during the war (Kamtekar 2002: 210). The further discussion in this section will show how the massive powers of the state regulated the lives of labour through ordinances and legislations against the backdrop of the war.

In the inaugural address to the conference of the newly constituted Industrial Relations Machinery of the GOI held at Bombay on 6 and 7 December 1945, at the backdrop of industrial unrest in the country, Ambedkar said:

There are three possibilities of maintaining industrial peace. First, to build it on the basis of law; second to build it on the basis of power; and thirdly on the basis of social justice [...] Industrial peace on the basis of power is impossible [...] Industrial peace based on law is possible. It is possible only because anything can be brought under law, anything can be made legal, anything can be made illegal [...] Industrial peace based on law is possible, but not certain. (ILG 3/8 1946: 238)

While emphasising wartime production, Ambedkar expressed hope in the institution of the state and looked for legal and administrative "solutions" to labour problems through state intervention. The "solution" inclined towards producing labour as a legal category. The predicaments of the Central Government in matters associated with legislations and the context of the War were central during discussions in the Labour Department. Ambedkar argued that 'a large part of the labour legislation is within the authority and jurisdiction of the provinces. It is they who are in a position to make labour laws. The authority of the central Government is found in what is called the concurrent piece of legislation' (B.R. Ambedkar Papers 1944: Reel No. 2922). Relief for involuntary unemployment of workers due to shortage of coal, raw materials etc., "fair wage clause", statutory wage control for creation of machinery for the regulation of wages, dearness allowance, setting up of workers canteens in industrial concerns with rationed foodstuff, housing for industrial workers and other measures for labour welfare were discussed during the tripartite labour conferences.³ Furthermore, a Labour Investigation Committee was formed in 1944 for the purpose of investigation to look into the questions of wages, employment, housing and social conditions of labour.



By the end of the war, Ambedkar's attention was inclined towards improvement in quality of employment of the workers. In his address at the Indian Labour conference after the end of the War in December 1945, Ambedkar '[...] struck a balance sheet of the State's obligations to labour and urged legislation for raising Indian labour standards to the international level' (ILG 3/6 1945: 169). He emphasised upon the necessity for a reduction in the working hours to make provisions for employment of greater numbers, minimum wage legislation to prevent deterioration of labour standards and the recognition of Trade Unions, for a smooth transition from war to peace. The 'problems of peace' (ibid.) soon came to haunt the Labour Department, with massive strikes being organised in all industries across India. At the dawn of the "post-war crisis", the Labour Department passed a series of labour legislations. These included the *Factories (Amendment) Act, 1945*, the *Mines Maternity Benefit (Amendment) Act, 1945*, the *War Injuries (Amendment) Ordinance 1946*, *Bihar Maternity Benefit Act* etc.

Against the backdrop of the exigencies of the war, labour, capital and the state could not be opposed to one another rather for Ambedkar they bore mutual responsibility towards one another. The duty of the state during the War lay in prescribing "fair wages" and "fair conditions of service", resolving the disputes between employers and employees and ensuring "welfare" of labour. However, as the following details will show, there was massive state regulation of labour from recruitment to wages to working conditions and discharge of workers during war-time which demonstrates the repressive aspect of law.

More than 200 Ordinances were promulgated by the Governor General and more than 100 were in force during the war period. Support for the war also meant acceptance of the regulations under these ordinances, many of which imposed restrictions on the rights of the workers to leave their job. The Indian Labour Gazettes give a detailed picture of these ordinances. The National Service (Technical Personnel) Ordinance, 1940 was passed to control the employment and distribution of technical personnel to enable their maximum utilisation for wartime production. Under this Ordinance, the Central government could declare or recognise any factory as a "notified" factory and determine the terms of service and work conditions of the employees for wartime production. Second, the Essential Services (Maintenance) Ordinance, 1941 made abandonment of employment of all kinds under the Crown considered 'essential for public safety, efficient prosecution of the war or maintaining supplies or services necessary to the life of the community' (ILG 1/4 1943: 87f.) an offence. Labour Commissioners and District Magistrates in a few provinces were empowered to regulate wages and conditions of service. A number of officers were authorised to prohibit any person engaged in



an employment to which the Ordinance applies from departing out of any area specified in the order.

The Railway (Hours of Employment) Ordinance 1942 empowered the Central government to suspend the rules relating to the maximum numbers of hours of work permitted under the *Indian Railways Act*. An amendment of the Defence of India Rules prohibited strikes and lockouts in industrial concerns and provided for reference of the disputes to adjudication. An amendment was made further '[...] empowering the Government to direct that troops shall be employed in any undertaking which in the opinion of the Government is engaged in any trade or business essential to the life of the community' (ibid.: 88). Furthermore, 'an amendment to the Defence of India Rules empowered any officer of Government, authorised in this behalf by either the Central or the Provincial Government to requisition services of any male person within a specified area for work on land in connection with war operations, and to fix up remuneration for the same' (ibid.). Refusal to work was punishable with imprisonment for a term which may extend to six months or fine or both. Refusal to the order for making lighting arrangements in factories was punishable with imprisonment for a term which may extend to one year or with both. In 1944, the Central government issued a Labour Recruitment Control Order which regulated the recruitment of labour from the "controlled districts" (specified by the Government) for works outside such areas. This account thus tells us a different story from ensuring "labour welfare" and the claims of opportunities of new ideas of liberty, equality and fraternity provided by the war for labour.

III Truce, labour and law

Tripartism reinforced

Tripartism as a strategy was not only reinforced but was also expanded during the post-independence period. As during the period of the war, heavy investment in labour matters continued in its aftermath as well. The increased bureaucratic attention to labour issues is reflected in the proposals for increases in the number of railway inspectors, factory inspectors, conciliation officers etc. Apart from the organisation of conferences and committees and the expansion of administrative apparatus of the labour department, the scope and functions of the tripartite machinery were also extended. Tripartite committees for coal, cotton, textiles and plantations were set up. The most important characteristic of the tripartite machinery was that it was crucial to the implementation of the Industrial Truce Resolution.⁴ This Resolution called upon labour and the management to maintain



industrial peace and avert strikes, lock-outs and slowing down of production for a period of three years and for the management to ensure '[...]fair wages to labour, fair return on capital employed in the industry, and reasonable reserves for the maintenance and expansion of the undertaking' (ILG 5/7 1948: 441). The composition of the Indian Labour Conference and the Standing Labour Committee were revised as a result of the Partition and changes in the relative strength of the trade union organisations. The representatives of the employers were from the All India organization of Industrial Employers and the Employers' Federation of India and those of the employees from the All India Trade Union Congress and the Indian National Trade Union Congress, Indian Federation of Labour and then there were few independent members not embraced by the employers and employees' bodies and nominated by the GOI.

The scale of tripartism also expanded in the post-war period. The Tripartite machinery was set up at various levels—central, regional and unit committees with the responsibilities of implementing the Industrial Truce Resolution. Reiterating his faith in the tripartite machinery in a press statement on 18th March 1948, Jagjivan Ram said,

The prevailing industrial discontent in the country reflects to a large extent the conflict of ideologies, which is further evidenced in the multiplicity of central labour organizations operating in the country. The policy of the Ministry of Labour is to steer clear of ideological conflicts. We are not slaves to any ideologies, but are prepared to consider any practical steps for the betterment of the worker. We are pinning our faith on the tripartite machinery in India and the tripartite machinery of the ILO to achieve our objectives. (ILG 5/10 1948: 678)

In order to deal with the "prevailing industrial discontent", various Central and regional Tripartite committees were set up for the study and determination of fair wages and conditions of labour and fair remuneration for capital. A Labour Bureau was established in 1946. It was responsible for collection and compilation of statistics under various Labour Acts, conducting research on labour matters for the formulation of policies by the government, publication of labour gazette, labour year books, monographs relating to labour matters etc. Thus, a systematic collection of information on labour matters was carried out by the state in the process of setting up the machinery of tripartism.

Furthermore, an experiment in profit-sharing was proposed to bring "industrial peace", increase production and make labour a partner of the industry. In the wake of acceptance of the Industrial Truce Resolution, the GOI decided to appoint a



Central Advisory Council responsible for recommending principles for the determination of labour's share of surplus profits. Accordingly a Committee on Profit Sharing was set up for undertaking a preliminary expert study of the subject. The Central Advisory Council at its meeting held at Lucknow from 19 to 21 November 1948, decided to appoint a Committee with representatives from the government, employers and employees to report on the question of the principles of "fair wages" and the statutory machinery for their enforcement.

A series of committees and sub-committees and boards were then set up by the state over a period of time to regulate industrial relations. It was proposed that the Central Advisory Council cover the entire field of industry and also have committees for each major industry. The sub-committees under it would deal with questions such as industrial production, industrial relations, wage fixation, and distribution of profits. Similar was the set-up proposed for the provincial Advisory Boards. Below the Provincial Committees were the Works Committees and the Production Committees attached to each major industrial establishment. In order to ensure increase in industrial production and seek advice on specific questions relating to industry from the representatives of the major industries, a Central Advisory Council of Industries was constituted in 1948. Furthermore, as per the ILO model, tripartite industrial committees were organised in industries such as coal, cotton textiles, jute, plantations, and engineering to discuss questions like wages, conditions of service, etc. through collective agreements or with legislative authority. In 1952, the Government of India set up a Joint Consultative Board of Industry and Labour for promoting further partnership between them and examine questions such as productive efficiency of industrial unit, association of workers with management, training of retrenched workers in industries and other issues relating to industrial relations.

This massive expansion in the scope and functions of the tripartite bodies went hand in hand with the increase in inspection by the state. This, first of all, required trained personnel at various levels. Chief advisors of factories were appointed to conduct periodically intensive training courses for initiating young inspectors in the fundamentals of factory inspection and welfare work and sharing practical knowledge and experience gained from the former's work in the Inspectorate. Labour welfare officers were trained in academic institutions in India and in the UK in subjects such as factory inspection, wage inspection, industrial relations and the working of Trade Unions. India was one of the first countries to ratify the ILO's Convention on Labour Inspection in industry. Since then the strengthening and expansion of the machinery of factory inspection was a constant focus in the Labour Department. The preparatory conference on labour inspection in Asian countries



convened by the ILO in 1948 discussed recruitment and training of labour inspectors, employment of women in labour inspection services, role of the inspectorate in the enforcement of measures intended to ameliorate working and living conditions, standardisation of the collection and publication of information obtained by labour inspectors in the various countries. Subsequently, the Asian Regional Conference of the ILO held in January 1950 adopted resolutions on the issue of Labour Inspection in Asia. The ILO Asian Seminar on Labour Inspection was held in Calcutta in February, 1952.

Furthermore, the discourse on labour also began to gradually move from a focus on the "efficiency of the worker" to "management" of labour. 'This change of shift from machine to man has given a rude shock to persons harbouring the idea that working men and women are essentially a commodity to be bought and sold [...]. If the human factor is so very important, the job of dealing with it must be delegated to a specialist well versed in the science of labour management,' wrote R. G. Gokhale, Labour Officer, Millowners' Association (ILG 5/ 1947: 349). He suggested that an Institute of Labour Management be established on an all-India basis for '[...] the encouragement and proper development of scientific labour management in India' (ibid.: 349). The institute was expected to train those who wished to go into the professions of labour officers and welfare supervisors.

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The post-war tenure in the Labour Department, though was under a Minister with a political ideology that diverged from his predecessor, the vocabulary used in their approach to labour question was in many ways similar. This huge bureaucratic and industrial relations machinery in the post-war period with the tripartite model inherited from wartime and Tripartism as a principle of the industrial relations was reinforced under the tenure of Jagjivan Ram. Ravi Ahuja has argued that Ambedkar's three principles—labourer's obligation to work, the employer's obligation to pay reasonable wages and provide labour welfare and the State's obligation to regulate industrial relations—'were articulated, through the conflicts of the post-war crisis, in a specific corporatist form that emphasized the powers of the State' (Ahuja 2016).

Strikes and the turn to law

The massive retrenchment of workers in the post-war period was one of the main causes of the industrial disputes apart from demands by workers for increase in wages, payment of bonuses and continuation of Dearness Allowance. This accounted for a tremendous rise in the number of strikes and lock-outs in this decade. Ravi Ahuja brings our attention to the fact that 'the significance of the strike movement



of the late 1940s [...] lay in its increased range, not so much in its intensity' (Ahuja 2016). The dynamics of the massive strike movement across regions and diverse occupational groups ranging from industrial workers to municipal workers to white collar workers has been studied in great detail by Ahuja (Ahuja 2016). There was a considerable fall in employment across regions particularly in the government-owned factories. Four hundred thousand out of 2.6 million or about 15 per cent of all factory workers were made redundant between 1945 and 1947 (cit. in Ahuja 2016).

With huge bureaucratic infrastructure and documentation in place, the turn to law was a consequence of the strikes during this decade. While Ambedkar mobilised labour on the ground that 'Labour's creed is internationalism' (BAWS: 41), it was nationalism and 'the call of Mother India' (Speeches & Writings of Jaggivan Ram (hereafter SWJR) 1966: 138) which were the registers for post-war mobilisation of labour by Ram. The turn to disciplining labour through law was central to Ram's narrative as a Minister. Furthermore, production itself was given different meanings in the post-independence period. In a talk broadcast from New Delhi on 18 January 1948 in the series "Produce or Perish", Nehru said, 'We want a stream of wealth pouring out from our fields, factories and workshops and reaching our country's millions, so that ultimately we might be able to see India fulfill our dreams' (ILG 5/8 1948: 553). He further flagged the many meanings of production when he said, 'Production means hard work, unremitting labour; production means no stoppages of work or strikes or lockouts' (ibid.: 553).

The disciplining aspect of law was deployed with the language of nationalism by Jaggivan Ram. In his talk "Maintenance of Industrial Peace" broadcasted in 1948, he said:

He who shirks or grumbles, or otherwise obstructs the programme of essential economic development – be he a capitalist, labourer or public servant – is by common consent a traitor to the country [...] Our national goal cannot be reached unless capital and labour cooperate, in a spirit of mutual goodwill for without such co-operation, hopes of any real and substantial increase in output will be illusory. (ILG 5/10 1948: 710)

For such a "cooperation" and "peace" within the industry, he formulated a "Five Year Labour Programme" of legislative and administrative measures which pertained to wages, regulations and improvement of working conditions, recruitment and terms of office, social security measures, welfare work, housing, industrial relations. Furthermore, an enquiry into the earnings of agricultural workers was proposed. The legislative approach to dealing with strikes through



state intervention at various levels for mobilising production could be seen in the massive legislative measures enacted during his tenure. These include *Industrial Disputes Act, 1947*, the *Indian Trade Unions (Amendment) Act, 1947*, the *Factories Act, 1948*, the *Minimum Wages Act, 1948*, the *Employees' State Insurance Act, 1948*, the *Coal Mines Provident Fund and Bonus Scheme Act, 1948*, the *Plantations Labour Act, 1951*, the *Employees' Provident Funds Act, 1952*, the *Indian Mines Act, 1952* and many other central and provincial labour legislations.

The disciplinary and controlling aspects of law as a response to the strikes during the post-war period could be seen in Ram's approach to the question of industrial disputes. Industrial Disputes were the key focus of the post-war Labour Department. In the Indian Labour Conference in 1947, he said, 'a strike in an important industry is not merely a dispute between an employer and a worker, but involves a stoppage of production which causes serious inconvenience to the community [...]' (ILG 4/12 1947: 608). A striking parallel could be seen here with Ambedkar's approach to strikes in industries as a Labour Minister. The Rule 81A which empowered the central government to refer industrial disputes to adjudicators and to enforce their awards, was supposed to lapse on the 1 October 1946. It was, however, kept in force by the Emergency Powers (continuance) Ordinance, 1946 for a further period of six months. The Statement of Objects and Reasons accompanying the Industrial Disputes Bill said, 'As industrial unrest, in checking which this rule has proved useful, is gaining momentum due to the stress of the post-war industrial readjustment, the need of a permanent legislation in replacement of this rule is self-evident' (ILG 4/5 1946: 192f.).

The Industrial Disputes Bill, introduced in the Central Legislative Assembly on 28 October 1946, was the first legislative measure undertaken by the Government of India under the Five Year Labour Programme. As the Indian Labour Gazette notes, the Bill embodied the essential principles of Rule 81-A of the Defence of India Rules as also the provisions of the *Trade Disputes Act, 1929*, concerning investigation and settlement of industrial disputes. The two new institutions for the prevention and settlement of industrial disputes included the Works Committees and Industrial tribunals. Under this Bill, conciliation was compulsory in all disputes in "public utility" services and optional in the case of other industrial establishments. Another feature central to this Bill was regarding the prohibition of strikes and lock-outs during the pendency of conciliation and adjudication proceedings of settlements reached in the course of conciliation proceedings and of awards of industrial tribunals declared binding by the appropriate government. The Bill also empowered the government to declare any industry to be a "public utility" service if public interest or emergency required so.



The *Industrial Disputes Act, 1947* was introduced in the Legislature in the context of withdrawal of wartime restrictions and the expiry of the Defence of India Rules. With the cessation of hostilities in 1945 and the consequent fall in demand for labour, there was an unprecedented increase in industrial strike, in particular, in cotton, woollen, silk and engineering industries. The number of industrial disputes increased from 820 in 1945 to 1629 in 1946 and 1811 in 1947. In order to 'control the post-war deterioration in industrial relations', which 'resulted in complaints of lack of uniformity in the administration of the Act', the Labour Ministry felt 'that a new measure to take the place of the industrial Disputes Act is urgently necessary' (File No. 24/4/49—Ests, Ministry of Home Affairs, Establishment section, Government of India 1949). In his speech delivered at the Central Legislative Assembly on 1 November, 1946, Ram said,

Power must extend to enabling the Government authoritatively to regulate industrial relations where the employers and workmen concerned are unable to settle the disputes themselves[...] where public interests are jeopardised, I maintain that it is incumbent on Government to intervene with a view to securing readjustment of the relations between employers and workmen [...]. (SWJR: 74f.)

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Furthermore, the note incorporating the views expressed at the conference attended by the representatives of the Central Government Ministries and Labour Secretaries of Provincial and State Governments to discuss the proposals worked out by the Ministry said,

Labour relations is at present subject of three enactments viz., the Industrial Disputes Act, 1947, the Industrial Employment (Standing Orders) Act, 1946 and the Indian Trade Unions Act, 1926. - The so-called 'political' strikes and lockouts i.e. those *designed or calculated to inflict severe and general hardship upon the community* and which have an object other than, or in addition to, the furtherance of a labour dispute will be prohibited. It is considered that such provision is essential in present day circumstances. A strike or lock-out declared in sympathy with an illegal strike or lock-out will also be illegal. (File No. 24/4/49 - Ests, Ministry of Home Affairs, Establishment section, Government of India 1949, emphasis added)

During a Tripartite Conference called the Industries Conference, comprising representatives of the Central and Provincial Governments and of the employers' and workers' organisations convened by the Industries and Supplies Minister of the Government of India in December 1947, the resolution on "Industrial Truce" was passed. According to Ram, Industrial Truce would be the 'test of our patriotism' (Proceedings of the Indian Labour Conference 1948: 1). In the ninth Labour



Conference in 1948, he said, '[...] I prefer the path of cooperation rather than the path of revolution [...] The Industrial Truce Resolution veritably marks a new era in the history of our country. If implemented, it will bring about a bloodless economic revolution' (ibid.: 2). This "economic revolution" for Ram must comply with the discourse of nation-building and "welfare" of the nation. In the Legislative Assembly Debates in 1946, he said, 'Seeing to the welfare of the labour would be seeing at the welfare of the community as a whole' (LAD 1946: 1086). Furthermore, Ram's assertion that 'the present Act was enough to cope with any emergency' (File No. 51/52/49 – Public, 1949, Ministry of Home Affairs, Government of India 1949) was silent on the legislative and other diversities in different regions of the country and in different industries.

The principle of compulsory arbitration in peacetime, accompanied by prohibition of strikes, as embodied in the Bill, was strongly resented and opposed by the AITUC and the Indian Federation of Labour. But the Indian National Trade Union Congress (INTUC) spoke for "improvements" within the Act. In an informal discussion of the INTUC during the General Council Meeting at Ahmedabad held on 2 December 1948, the President Harihar Nath Shastri said,

The Industrial Disputes Act required improvement. There was a lot of delay in referring disputes to adjudication and Tribunal. Except in Bombay, there were no provisions for enforcing the implementation of Awards given by Tribunals. If the Government really wanted Industrial Peace and more production, it should pay more attention to these problems and remove the difficulties in the Government machinery for conciliation and adjudication. (Minutes of the General Council Meeting of INTUC 1948)

In line with the Industrial Truce Resolution, further series of legislations were introduced as the contemplated plan of the state of bringing a truce between capital and labour did not materialise as envisioned by it. In 1949, Ram introduced a Bill for the establishment of an Appellate Tribunal in relation to Industrial disputes to co-ordinate the activities of the Industrial Tribunals set up by the Central and Provincial Governments and bring in uniformity in their divergent approaches to questions of profit-sharing, retirement benefits etc. In 1950, the Labour Relations Bill was introduced for bringing uniformity in governing labour relations superseding the *Industrial Disputes Act* 1947. The Bill applied to all categories of employees except civil servants, persons employed in defence forces and domestic servants and to all establishments working with more than ten employees. Standing conciliation Boards, Labour courts and the Appellate Tribunal were the new authorities envisaged in the Bill. An Industrial Disputes (Amendment) Bill, 1952 was



further introduced to make certain changes in the law relating to the adjudication of industrial disputes.

Although in discussions on these legislations, Ram claimed that they were non-discriminatory towards different groups of workers, he did not take into account practical constraints which retained various kinds of inequalities such as those based on caste at work spaces. In speaking during the Parliamentary Debates on 14 March 1950 he said,

[...] we are not making any distinction in our labour legislation between the other type of worker and municipal workers or scavenging staff [...] Whatever benefits we are giving to other workers in the factories, if there are scavengers in those factories, they get the same benefits. In the coal fields where we have introduced the provident fund and bonus schemes, the scavengers' staff get the same benefits and advantages as other industrial labour. The scavenging staff and the other types of workers are treated on the same footing. Even under our Industrial Disputes Act, scavengers are treated on a par with any other workers. A worker is a worker, irrespective of the fact that he is a sanitary worker, technical worker, manual worker or a clerical worker. They are to be treated on the same footing. (parliamentary Debates (hereafter mentioned as PD) 1950: 1566)

251 Ram, in treating the workers on the same footing within the discourse of legislation, took the allocation of work to different groups of workers as "given". In contrast, Ambedkar emphasised on caste system as not merely division of labour but *also a division of labourers* (BAWS Vol 1: 47). 'In no other country', he noted, 'is the division of labour accompanied by this gradation of labourers [...] this stratification of occupations which is the result of the Caste System is positively pernicious' (ibid.: 47). In 1929, during the prolonged strike in the Bombay textile mills, Ambedkar 'approached the strike leaders to do something to remove the caste Hindu ban on Depressed Class men working in certain departments of the mills [...] The labour leaders took no action [...] for months together except to pass a harmless resolution and to forward it to the Fawcett Committee which again did nothing in the matter' (*Source Material on Babasaheb Ambedkar* (hereafter *SMB*), vol. 1 1982): 253). When speaking on the comparison between the opportunities available to Depressed Class workers and to the non-Depressed Class workers, he said,

[...] in the Bombay Presidency, the Depressed Classes are shut out from the weaving department in the cotton mills both in Bombay and in Ahmedabad. They can only work in the spinning department. The spinning department is the lowest paid department. The reason why they are excluded from the



weaving department is because they are untouchables [...]. (cit. in Das 2010: 52)

Ambedkar argued that the Indian Communist Party did not find it objectionable that the 'untouchables' were kept out of the weaving department since the work involved the use of saliva on the threads, which other castes considered 'polluting' (ibid.: 52). Apart from the 'benign division of labour or as a system of reciprocity', Ashwini Deshpande argues, 'caste has been viewed as a system that formalizes exploitation' (Deshpande 2011: 9).

Though Ram claimed in a speech delivered on December 5, 1948 at a meeting of textile workers of Ahmedabad that 'the Labour Minister has not only to look to the interests of labour but also to create a new social order which may furnish an example to the world by eliminating all strife and friction' (SWJR: 98) '[...]the reasons for the exclusion of untouchables from the weaving department in textile industries appeared to be quite sound' (PD 1950: 1566). The discrimination against untouchables in the weaving department was perceived by Ram not as an "exclusion" but just as an "absence" on account of guild monopoly of certain castes.

Furthermore, in response to the question regarding the need for recognition for communal unions while winding up the debate on the motion to refer to a Select Committee the *Indian Trade Unions Act (Amendment Bill)* in the Central Legislative Assembly on 31 October 1946, Ram said,

[...] I do not feel inclined to think that in such matters, which are purely economic, we should introduce communal considerations[...] There are only two classes that we are concerned with here – the classes of the employers and the employed, the workers and the employers; and the workers be they Hindu or Muslim, Christian or Sikh, or of any other denomination, they have their common interests. (SWJR: 71)

Ram, in his conceptualisation of law in equalising conditions of labour, took away caste or community from his consideration by rendering it as factors outside the purview of the "economic". In his speech at Harijan Legislators' Convention in 1952, he said,

We have to make Congress strong – We do not want to bring about a class conflict. Our object is to better the condition of the poor and the oppressed, to whatever community or religion they might belong [...] Revolution had never come from above. It is the poor and the backward who have brought about revolution [...] You must give up all *weak thought* and be prepared for any *sacrifice*. (SWJR: 43f., emphasis added)



It is an irony that in a Harijan's Legislators' convention, sectional interests become "weak thoughts". While both Ambedkar and Ram were engaged in mobilising Dalits and labour in their political career in the 1930s, their emphasis on caste when holding Labour Portfolio of the Government of India seems to be masked under a different language. Ambedkar, however, did use Labour as a ruse to talk about caste. For example, his focus on technical training during the war period which aimed at 'skilling' the 'unskilled' labourers, a majority of whom were Dalits. For Jagjivan Ram, caste remained a secret discourse in the Labour Department.

At one end, Ram perceived law as a register which placed different kinds of labour on the same platform in the eyes of the state. At the other end, as this section demonstrated, the disciplinary and repressive mechanism of law was invoked to discipline labour for the purposes of nation-building. The turn to law by Ram focused on protective legislation imagining an economy in which industry was playing a large role and workers had to be somehow protected. Ironically this was an economy in which industrialisation was not playing a very large role and hence the state was expected to participate in it. In doing so, the state armed itself with varied kinds of legal powers to engage with the post-war crisis.

IV Conclusions

The article has demonstrated how both the Labour Ministers during this decade used the language of law to produce an "industrial quiet". In doing so they showed hope in the possibility of law as an equalising force for labour by foregrounding the enabling and ameliorative aspects of law, albeit in different ways. For Ambedkar, wartime legislations and the colonial government's notions of "labour welfare" equalised the conditions of labour by improving the conditions of employment. For Jagjivan Ram, legislation provided a platform to place different kinds of labour—manual and non-manual on the same footing in the eyes of the state. At the same time, the controlling, repressive and disciplinary aspects of law were invoked at various moments during the war and post-war period by the two Ministers. While Ambedkar invoked these different aspects of law for increasing labour efficiency and maintenance of "labour morale" in order to ensure continuous peaceful wartime production, Ram did so in order to discipline labour as a response to the massive waves of strikes in all the industries across the country. The discourse on "development" and the project of nation-building dominated the first Indian Cabinet when several important legislations concerning labour were enacted. The mobilisation of labour during Ram's tenure was also to serve as a reminder to the



labour of their duty to the nation in return for the extraordinary administrative and bureaucratic attention it received by the post-independent government. Furthermore, while Ambedkar wanted labour to get educated and become part of the administration of the country, Ram argued for improving their conditions within the legislative shield framed by policy makers.

The two different sets of impetuses at work during this decade are thus evident here. In conceptualising war as an opportunity for labour, Ambedkar thought it possible for labour to collaborate with the industry and the state for attainment of its own aspirations. During the tenure of Jagjivan Ram on the other hand, there was a clear interest in enhancing production through collaboration rather than conflict by reconciling potentially antagonistic classes into one in order to resolve industrial conflicts and serve the purposes of nation-building against the backdrop of strikes. It needs to be noted here that their similar yet divergent grounds of mobilisation and collaboration through the model of tripartism and their focus on protective legislation narrowed down legislative attention of the Labour Department primarily to industrial workers (a very small percentage of which were Dalits).

Endnotes

¹ This article is a work-in-progress chapter of my PhD project on "Representing Labour: Dalits, workers and the state in India, 1942-52", at the Centre for Historical Studies, Jawaharlal Nehru University (JNU), New Delhi. The paper is a longer consideration of some of the questions I have raised and discussed in my chapter in Sabyasachi Bhattacharya & Rana P. Behal ed. 2016. *The vernacularization of labour politics*. New Delhi: Tulika Books. The article, in its earlier versions, has benefitted from comments and discussions during workshops and conferences at Humboldt University (2018), Swedish Labour Movement Archives and Library (2018), University of Goettingen (2017), University of Cambridge (2017), V. V. Giri National Labour Institute (2014). I thank Prof. Janaki Nair (JNU) for her detailed comments on the earlier drafts of this article. I thank Prof. M S S Pandian (JNU), Prof. Ravi Ahuja (University of Gottingen) and Dr. Prabhu Mohapatra (Delhi University) for their comments and suggestions on the earlier versions of this paper. I also thank Prof. Tanika Sarkar (JNU) and Prof. Sunil Amrith (Harvard University) for their valuable suggestions as discussants of the earlier versions of this article at the conferences in Noida (2014) and Cambridge (2017). I thank Swathi Shivanand (JNU) for her comments on the paper. The comments of the reviewer of this paper helped me a lot in reworking my arguments.

² Gail Omvedt. 1994. *Dalits and the democratic revolution, Dr. Ambedkar and the Dalit movement in colonial India*. New Delhi: Sage Publications, Anupama Rao. 2012. 'Stigma and labour: remembering Dalit marxism', *Seminar*, 633 (May), pp. 23-7. Also see Rao. 2009. *The caste question, Dalits and politics of modern India*. Ranikhet: Permanent Black.

³ See Proceedings of the Indian Labour Conference (1942-46), Standing Labour committee (1942-46), Labour Document Reference Centre, Shram Shakti Bhawan, Delhi.

⁴ The Industries and Supplies Minister of the Government of India convened in December 1947 a Tripartite Conference of the representatives of the Central and Provincial Governments and of the employers' and workers' organisations. This conference known as Industries Conference unanimously passed a resolution on industrial



truce the object of which was 'to secure the fullest cooperation between labour and management and to establish friendly relations between them' (SWJR 1966: 95).

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