

Dr. B.R. AMBEDKAR: THE PIONEER IN THE FIELD OF INDIAN LABOUR WELFARE**Dr. MA.VELUSAMY***** Assistant Professor of Social Work, DDE, Alagappa University, Karaikudi****Abstract**

Dr. B.R. AMBEDKAR was the pioneer in the field of Welfare of Indian Labour-the working Class and their social security. He was so sincere and serious in this cause that he even fought against the Viceroy of India. Dispatches of two Viceroy, Lord Wavell and Lord Linlithgo, to England bear testimony to his relentless struggle to get through the labour legislations even during the days of the second great world war. The 'LABOUR CHARTER' propounded by Dr. Ambedkar in the Viceroy's Executive Council on 2nd September, 1945 later on became the basis and guiding principle of the labour welfare schemes in this country.

This book is an attempt to highlight his endeavours towards labour welfare and their social security. We are grateful to Mr. D. K. Baisantray for doing this job meticulously.

Dr. Ambedkar in one of his speeches has said:

“There were two enemies of the working classes in the country and they were Brahminism and Capitalism. By Brahminism. I do not mean the power, privileges and interests of the Brahmins as a community. That is not the sense in which I am using the word. By Brahminism I mean the negation of the spirit of liberty, equality and fraternity. In that sense it

is rampant in all classes and is not confined to Brahmins alone though they have been its originators. The effects of Brahminism were not confined only to social rights such as inter-dining and inter-marrying. It denied them also rights. So omniscient is Brahminism that it even affects the field of economic opportunities.”¹

Introduction

What Ambedkar said some 44 years ago is fully true even today. Therefore while fighting battle against capitalism, we must fight against Brahminism also. There is much ado against Capitalism but the voice against Brahminism is very feeble sometimes not even audible. Brahminism is the demon that fortifies Capitalism, We it. Unless and until must, therefore, rally forces to kill this is done, there is no hope of killing the other monster the Capitalism. The ruling class of this country cannot be expected to kill Brahminism as it helps it retain power, and prestige-social, economic and political. Will the working class ponder over this and undertake a programme, though belated, of killing Brahminism which would result in ushering in a cultural revolution in this Country?

¹. The Times of India, 14th January, 1938.

Dr. B.R. Ambedkar became the labour member of the Viceroy Executive Council on July 20, 1942, and resigned in June, 1946. He was thus in office only for about four years. The period, though short, is nevertheless a watershed, if not a landmark, in the history of labour legislation and labour welfare in this country. It was this period that the Factories Act was amended to ensure holiday with pay and shorter hours of work, Indian Mines Act and Mines Maternity Benefit Act were amended to provide larger benefits and better facilities. May, it was during the same period that a really important piece of legislation was passed to reduce to writing the terms, and conditions of employment. But it was the constitution of Statutory Welfare Funds and breakthrough in the field of social insurance for which Dr. Ambedkar will be long remembered. The period also witnessed important institutional development.

TRIPARTITE APPROACH

Before Dr. Ambedkar assumed charge of the Labour Department, Government of India, the Labour and management met separately to discuss matters of common interest. There was nothing like joint consultation. Tripartite approach, which today, is playing such an important role in the evolution of labour policy and formulation of schemes emerged and took institutional shape during the period he was in office. Speaking at the Tripartite Labour Conference, held under his chairmanship, at New Delhi on August 7, 1942 Dr. Ambedkar said: "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." Another special feature which marked it off from the previous labour conferences was the permanency that it had as a part of the plan.

During his tenure of office these tripartite bodies met more frequently. From July 1942 to June 1946 that is during about four years the Indian Labour Conference met four times -August 1942, September 1943, October 1944 and November 1945 and the Standing Labour Committee met eight times. A cursory glance of their agenda will show that all the important points in the plank of Government labour policy found a place therein. Although the recommendations were of advisory nature they greatly influenced the Government decisions besides labour and employers understanding and influencing each other.

LABOUR WELFARE FUNDS

For planning and preparing a comprehensive scheme of labour welfare or social insurance, indeed any policy or programme, reliable data is a sine qua non. There was not much such material where Dr. Ambedkar embarked on his legislative programme. The information collected by the Royal Commission on Labour in India had become obsolete and those compiled by some Provincial Labour Enquiry Committees were not only limited in scope but also parochial in nature. The Industrial Statistics Act, 1942 provide for collections of a comprehensive industrial data including those concerning welfare of labour and condition of labour such as wages, other earnings, prices, indebtedness, housing, employment, provident and other funds, labour disputes etc. But the

competent authorities under the Act were Provincial Governments many of which had yet to frame their rules. Besides, the collection of data prior to 1946 was voluntary. Obviously this measure was not of much help.

LABOUR INVESTIGATION COMMITTEE

The Tripartite Indian Labour Conference held in September 1943, after considering Shri Adarkar's Report on Sickness Insurance, recommended to constitute a committee "to consider social welfare measures and also to suggest ways and measures by which the principle of social security would be applied to working classes of India."

In pursuance of this resolution the Government of India appointed on 12.1.1944 the Labour Investigation Committee under the chairmanship of D.V. Rege, the three other members being S.D. Deshpande. Ahmed Mukhtar and B.P. Adarkar. The Committee was required to investigate the question of wages and earnings, employment and housing and social conditions generally with a view to provide adequate materials on which to plan a policy of social security for labour. The committee was to cover besides certain other categories, all the industrial and semi industrial labour covered by the Royal Commission on Labour. The fact finding committee besides, its main report submitted 34 other reports on different industries in the country containing a mine of information's. The committee reported on certain industries hitherto untouched, the earlier ones directing more on coal, cotton etc.

COAL MINES LABOUR WELFARE FUND

Coal industry occupies a very important place in the national economy of the country. It was more so during the Second World War. To check the declining trend in coal output, due to runaway of the colliery workers to war industries in the vicinity the Government of India took quite a few pleasant and unpleasant steps.

One of the measures for which the Government came in heavy criticism was the removal of the lean on underground employment of women in CP and Brar on 2nd and 18th August and in Bihar, Bengal and Orissa on 29th November and December 4, 1943. The ban was first imposed on 7.3.1929 and, after the adoption of the concerned ILO Convention, was revised and reintroduced on July 1, 1937. On the persistent insistence of Dr. Ambedkar the lean was reimposed on February 1, 1946.

The Government of India promulgated the Coal Mines Labour Welfare Fund Ordinance on January 31, 1944 for instituting a fund to finance the welfare activities for the colliery workers. The fund was made up of collection of excise duty on coal and coke dispatched from the collieries. The rate of the levy was 25 paise per ton which was raised to 50 paise per ton when the Ordinance was replaced by the Coal Mines Labour Welfare Fund Act, 1947. A separate housing account was also opened to which one-third of the receipt from the levy was credited. The housing account contribution was raised to two-third later on. The levy of cess raised to Re. 0.75 from 17-1-1973, the apportionment being in the ratio of 3:2.

The Ordinance marks the beginning of a new era in labour legislation. Until then the Government

was a legislator prescribing the standards of amenities and welfare activities. There were, no doubt, Government Inspectors to supervise implementation of the legislative measures. But this arrangement never cut much ice inspite of the expenditure involved. Under the Ordinance the Government came out in a new role of not merely laying down the standards but directly providing the welfare activities and realising the cost from the owners.

Broadly speaking measures for housing of colliery workers are financed from housing account and measures for General Welfare such as medical facilities, water supply, education, recreation and cooperation from the General Welfare Account.

The Coal Mines Welfare Organisation now caters to the various needs of over 6 lakh persons-officers and workers in 8 States of the Indian Union-West Bengal, Bihar, Orissa, Assam, Andhra Pradesh, Madhya Pradesh, Maharashtra and Tamilnadu. The organisation is running three Central Hospitals, 12 regional hospitals with 1150 general beds, 368 beds for T.B. patients including 56 in various sanatoria. Besides, there are arrangements for treating leprosy, cancer and mental patients. There are four rehabilitation centres and one artificial limb fitting centre. It is also operating family welfare schemes and anti-malaria and anti-filaria campaigns. The Organisation is running 175 institutes for various educational and recreational purposes including three holiday homes. The protected water supply schemes of the organisation cover a total population of about 12 lakh.

The CMWO has constructed by the end of 1980 about 1,81,700 houses in all categories.

MICA MINES LABOUR WELFARE FUND

A Bill to establish a Fund to finance welfare activities of the labour in Mica Mines industry was introduced by Dr. B. R. Ambedkar in the Central Legislative Assembly on 8.4.1946.

The idea of instituting such a Fund was first broached by Dr. Ambedkar at a Mica Mines Industry Conference held under his presidentship at Kodarma on 29-4-1944. The response was positive. The matter was taken up at a subsequent meeting held at Dhanbad on 9.10.1945 under the Chairmanship of the Coal Mines Welfare Commissioner. It was finalised at the meeting which the Labour Secretary took at Dhanbad on 19.12.1945.

Dr. Adarkar's report provided the immediate impetus. In course of his speech on the Bill the Labour Member, however, stated that the Labour Department was aware of the various evils widely prevalent in mica mine industry and Mr. Justice Reubin report on the industry had corroborated it.

While piloting the Bill Dr. Ambedkar, copiously quoting from Adarkar's report, described the condition in the mica mines industry as 'intolerable and expressed his keenness to have the Bill passed without much delay. He also characterised the Bill as non-contentious. So much so that he was not willing to accept Shri Ahmad E. H. Jaffar's motion for referring the Bill to a Select Committee, and condescend to accept it only when it was agreed that

the Select Committee would report back on or before 12-4-1946.

The Select Committee report was presented to the Assembly on 11.4.1946 and the motion for consideration was tabled on 15.4.1946. As the Bill had emerged from the Select Committee without any substantial change it was passed the same day. While concluding his speech Dr. Ambedkar had hinted to bring before the Assembly during its next session, a Bill for the eradication of several ills in the industry such as child labour, employment of women, as pointed out by Dr. Adarkar in his report.

Mica Mines Labour Welfare Organisation is providing similar facilities as done by the CMWO but on a reduced scale. It has three central Hospitals, one each at Karma (Bihar), Gangapur (Rajasthan) and Kalichedu (Andhra Pradesh) besides three Regional Hospitals-one in Bihar and two in Andhra Pradesh. It has reserved beds at various specialised medical institutions for the treatment of T.B., Leprosy, Cancer and mental diseases. Only at the Central Hospital at Karma (there is a wing for the treatment of T.B. patients.

The organisation also provides educational and recreational facilities and gives subsidies to the employers for building houses and sinking wells for the mica mines workers.

The eighth meeting of the Standing Labour Committee held in March, 1946 considered inter alia "Possibilities of Welfare Trust Funds for Industrial Employees." Since then besides Welfare Funds for Mica and coal mines three more Welfare Funds, one each for Iron Ore and Manganese Ore Mines, Lime

Stone and Dolomite Mines and Beedi Workers have been set up.

CRECHES AND PITHEAD BATHS

During the period Dr. Ambedkar was in office the Indian Mines Act, 1923 was amended twice. The Indian Mines (Amendment) Ordinance, 1945 empowered the Central **Government** to make rules requiring the mine **owners to** construct and maintain creches for the use of their children where women were ordinarily employed. The Mines Creches Rules 1946 published in July provides for construction of approved creches, their standards, monthly medical examination, provision of staff, maintenance of records and their inspection by competent authorities.

Another important amendment passed by the Central Assembly on February 2, 1946 conferred power on the Government of India to frame rules requiring the mine owners to provide separate bathing places for men and women. While moving the motion for considering the Indian Mines (Amendment) Bill Dr. Ambedkar said "The purport of the Bill is to impose an obligation upon the mine owners to provide pithead baths equipped with shower baths and lockers," for men and women and prescribe the number and standards of such places and rooms. Speaking on the need and importance of the measure Dr. Ambedkar further stated "it is bound to improve the self-respect of the miner and I am sure it is very desirable that he should return home as a clean person, if possible with clean clothes".

The Coal Mines Pithead Bath Rules, 1946 published in July same year prescribes construction and lighting of pithead baths, locker rooms, latrines

and urinals of standard types and in required numbers and their maintenance in sanitary conditions. It also contains provision for their inspection by competent authorities.

To hasten construction of Pithead baths Dr. Ambedkar announced Government's readiness to meet 10% of the cost of construction. The requirement of the prior publication of the Scheme, under Section 31 of the Act, had also been waived.

SOCIAL SECURITY

Workmen's compensation Act, 1923 and Maternity Benefit Acts were the only measures for social security when Dr. Ambedkar assumed charge of the Labour Department. During his tenure of office the workmen's Compensation Act was amended only once-raising the eligibility limit to Rs. 400/- from Rs. 300/- and the quantum of maximum compensation from Rs. 4000/- to Rs. 4500/- in case of death and from 5600/- to Rs. 6300/- in case of permanent total disablement.

The Mines Maternity Benefit was amended twice. The amending Bill passed in July 23, 1943 removed certain ambiguity occurring in section 5 of the Act. The measure enacted on April 4, 1945 introduced substantial changes in the period and quantum of benefits as well as period of authorised absence from work of the women working underground.

The period of benefits of the women employed below ground was raised to 16 weeks-ten weeks before confinement and six weeks after confinement. The period of authorised absence was made still longer-26 weeks complete and ten weeks partial that

is, four hours a day where creche was not available and more than four hours a day, where creche was available. Even then, she could not be employed for more than four hours at a stretch. During 32 weeks that is, after four weeks of her confinement, there was no restriction to her employment on the surface. The payment was also substantially raised i.e. to Re. 0.75 from Re. 0.50 to the women working on the surface and from Re. 0.50 a day to Rs. 6/- a week to the women employed underground.

The qualifying test was her employment for 90 days during a period of 6 months prior to the date of her confinement. This amendment was sequel to the lifting of ban on the underground employment of women.

Beginning with a flash in Bismark Germany in 1883 the scheme of social insurance made a limping progress in subsequent years-England (1911), Japan (1922) and USA (1933). The wide-spread destruction and miseries evoked worldwide search for a better world where mankind could live in peace and security. The Declarations/Recommendations/Resolutions of the UNO and ILO (1944) and the idea and scheme advocated in the Beveridge Plan (Britain), Wagner Murray Plan (USA) and Marsh Plan (Canada) gave a big push to the system of compulsory social Insurance.

Nearer home the question first came up before the country in 1928 when ILO Draft conventions and recommendations on sickness insurance were negatively considered. The recommendation of the Royal Commission on Labour and the ILO Draft Conventions and Recommendations regarding the

invalidity, old age and widows and orphans' insurances also met the same fate. It also figured in the agenda of the 1st and Second Labour Ministers Conference. The Third Labour Ministers Conference held in 1942 considered a tentative scheme of sickness insurance.

The Labour Investigation Committee referred to earlier pointed out in its conclusion that the Indian worker was exposed equally, if not more, to various risks especially unemployment, sickness and death of the bread earner as his counterpart in other countries. The Committee regretted that the question of providing security to the worker against such risks had received "the least attention so far in this country."

In March, 1943 Prof. B.P. Adarkar, was appointed as Officer on Special Duty for preparing a report on health insurance for Industrial Workers. He submitted his interim report in August, 1943 and final report containing a compo site, compulsory and contributory social insurance scheme on August 15, 1944. The Government contribution was purposely kept low so that it could have an easy sailing.

On request of the Government of India Prof. Adarkar's scheme was scrutinised by two ILO experts. They fully supported Prof. Adarkar's suggestion for a unified scheme comprising workmen's compensation, maternity benefit and sickness insurance and Government contribution towards it. They further suggested its extension to workers, manual or non-manual, in all perennial factories as well as to their families.

Prof. Adarkar's report and the note of the ILO experts were discussed at the 6th Labour Conference

held in October 1944 and at the 6th meeting of the Standing Labour Committee held in March 1945. The consensus of the meetings was that the Government should go ahead with the preparation of the scheme. A Bill containing the scheme was introduced in the Central Assembly on November 6, 1946. It was passed on April 19, 1948 after it had been substantially improved by the Select Committee.

HOLIDAY WITH PAY AND REDUCED WORKING HOURS

During Dr. Ambedkar's tenure as Labour Member the Factories Act, 1934 was amended thrice-two of them introduced major changes.

The Bill adopted in 1944 required the owners of the factories to provide washing facilities in all kinds of factories which were hitherto confined to those factories and sections where workers handled injurious and obnoxious substances. It also empowered the Government to prescribe the number of places for the purpose. The Inspectors were authorised to call for required information and the owners were placed under obligation to furnish them. The measure also temporarily amended certain provisions restricting employment of women and children during war time.

The Factories (Amendment) Bill passed on 2-4-1945 gives effect to the ILO Convention No. 52 of 1936. The measure as it finally emerged, turned out to be more favorable to the workers. It provides for 10 days paid holiday for adult workers, 14 days for child workers and also contained provision for accumulation of leave up to two years. The ILO convention recommended paid holiday for six days.

There was also no provision for accumulation of leave.

The amendment was restricted only to the perennial factories, the test of eligibility being 12 months service with the allowance of 30 days of absence on account of sickness, authorised leave, legal strikes, lookout etc. The average of the three months earnings, minus overtime, constituted the basis for the payment, half of which was to be paid before the worker proceeded on leave.

The measure also provided for compensatory holiday if the compulsory holiday had not been availed of by the worker. The Government of India was empowered to issue direction to the Provincial Governments in the matter of making rules to ensure uniformity.

The measure enacted on 4.4.1946 was equally an important one. It provided for 48 hours a week and 9 hours a day in lieu of the then existing 54 hours weekly and 10 hours daily for perennial factories and 50 hours in place of 60 hours a week and 10 hours a day in place of 11 hours a day for seasonal factories. The work in excess of that was to be treated as overtime and payment made at double the normal rate.

Dr. Ambedkar justified the reduced working hours saying that workers who had worked for longer hours during war days needed substantial relief. The measure was also likely to relieve unemployment resulting from retrenchment, he added. Replying to the cry of cloth famine in the country he said that there was no doubt shortage of cloth and that is why the Provincial Governments had been authorised to

exempt its operation for six months in the first instance in respect of certain industries. This saving clause was inserted on the initiative of the Department of Industry and Commerce of the Government of India.

The Washington convention which had recommended for 48 hours a week had allowed India to have 60 hours a week. On the recommendation of Wheatley Commission provision was made for 54 hours a week for perennial factories. This amending Bill attempted to give effect to the Washington convention. In the meantime the ILO convention of 1935 had recommended for 40 hours a week and some of the industrially advanced countries had introduced 40 hours a week. In India some of the Trade Unions had demanded 44 or 45 hours a week. They had, however, accepted 48 hours a week as a compromise formula.

INDUSTRIAL EMPLOYMENT ORDERS

The Industrial Employment Standing Orders are very important measures. By defining the terms and conditions of employment they eliminate friction between employers and their workers.

The Industrial Employment (Standing Orders) Bill was introduced in the Central Assembly by Labour Member. Dr. B.R. Ambedkar on 8.4.1946. He described the Bill as very urgent and non-controversial.

Giving out its aims and objects while making his motion for considering the Bill on 13th April, 1946. Dr. Ambedkar said, "The Object of the Bill is to have the terms and conditions of employment reduced to writing that the terms and conditions should be

certified by a competent officer appointed for that purpose and that it should form a sort of register of what the terms and conditions of employment are in any particular establishment.'

The document, he further said, was to serve as evidence in any further dispute between employer and workmen regarding the terms and conditions of their employment.

The Labour member further added that the measure was integrally related to the Health Insurance Scheme which was going to be introduced in the next session of the Central Legislative Assembly. He concluded his speech with the remarks that for smooth running of the scheme the wages that the workers would get, the contributions he would have to make towards the expenses and the benefits he would get, have to be spelt out in the Standing Orders.

The Bill was considered in the Fifth and Seventh Indian Labour Conference held respectively in September, 1943 and November, 1945. The Tripartite body considered it so necessary and non-contentious that it could be issued as an Ordinance.

The Bill was passed the same day. It came into force on April 23, 1946.

COMPULSORY RECOGNITION OF TRADE UNIONS

The Indian Trade Unions (Amendment) Bill providing for compulsory recognition of Trade Unions was moved in the Legislative Assembly by Labour Member Dr. B.R. Ambedkar on November 8, 1943. The motion to circulate the Bill for eliciting public opinion was moved by him on November 13, 1943. While speaking on his motion Dr. Ambedkar said that

the Bill had three important principles : (i) It compelled an employer to recognise a Trade Union, (ii) it laid down certain conditions for the recognition of a Trade Union, and (iii) it treated non-recognition of a trade Union by an employer as an offence. Some of the conditions for recognition of a Trade Union were that it should have been in existence for a year and its executive members would not have participated in an illegal strike. The Bill was allowed to lapse.

In light of the opinions received from the Provincial Governments, employers' associations and workers' organisations the Bill was revised. The revised Bill was introduced in the Legislative Assembly by Dr. B.R. Ambedkar on February 21, 1946.

The New Labour Member, Shri J. Ram While speaking on his motion to refer the Bill to a select Committee admitted that it was the same Bill which Dr. Ambedkar had earlier introduced in the Assembly. He further stated that recognition of Trade Unions had been considered by the First and Second Labour Ministers Conference held in 1940 and 1941. The Standing Labour Committee had also considered the issue in its Fifth Meeting held in June, 1943.

PROTECTION OF MINIMUM WAGES

A Bill to constitute wage fixing machinery for fixing and upwardly revising minimum wages in certain industries, where Labour was ill-organised or unorganised was moved in the Legislative Assembly by Dr. B.R. Ambedkar on 11th April, 1946. The Bill provided for constituting Advisory Committees and Advisory Boards with equal representations from

Labour and employers to advise the Government. A schedule containing names of sweated industries was attached to the Bill with power to add more categories of employment. The Bill was referred to the Select Committee a year later, on 12th April, 1947 and was enacted into Law on February 9, 1948. In piloting the Bill in the Dominion Legislative Assembly the new Labour member Shri J. Ram announced that no industry had a right to exist if it could not afford to pay a minimum wage to its workers.

The need to fix minimum wages in Indian industries was felt for a long time. The Royal Commission on Labour recommended for undertaking an enquiry and to adopt legislation for constituting wage fixing machinery if the investigation established its need and practicability. The various Provincial Enquiry Committees and the Labour Investigation Committee had advocated fixation of minimum wages. The Rege Committee pointed out that the basic wage level in most Indian industries were extremely low and nothing had been done to revise it in an upward direction.

The Minimum wages figured in the agenda of the Fifth Indian Labour Conference held in September, 1943 and Minimum wage Legislation in that of the Seventh Indian Labour Conference held in November, 1945. It was also discussed in the form of statutory wage control at the fourth meeting of the Standing Labour Committee held in January, 1944. However, it was felt that due to lack of reliable data legislation could not be undertaken.

The Labour investigation Committee reports, which constituted more than anything else, the basis

for Minimum Wages and social insurance legislation, were submitted to the government some time in 1946. Another difficulty was the lack of time. In the Budget Session, 1946 some urgent Labour Bills like Mica Mines Labour Welfare Fund Bill, the Industrial Employment (Standing Orders) Bill had to be rushed through leaving hardly any time for the purpose. Therefore there was no option but to postpone the enactment of Trade Unions (Amendment) Bill, the Minimum Wages Bill. The introduction and enactment of the Employers State Insurance Bill of which the spade work had already been done, could not be taken up for the same reason.

Anybody who reads the Assembly debates will be struck by Dr. Ambedkar's keenness to place on the Statute Book as many laws benefiting the labour as possible. In that task he was not prepared to brook any delay. Some of the important labour laws were enacted in a record time of a fortnight. Even the ardent nationalist in spite of their hostility towards him, did not identify him with the then Indian Government and instead extended him bouquets however, grudgingly. Because of his background and association with working class movements he could not have behaved otherwise.

It would be a risky venture to apportion blame and bouquet for an achievement to any individual where the whole system of the Government is at work. Some decisions are the outcome of a long process, some show results much later and some none at all. However it is not an easy thing, nor everybody can, to set complex Government machinery at work. It requires the knowledge and understanding, experience

and dynamism of the captain of the ship to take it in a particular direction and make it produce required results. And it can be stated without any fear of contradiction that Dr. B.R. Ambedkar had these and perhaps much more in ample measure. Hence a share, if not a major part of the credit, for all that could be done during the period of his tenure, must necessary go to him.

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