CHAPTER - III

CAUSES AND CONSEQUENCES OF STRIKE

The most sensitive issue for workmen is the wage structure and increase in wages. As one can see the demand for wages and allowances occupies the top position in the number of disputes and the workmen are more concerned about their wages and allowances. The payment of bonus now governed by the Payment of Bonus Act\(^1\) has been an area of dispute between the workmen and the employers. The question of paying minimum bonus, calculation of number of working days, adjustment of customary bonus have been the areas of dispute and conflict which have caused strikes in a number of cases. The unwanted legal controls create a lot of conflict and labour unrest.

Apart from their concern for wages and allowances workers resort to strikes of achieving better and more conductive working conditions of services. The Factories Act, 1948\(^2\) and if these are denied workmen rise up and declare a strike for the enforcement of their demands does provide for the infrastructure facilities, provision for safety, annual leave with wages etc., providing standard working conditions for the workmen. However the provisions contained in the act are not strictly enforced. When the enforcement machinery becomes slack and the request of

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\(^1\) Act No.21 of 1965
\(^2\) Act No. VIII of 1923
the workmen fall on deaf ears, then the only way out seems to be to go on strike in pursuance of getting these provisions enforced. When a workman is injured by an accident in the course of employment many a workman or dependents are entitled for the benefit of the compensation due to them\(^3\). If this is denied there is no other way left except to declare a strike for achieving immediate benefit and prevent delays in the payment of compensation. Similarly other benefits such as medical benefit, sickness benefit, maternity benefit, disablement benefit and dependents benefit are provided under the Employees State Insurance Act, 1948\(^4\) and if these are denied the workmen used to declare a strike for the enforcement of their demands.

One of the important causes of strikes is for regulating employment. ‘Contract Labour’ still exists in the Indian labour scene despite of the contract Labour (Regulation & Abolition) Act, 1970\(^5\). When the legislation cannot be enforced and the employers have not willed to regularize the contract labour, then there seems to be no other effective in remedy for the workmen other than to resort to strike. Probation, layoff and other matters connected with employment have also been the causes of strikes. Retrenchment also occupies its place and has been one of the causes of strikes. The employer could misuse the provision contained in Section 25-G of the Industrial Disputes Act in order to weed out active trade union workers.

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\(^3\) Act No. VIII of 1923  
\(^4\) Act No XXXIV of 1948  
\(^5\) Act No. XXXVII of 1970
creating thereby discord, conflict and strikes. Multiplicity of trade unions has created a major problem in the collective bargaining process. The question of determining which union could act as an agent for collective bargaining has given rise to strikes and will continue to create grounds for further strikes. This is a sensitive area where the fight is not between the workmen and the employer but between the workmen and workmen for the purpose of attaining recognition.

The workmen in one industry may be on strike to show their sympathy to the workmen of another industry, thought they do not have any grievance with their own employer. Such strikes take place only to show the solidarity of the working class and the community of interest involved in their cause. There is an opinion that a sympathetic strike is one in which the striking workmen have no demands or grievances of their own, but they go for strike for the purpose of aiding others those who have no direct relation to the advancement the interest of the strikes and is an unjustifiable invasion on the rights of the employer. If one looks at sympathy strikes as a total effort of the working class to show their resentment against a particular employer, it would not be proper to say that such a strike by workmen would be an unjustifiable invasion on the rights of the employer. A strike being a lawful weapon in the hands of the workers for registering their protest or for securing

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their demands and it does not put an end to the relationship of employee and employer that existed between the strikers and their employers.

3.1. ECONOMIC CONSEQUENCES:

An Industrial strike injures not only the party against whom it is directed but the society as a whole. The larger the number of workers involved the longer the duration of strike and the more essential a commodity or service is the more widespread will be the effects of strike. Industrial strikes entail both economic as well as non-economic costs for the employer. The economic losses caused by a strike may be serious. The financial loss of a project is only one among its various losses. When the production stops and the sales go down, the market is captured by rival concerns and the concern’s goodwill may be lost. Besides additional expenditure incurred in protecting the plant and taking other steps to deal with the effects of strike. A lot of money is wasted in the efforts made by both the labour and management in projecting their respective images. Industrial workers too have to undergo severe hardship due to loss of wages. The union funds get exhausted and it may become difficult for the workers to make their both ends meet. The employer forfeits his profit during the strike period. Although strikes are based on genuine grievances, they have partially paralyzed administration and disturbed the pace of planning and development. India can ill-afford such breaks and situation which
retard the plan process and over all development. To weigh up the gains and losses of a strike is like weighing up the gains and losses of any other kind of warfare. On the employers side the immediate losses are idle capital, loss of profits, the delaying of orders and loss of goodwill as well as the possible incurring of insurance or strike breaking expenses while on the workers side there is loss of wages, the contracting of debts and all the personal hardships that may be involved. The strike weapon penalizes every one of the workers more than the employer at whom it is aimed. Apart from their effects on the particular workers and employer concerned, strikes have an appreciable effect upon the economy in general. Almost all stoppages appear, irrespective of their origins, acts of the workers though much against their wishes often cause inconvenience, they may reveal disturbing political aspirations and these considerations are to promote people’s judgments of their economic effect. Better purpose is served by the spirit of strikes and the threat of strikes rather than the strikes themselves. The relationship between strikes and wage increase is in fact far more complex and indirect. The strikes that actually happened seemed to have had greater indirect effect on wages rather than direct. Wages are the object of the unions’ strategy towards strikes. Strikes have a greater effect on output. The output lost by strikes is commonly made on the basis of a count of the working days lost. The effect of strikes may sometimes be disproportionately severe because even though the output directly lost is small, the multiplied effect of the loss may be very
big in a context of shortages and low stocks, and because labour in so far as it is fully employed is in a stronger bargaining position and may use this in order to secure a succession of wage increase in the industry. The figure of working days lost remains the only direct quantitative evidence available of the effect of strikes. Inspite of legal position and restrains on strikes, the time lost due to strikes has been on the increase.

The loss of working time due to strikes in any country reveals the intensity of the conflict and its bearing upon the industrial laws of the country. It remains a matter of interest to see as to what extent the country has taken cognizance of those conflicts to help reduce the areas of conflict. Though strikes are a social necessary yet they give a very severe jolt to the economy of the enterprise and indeed of the country. Usually big strikes take place in nationalized industries which goes on to prove that nationalization is no guarantee against the outbreak of strikes. Even after nationalization there can be tensions and conflicts between the management and workers and if effective steps are not taken to find a quick solution to the differences, they may lead to industrial conflict and cause abnormal loss of working time besides giving a severe jolt to the economy of the country. After the strike, if there is a resumption of work with mutual understanding, then the things get back again on to its usual footing very quickly, otherwise not. ‘Cost of strikes’ is a vague concept and it includes theoretical estimates of cost to employer’s workers and to the public. The only justification for a strike as a technique of collective bargaining is that the costs
imposed by a strike on both the management and employees will eventually bring about a more reasonable attitude and lead to a compromise settlement.

3.2. UNFAIR LABOUR PRACTICES - NEED FOR LEGISLATION

The man object in exacting the provisions of the section is to protect the legitimate trade union activities of the workman the welfare state or today has moved a long from the early days to the trade union movement when the state in this country and elsewhere was suspicious of the trade union and the employer enjoyed complete freedom to weaken them, the workmen on the other hand, regarded them as most essential weapon in their hands to safeguard and advance their welfare. In L. H Sugar Factory and Oil Mills Ltd., v State of Utter Pradesh\(^7\) the Court observed that it is a necessary corollary of its twin policy of industrial peace and economic justice that the state shall discourage any attempt by the employer to undermine the strength of the trade union from a community the loyalty of all workmen can be a pillar of strength for the nation thus it is against the public interest and the policy of the Industrial Disputes Act to permit the employers to undermine the trade unions which are the most officer instruments of the state policy of industrial peace through representatives negotiation between employers and workmen.

\(^7\) AIR 1962, ALL-70 (1961)
This section is simply meant to put a check on such that motive of employers as are calculated to draft the growth of healthy trade union movement in the country. Thus in the case of where the appellant employers conduct is clear that he was unable to accept the inevitably position that industrial employees are entitled to form a trade union and to agitate collectively for the betterment of their wags and conditions of service and root cause of the termination of the service of the employees of the appellant employer on his version for formation of the union by its employees, the Supreme Court declared dismissal of the workmen illegal and upheld the labour tribunals order of reinstatement of the workmen. This was considered in the case of the ML Bose and Co (Pvt) Ltd, Calcutta v Its employees.\(^8\)

In Eveready Flash Light Co. v Labour Court\(^9\) it was held that the definition of unfair labour practice, Supreme Court 28 (k) has no application with matter of the employers relation with his individual employees. The Act was not intended to regulate the employers relations with the employees arising out of the terms of employment which is the purpose of the Industrial Disputes Act the court observed that "Even assuming that thus definition to some extent reflected in mine of the legislature to the time of the passing of that act it was intended to apply only for the purpose of relations between the employer and the trade union and it was provided

\(^8\) AIR (1961) SC 1198
\(^9\) AIR 1962 ALL 1997
that in his relations with the trade union the employer must not do anything which was calculated to weaken the trade union but the definition of ULP in Sec 25 (k) has not application in file matter of the employers relations with this individual employees, the act was not intended to regulate the employers relations with the employees arising out of the terms of employment which is the purpose of the trade disputes Act".

The National Commission Labour dealing with unfair labour practices deserved provision of legal protection to unions is a corollary to the promotion of healthy industrial relations and recognition of union on the role, representative of the workers it is, therefore important to write in the law provision to prohibit and penalize Unfair Labour Practices on the part of both the employee and regained unions, an attempt was made to define these. Practices both in Trade Union (Amendment) Act 1947 (not enforced) and in the Industrial Relations bill 1950. In code of discipline (1958) contained a reference to unfair labour practices to be provided by union and management in Feb 1968, the Govt. of Maharastra set-up a committee on Unfair Labour Practices to define activities which should be treated an Unfair Labour Practices on the part of the employers and workers and their organizations and to surest action to be taken. Its unanimous report presented to the Maharastra Govt. in July 1969 the committee caused various acts of omission and commission which constitute unfair labour practices.
We recommended that the law should be execrate various unfair labour practices on the part of employers and on the part of the workers union and provide from suitable penalties for community such practice. Complaints relating to unfair practice will be death with by the labour courts. They shall have the power to impose suitable punishment penalties which may extend to derecognition in case of unions and heavy fine in case of employers found guilty of such practices.

It may thus be seen that both employers and workman often resort to the Unfair Labour Practices which are not undoubtedly healthy to the industrial peace and harmony. At present that is no effective law in existence to prevent such practices. It is therefore desirable that the Unfair Labour Practices should be specified denned and efforts have to be made by both the employers as well as the not to indulge themselves in such practices and try as far as possible to resolve the differences at the round table. The code of discipline must be adhered to by both the parties.

In thus aspect, the recommendations made by the National Commission on Labour are more appropriate and they may be implemented.

Unfair Practices in Collective Bargaining are sometimes resorted to both by employers and trade unions. They are liable to hamper the development of collective
bargaining and embitter negotiations so much by the suspicion and distrust they cause as to make agreements difficult to reach. It cannot be sufficiently emphasized that only in an atmosphere of mutual recognition and respect device Collective Bargaining have a reasonable chance of success.

**ANTI UNION CONTRACTS**

In early stages of trade union organizations some employers not only refused to recognize trade unions and bargain with them and could not employ a worker who was a member. They might even require each worker they employed to enter into a contract with them that as a condition of employment he would not join a trade union. Beatrice and Sydney Webb in their "history of trade unionism" described use of this practice by employers in the United Kingdom during several decades from 1830 onwards. For instance in 1850 workers in the building industry were required by the employers to sign what was known as "the document", to by which they undertook not to join a trade union while in that employment. As a trade unionism grew stronger such contracts and undertakings become increasing by rare in British industry and are now almost non existence. Subject to various exceptions, the practice is not actually illegal, in British Industry but in fact has been vitally surprised by the trade unions, as they gained in strength and is contrary to current practices in Industrial Relations.
In the United States this practice for which picturesque from "yellow-dog contract" was used, reminded vide spread in many industries until the 1930s when the ‘new deal'. Legislation made illegal for an employer to require his workmen to enter into such a contract.

Under the new legislation the employer cannot prevent workers join a trade union. Before such contracts were made illegal the same object of many employers, in the United States was not much to be able to see their workers for breach of contract if they found a union as to be able to secure injunctions from the courts to prevent trade union organizers from trying to presage their employers to join on the grounds that the organizers were endeavouring to induce workers to break their contracts.

'Anti Union Contracts" are illegal in a great number of countries. Moreover, it is now an internationally established principle that a contractual obligation by which the employment of a weaker is made subject to his not joining a trade union would constitute a violation of his right of association. In the right to organized and Collective Bargaining Convention, adopted by the International Labour Conference in 1949, it is stated that workers shall employ adequate protection against acts of anti-union discrimination in respect of their employment. The Connection also explicitly states that such protection shall apply particularly in respect of acts
calculated to make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership.

**VICTIMISATION OF TRADE UNION LEADERS:**

In periods when the trade union movement was struggling to establish itself and employers were determine opposing it, both sides carried their hostility even to the point of violence in certain industries and countries. Measures were taken by some undertakings to prevent trade organizers from entering steel, insuring and other industrial towns. Longs of men were employed for this purpose and estimated to use force if necessary. In these conditions trade union workers who tried to organize the workers and the danger of molestation and their safety was threatened. Such action of course, provoked the workers to acts of violence as well. Bunds of strikers used to attack strike-bearers, fire arms, and other weapons.

**JURISDICTIONAL STRIKES**

Jurisdictional disputes often arise when two or more trade unions claim the right to organize and represent workers in a given undertaking and each union striking for mastery over the others. Quite often they may had to strike, yet such strikes are not direct concern of the employers although they have no effective means of prevent them and suffer financially there form. In some containers such
rivalries are being prevented by Central Organizations. In centers in which the card provides machinery to enable workers to choose which of two or more rival union they wish to be present them in Collective Bargaining. The union is given conclusive bargaining rights. It is their unfair labour practices for another union to call a jurisdictional strike for the workers have decided which union they wish to represent them. Such a strike would be illegal and penalties could be imposed.

DISMISSAL WORKERS

Difficulties arise when a trade expels a member for some violation of them rule or for conduct contrary to union policy. There have been cases where a union has called a strike in violation of a provision of Collective Bargaining agreement requiring disputes to be settled by conciliation or arbitration and when a members has refused to go on strike because such a union was contrary to the agreement He has been expelled from a union for not obeying the strike order. A workmen expelled from a union for their or any other reason is no longer a member and where a union has an agreement in a "Closed Slip" "Union Shop" with a employer, it must demand dismissal of the workmen. From the employers point of view the; man may be an excellent worker and also may not have broken any procession of the agreement between the employer and the union. Such a demand for dismissal is unfair both to the worker and his employer and the letter would be justified in
refusing it. When such a demand is designation by law as unfair practice, the employer is protected in retaining the workmen and a union which tries to enforce its demand becomes liable to penalties.

In the US it is an unfair practice for an organization of workers to try to restrain or collier an employer in the free choice his representatives for Collective Bargaining and to organize a strike to attempt to force an employer to now to employer organization. Where representation lector is the base of union democracy in US, these unfair labour practices, are quite common the US country contemplated that the union should heave a free and unrestrained choice of their bargaining representatives under the states, the National Labour board has always been on its guard to adjust between the employees right of self determination and the employers right to industrial disciplines. Desertions in many cases which cause before the board and them went to the Supreme Court of the US to prove that the board has been throughout successful in maintaining a balance between these two inflecting entreats. Unfair Labour Practices committed by the employers find little scope to laminate in the American Labour Relations.
In Republic Aviation Corporation v National Labour Board,\textsuperscript{10} the employer promulgated a rule against soliciting union membership in the plant and to be invalid, so also a discrimination against a union by laying it the use of company meeting hall when it was found by the board that the managements role purpose in such denial was to prevent and discourage self organization and Collective Bargaining by the company's employees was held to be Unfair Labour Practices within Sec 7 of the National Labour Relations Act.\textsuperscript{11}

The American National Labour policy gives full freedom employees to form, join and assist any labour organization of their choosing whomever the employees by their speeches or actions have interfered in the election campaign of a bargaining representative their activities have been formed as Unfair Labour Practice by management by the National Labour Relations Board.\textsuperscript{12}

Extending of any economic benefits by an employer on the employees whether representative election pending was also held to be an unfair Labour Practices being an interference in the free choice of representation by the Union.\textsuperscript{13}

\textsuperscript{10} Republic Aviation Corp. v National Labour Relations Board, 324 US 793. But the court in nuton case US 357 broadened the above ruling saying that an anti solicitation rule would be enforced by the employer if that was not coerces and was applied in good faith for purpose of production, order and discipline in the industry and especially when other elements of communication are open for union organization.

\textsuperscript{11} National Labour Relations Board v StroveSpinning Co. 336 USA 226

\textsuperscript{12} Dal Tax Optical Co., v National Labour Relations Board (1962) p. 782.

\textsuperscript{13} The National Labour Board v Exchange parts Co. 375 US 405.
Recognizing one union on the basis of card majority when another union has a representation petition before the board for a decision as to which union is the bargaining agent, had held to be an unfair labour practice under Sec. 8(a)(I) of the National Labour Relations Act. The board has never been partial. If it finds something wrong with the employer action, it sets aside the election, election has been set aside, for instance in cases, where the unions misrepresented material facts which has a real impact on the election results. But in such cases the deception form truth must be substantial and significant.\textsuperscript{14}

Since the whole Collective Bargaining concept the United States is a well-established labour phenomenon regulated by status, trade union function something and effectively.

In India an attempt was made to put it in the Trade Union (Amendment Act, 1947), and the Industrial Relations Bill 1950. The code of discipline of 1958 contained a reference to Unfair Labour Practices. All these attempts did not bring any change because of the absence of statutory enforcement.

The Trade Unions (Amendment) Act, 1947 provided for unfair practice on the part of the employer and as well as the trade unions. Their chapter was intended to be inserted in the principle act by the Trade Unions (Amendment) Act, XIV of 1947.

\textsuperscript{14} Holl Wood Crawiers Co. V. National Labour Relations Board (1962) P.221.
But their amendment has not been given effect to so far. Hence the provisions of the act have no legal force and do not legally form part of the current text of the Industrial Disputes Act 1926. But the principles contained therein are being universally followed by the adjudication's and industrial tribunals engaged in the despoil and settlement of Industrial Disputes on the basis of their policy of industrial peace and economic justice. Till they are legally enforced, they might serve as codes of conduct and self discipline.

Section 28(J) of the Trade Unions (Amendment) Act 1947 (enforced) provided the following acts as unfair practice by recognized trade unions.

Trade Unions (Amendment) Act 1947 section 28 (J)

The following shall be deemed to be unfair practices on the part of a recognized trade union, namely

I. For majority of the members of the trade union to take part in an irregular strike.

II. for the executive of the trade unions to advise or actively to support or to existgate in irregular strikes

III. for an officer of the trade union to shortest any return
required by or under this Act containing false statements

The following shall be deemed to be unfair practice on the part of an employer, namely:

I. to interfere with restrain or coerce his workman in the exercise of their rights to organize, from, free or assist a trade union and to engage, in concern activities for the purpose of material aid or protection

II. to interfere with the formation or administration of any trade unions or to contribute financial or other support to it

III. to discharge or otherwise discriminate against any officer of a recognized trade union because of being of such officer

IV. to discharge or otherwise discriminated against any workman because he has made allegations or given evidence in an inquiry or proceedings relation to any matter, such as is deferred to in sub-section (i) Sec 28 (f).

V. to fail to comply with the provisions of sec 28 (f) provided that the refusal of an employer to per net his workman to engage in trade union activities during their hours of work shall not be deemed to be an unfair practice his part.
Recognition is necessary only to entitle the IV to the power and privileges under Sec 28 (f) of the Act, where as registration would be enough to entitle a workman to be represented by a trade union of which he is a member.

3.3 LEGAL CONSEQUENCES

In the last century, every strike was a crime and almost all peripheral activity engaged in by participants in industrial action could be said to amount to one or other of the vague common law offences of ‘obstruction’ molestation or intimidation. The legal history of industrial relations has to a very large extent, been a history of removal of such sanctions. A poor worker is the victim of legality and interpretation of various Acts made to discourage strikes and consequences flow from only unsuccessful strikes, for a successful strike is always a legal strike. The commonly used terms of strike in India are (1) legal strike (2) illegal strikes that are prohibited under sections 22, 23 of the Industrial Disputes Act of 1947. A particular strike may have more than one classification a strike may be legal yet unjustified or it may be illegal but justified. A strike, legal or illegal, justified or unjustified does not dissolve the employer-employee relationship. The right for strikes are in no way abridged by temporary replacements and they are entitled to wages for the strike period, if the strike is a justified one. The position of law, stands that it there are standing

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15 Express Newspapers Ltd. v Michael mark, (1962) II LLJ 220

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orders providing for dismissal in an establishment, the striking workmen may be punished in compliance with the requirements thereof. But in cases where there are no such standing orders, it would nonetheless be necessary to serve the individual workmen who have participated in the strike with charge sheets and then to hold regular domestic enquiry to determine the quality of misconduct and quantum of punishment by finding out whether they were peaceful strikes or violent strikers. It is only after complying with these requirements, a workman if found guilty of the charges may be dismissed\textsuperscript{17}.

Workers going on strike always regard the justification of their demands as supreme. Therefore it is left to the courts to search for its justifiability or unjustifiability. For once their strike succeeds no flow of consequences legal or otherwise. It is only from unsuccessful strikes that consequences flow. In India there is a difference between the wages for the strike period and the back wages. The former relate to the period when the workers are on strike, the latter to the period between the termination of strike and actual rein statement. In U.S. & U.K. workers are not entitled to wages for the period of strike whereas in India wages for this period are allowed in some cases.

\textsuperscript{17} O.P. Malhotra, the Law of Industrial Disputes Act, Vol. 1, Universal Law Publishing, 5\textsuperscript{th} Ed., Reprint, 2001
The Industrial Disputes Act does not discuss the general consequences of an illegal strike on employer-employee relationship. It only mentions that under certain prescribed conditions participants of an illegal strike may be held liable to criminal prosecution. An illegal strike does not automatically put an end to employer-employee relationship. When the strike declared by the striking workmen is illegal strike, the strike declared by the striking workmen is illegal strike, the strike declared by the striking workmen is illegal strike, the striking workmen are liable to suspension forthwith pending an enquiry into their conduct. If the strike is legal and justified and the striking workmen resort to violence, they are liable to be dismissed if the charge is proved after a proper enquiry. If the strike is illegal under Sec. 24(1) by reason of its being declared during the pendency of a proceeding before Tribunal, the employer must obtain the permission of the Tribunal under Sec. 33(1) before dismissing the workmen, and if he does not, the dismissal is illegal, the dismissed workmen are entitled to re-instatement.

The workers claim for wages for strike period is based upon the argument that it is their fundamental right to go on strike to enforce their demands and that if the employer had not resisted their demands they would have not gone on strike. The employer on the other hand denies the claim contending that paying wages for

19 Lakshmi Devi Sugar Mills Ltd. v Ram Swarup AIR (1956) SC 82.
20 Swadeshi Industries Ltd. v Its Workmen (1960) II LLJ.78.
the strike period would be adding to the injury and loss caused to him by the strike\textsuperscript{22}. ‘No Work No Pay’ is considered to be an accepted principle though not rigidly practical.

In Bank of India v T.S. Kelawala\textsuperscript{23}, the Supreme Court held that where the contract or standing orders or the service rules regulations are silent on the issue of workers entitlement to wages during the strike period, the management has the power to deduct wages for absence from duty when the absence is a concerted action on the part of the employees and the absence is not disputed, irrespective of the fact whether the strike was legal or illegal. There is no statutory provision either in civil law or in industrial law prescribing payment of strike wages. Strike pay cannot therefore be claimed as a legal right. The relief of wages for the strike period is granted not as a legal relief but based on equity and social justice on account of economic disparity between the employer and the worker. The question for payment of strike wages hinges on the question whether the strike is justified or unjustified.

The workmen while going in for industrial action do not bother about the consequences. There is a need to evolve expeditious and efficacious machinery to resolve strike cases. The need is felt-all the more to cut down the long delays of their some litigative process. Ours is a developing economy and needs techniques of

\textsuperscript{22} Arya V.P. Strikes & Lock-Outs (1972) at 75.
\textsuperscript{23} (1990) 4 SCC 744.
avoiding litigation and having resort to non-litigative mechanisms. It will help the worker, the employers, the industry and the nation.

3.4. POLITICAL CONSEQUENCES

The political strike is directed not only against the employer but directly or indirectly against the community or against the state. The political strikes are (a) strikes undertaken for reasons directly connected with worker's living or working conditions but where Government action would be necessitated (b) strikes with economic objectives but which, because of their effect at home are liable to provoke Government action. Big strikes, or strikes in an important branch of industry which cause great disruption, come into this class-especially the strikes in public utilities and other essential services.

The political approach considers the role of the state, power structure in the society, labour nexus with political parties etc., as being the major explanatory factor. In India a general strike is always considered a political strike despite the reasonableness of the demands. The Government usually takes the position that it cannot judge the full significance of a strike by what the strikes think of themselves. When millions of workers simultaneously cease work at the bidding of an authority other than the state it is regarded as a challenge to the authority of the
state. As a matter of fact it is sir; industrial dispute and must be taken-as such. The Government even goes to the state of promulgating art ordinance to ban a strike taking it to be political. For example this has happened on September 19, 1968 to ban one day's token strike in Railways. In the Indian context, the Trade Unions Act, 1926 has conferred the right to associate on the workers. It has also led to multiple unionism and inter union rivalry leading to the automization and disarray of the working class. A policy of striking up a good equation with one or more unions aligned either with the employer or with the ruling party at the state or the centre or with both employer and ruling party has generally become the understand strategy. Multiple unionism along political lines as well as along craft versus industrial lines has led to the splintering of the trade union movement in the Indian Context thus weakening the bargaining power of the trade unions. The economic measures adopted by the present government under the New Economic Policy have for reaching implications for among others, the industrial relations. The trade unions backed the rival political parties have reacted against the policies. The trade union scene is dominated not by trade unions committed to the cause of the working classes but by trade unions aligned with the political parties. The possibilities of curtailing the economic impact are primarily inter-twined with a determined political will to sacrifice certain amount of sectional freedom of both employers as well as
employees. In the Indian context there lies political compulsion in the ruling classes to curb the right of labour to strike in order to pursue their own class interests and as a consequence of that several legal instruments have been evolved.

Public inconvenience may be an indispensable weapon when trade unions seek for what they regard as justice, one of their most powerful sources of strength is the awakening of the slow & inert public to a sense of the position, it must be aroused so that the public begin to have interest in the position to call for action, in add-on to any economic loss what the employer may suffer during a strike, a hostile public opinion may involve a certain loss of standing and goodwill which may in the long run effect his political and social status.

The eighties had experienced major developments on the ideological front in globalization and competitiveness' amidst economic difficulties, higher inflation, stagnation in employment and fiscal problems in several countries. The mega changes influenced the poetical positions, public policy and institutional mechanism with regard to industrial strike in several countries, but may have induced changes in the levels and trends of the conflict. Concomitantly the new realities demand a closed perspective of the nature and magnitude of the impact of strike activity on economic development.
3.5 SOCIAL CONSEQUENCES

In the modern industrial world the political, economic and social effects are so inextricably linked that it is often difficult to draw a line and separate them. The public may also be put to avoidable hardship wherever the employer and the workers are locked up in a struggle. The general public can be classified under three categories of people affected by industrial strikes. First of all comes the consumer of the goods. It means that the more essential the product and the more difficult it is to have its alternatives, the greater would be the inconveniences to the consumers. For instance a strike in a public utility service\textsuperscript{24} will cause more hardship to the consumers than a strike in ordinary establishment. Secondly suppliers to the unit under strike also incur losses because they are forced to curtail their operations on the reduction in the demands for their goods and services. In the third category comes the supplier of goods and services to the workmen. The wage losses incurred by the strikers force them to curtail their consumption and those who live by supplying goods and service to the workers are also compelled to reduce their activities. The effect of strikes on service industry like banks and insurance companies are no less demerging. A strike in public utility services like the railways, posts and telegraph and the power and water supply services of a municipality calls for a treatment different from an employer-employee dispute in an undertaking engaged in the

\textsuperscript{24} As per Sec.2 (n) of the Industrial Disputes Act. 1947.
production of luxury consumption items – whenever a strike takes place in essential services, a settlement of labour dispute become a matter of public interest. The public as a third party has a right to expect that day to day life is not disturbed by the cessation of production of mass consumption goods or stoppage of essential services due to management labour disputes.

The need for public support to strikes is increasingly felt. The importance of public opinion in strikes has been stressed from many different stand points. Public opinion can exert a very powerful influence on the determinations of an industrial dispute. Strikes invariably do not succeed when moral or financial support is withheld from the trade unions and the strikes by the public while the demands which the community as a whole believe to be justified are not generally resisted to the bitter end. It is true that the larger the stoppages the greater also is the danger of a hostile public reaction which they provoke. There is no substitute for free and unfettered collective bargaining between free management and free labour, sitting around the conference table etc., but the public is the silent third party and public interest is paramount than the special interests of management and labour. Public opinion must be fought for and on. In a sense organized labour must complete for it and no strike strategy is complete without a well conceived plan towards that end. In India most of the strikes are orderly because they are launched for fulfillment of

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25 Chamberlain & Schilling – Social responsibility and Strikes (1st Edn.) p.107
workers demands for away from criminality. The reports of workers’ violence in strikes are often exaggerated so as to undermine their importance.

Another important aspect is the support the press towards the striking class. The management wins the support by inserting costly advertisements projecting their view point and arranging press conferences and spending, there in lavishly. The average newspaper is seldom on the side of the labour. Even the striking worker can win the support of press without involving much expenditure with the help of resourceful, influential and efficient workers by explaining to list the rationale of their demands and their view-point. A hostile attitude on the part of the public at large, or even an attitude on-the part of the public large, or even an attitude of apathy and indifference in time of a major strike is dangerous and must be overcome, since it develops an offensive against the strike. The strike weapon for the workers is a kind of colonial revolt against far removed authority, an outlet for accumulated tensions and a substitute for occupational and social mobility. Militant workers favor a strike only- when they feel that sufficient cause exists and also the prospects of success are sufficiently high. These workers weigh the strike in terms of their wages.

The factors which are important in determining workers' attitude towards strikers are history of their union, their leadership, the strikes in which they
have participated, level of trade union consciousness, how the union prepares them, their assessment or the employers intentions, the size of their organization, the timing of the strike and the like. An industrial strike may, conceivably send itself to use as a weapon for coercion in the hands of employees. But strikes are as old as work itself. It is reasonable to prohibit strikes in regard to services essential for society, it injures not only the party against whom it is directed but society as a whole. Strikes are used as tools not only to counteract exploitation but also to realize their just and reasonable demands.

3.6. STATISTICS OF STRIKE:-

Strike statistics like any other social statistics are collected by Government agencies for administrative purposes either on a voluntary basis or statutorily. In the process they rely on one or other potential informational sources on the occurrence of strikes viz. press, police reports and employers in India statistics relating to industrial disputes resulting in work-stoppages are collected on a non-statutory basis by the state labour departments, authorities of Union Territories and Regional Labour Commissioners Central from the affected unions falling under the state and central spheres respectively. The information collected for each dispute, Sinter alia, relate to the number of work stoppages in a given unit of analysis over a specific period of time (i.e. frequency), Number of workmen who are involved in the
work stoppages directly indirectly involvement and number of man days lost due to work stoppages. Strike statistics serve as data base for policy decisions. Though strike statistics can never serve as substitutes of more reliable research methods, for all their shortcomings they provide a data base and a frame of reference. When supplemented with more detailed investigations they may offer valuable insights into the trends and patterns of strike activity and their distribution over time and space. In India we have the classification of industrial disputes by causes, results, states, industries, spheres, sectors, method of settlement, duration and all India organization of workers involved. The validity of strike statistics can be assessed on the criteria of completeness, representativeness and homogeneity.