CHAPTER I

INTRODUCTION AND DESIGN OF THE STUDY

1.1 Introduction
1.2 Significance of the Present Study
1.3 Scope of the Study
1.4 Period of Study
1.5 Objectives of the Study
1.6 Review of Previous Study
1.7 Collection of Data
1.8 Sampling Design
1.9 Construction of Tools and Pre-test
1.10 Field Work and Data Collection
1.11 Scheme of Analysis
1.12 Measures of Strikes
1.13 Effectiveness of the Industrial Relations Machinery: Break Down Rate
1.14 Measures of Effectiveness and Efficiency of Settlement Machinery
1.15 Effectiveness of Conciliation
1.16 Efficiency of Conciliation
1.17 Effectiveness of Adjudication
1.18 Efficiency of Adjudication
1.19 Analysis of the Causes of the Failure of the Conciliation
1.20 Operational Definition of the Concept
1.21 Chapter Scheme
1.1 INTRODUCTION

An economy organised for planned production and distribution that aims at the realisation of social justice and public welfare can function effectively only in an atmosphere of industrial peace. If the twin objects of rapid national development and increased social justice are to be achieved, there must be harmonious relationship between Management and Labour. But, in a developing country like India, recurring industrial unrest has tended to grow from year to year. Industrial unrest reflects the failure of basic human urges or motivations which ultimately takes the form of industrial disputes. Strikes, lock-outs, go-slow tactics and increased absenteeism are some of the important expressions of such unrest. Industrial unrest is symptomatic of a disease that demands cure and prevention rather than mere suppression.

Unless industrial disputes are contained within a reasonable limit, there is little hope of industrial peace in any country. It affects all sections of the economy namely working class, employers and the general public. Paradoxically with the advancement of technology and industrialisation, new challenges in the field of industrial disputes are also emerging. In case suitable remedial
measures are not found and implemented effectively, the industrial development of the country is likely to be jeopardised. For an all-round growth, the developing countries require a climate of industrial harmony, a harmonious Labour-Management relations with minimum industrial disputes along with beneficial inputs.¹

In order to create industrial peace, the labour disputes should be settled amicably. Depending on the parties involved, they may be settled through self-settlement, assisted settlement or imposed settlement. Self-settlement is achieved through collective bargaining where both the representatives of the labour and the Management sit across the table and settle the disputes through negotiation. Assisted and imposed settlements involve a third-party intervention. In the case of assisted settlement, the third party assists the parties concerned to reach an agreement. But in the case of imposed settlement, the third party settles the disputes on the basis of the merits of the case. The third party may be a Government or private agent. To

settle the industrial disputes, the methods adopted by the Government are: 1. Conciliation, 2. Arbitration and 3. Adjudication. In spite of the various methods adopted for settlement by the private and Government agencies, the industrial disputes show an increasing trend. Therefore, methods of settlement should be adopted systematically, so that strikes and lockouts could be avoided or at least minimised.

1.2 SIGNIFICANCE OF THE PRESENT STUDY

Many of India's largest business houses began with textiles—the oldest and still the largest industry in India. The accumulation of surpluses from these pioneering textile mills were then used to nurture diversification into other industries. For example, the first company of Jamhabij Tata was the Central India Spinning, Weaving and Manufacturing Company Ltd., which opened the first mill—the Empress Mills—in Nagpur in 1877. This company funded the early growth of the house of Tatas—the mother unit to all the later giant Tata companies. In India, Tamil Nadu plays a significant role in the growth of the cotton textile industry. Tamil Nadu ranks first in the usage of automatic looms and spinning machinery. Further, the Industrial
4

profile of Tamil Nadu 1983 reveals that the cotton textile industry has been occupying the first position in the State in terms of value of output. For example, as per the records at the Office of the Commissioner of Statistics, Madras, in the year 1982-83 the share of manufacturing sector as a whole in the State economy had 89 per cent. In Tamil Nadu, Madurai district occupies the second position in the development of the cotton textile industry next to Coimbatore.

Though the cotton Textile Industry has been occupying a significant position, it seems to be a highly dispute-prone industry in Madurai district. For example, out of the total disputes raised during 1991, the share of cotton textile industry was on an average 30 per cent. Hence the researcher has undertaken to study the settlement of industrial disputes in the Cotton Textile Industry in Madurai district.

1.3 SCOPE OF THE STUDY

The present study aims at examining the industrial settlement machinery in the Cotton Textile Industry in Madurai district. After examining the causes of industrial disputes, an attempt is made to evaluate the performance of the conciliation and adjudication machinery.

2. Compiled from the Complaint Register, in the Office of the Assistant Commissioner of Labour, (Conciliation, Textiles) Madurai.
Suitable policy recommendations for making the settlement machinery more effective are given in the last chapter.

1.4 PERIOD OF STUDY

The present study covers a Period of ten years, 1982 - 1991.

1.5 OBJECTIVES OF THE STUDY

The objectives of the study are as follows:
1. To examine the causes for the industrial disputes in the cotton textile industry in Madurai district.
2. To assess the effectiveness and efficiency of the settlement machinery, namely conciliation and adjudication.
3. To analyse the reasons for the failure of conciliation and adjudication.
4. To offer, where - ever appropriate, suggestions to improve the working of the machinery.

1.6 REVIEW OF PREVIOUS STUDIES

There are many studies and surveys on the settlement of industrial disputes in general. Although the earlier studies do not have any direct bearing on the subject of this research, they are methodologically useful.
A. SETTLEMENT OF INDUSTRIAL DISPUTES

Mr. Asdhir Vijay (1980) has examined the dispute settlement process in the state of Punjab with special reference to the Textile Industry during the period 1967-78. He has specifically studied the working and assessed the effectiveness of dispute settlement machinery consisting of conciliation, voluntary arbitration and adjudication, as constituted under the Industrial Disputes Act, 1947. The study has conclusively shown that the effectiveness and efficiency of the dispute settlement machinery in Punjab have been very low, more so in the textile industry. The reasons can be found in the inability or unwillingness or both on the part of any one or all the parties involved, namely, workers, trade unions, employers, presiding officers and the officials of the labour department.

Om Prakash and Subhash Chander in their paper "Settling Industrial Disputes in Punjab", have examined the role of the State Government's machinery in the settlement of industrial disputes in that state. They have studied the incidence of industrial disputes, and the settlement of industrial

disputes through conciliation, arbitration and adjudication. They have concluded that work-stoppages as the result of strikes and lockouts produce adverse effects on workers, Management and the society. They have also pointed out that the conciliation and adjudication, being time consuming, have proved to be unsatisfactory for workers, Trade Unions and the employees in Punjab. They have failed to introduce stability in industrial relations. Efforts should, therefore, be made to encourage collective bargaining which could help the Management and the workmen in judicious and early settlement of disputes.

In his paper "Current System for settlement of Disputes in the U.S.A.", Dr. B.P. Singh, states that the awareness to establish a sound relationship between employers and employees is growing, particularly in view of the compelling business needs and the national economy. Towards this objective the current system for settlement of disputes in U.S.A. is making a significant contribution. In this process

both sides are directly involved and the Government through its established organs plays the role of natural facilitator.

Dr. A. Gani, in his paper "Industrial Relations in Jammu and Kashmir", presents a brief historical perspective, followed by a sector analysis of the conflict proness. Miscellaneous Group of Industries is the most conflict-prone in the State, which interestingly confirms the validity of Kerr-Siegal thesis of "isolated mass of workers being more conflict-prone than others". However, no uniform and regular trend is discernible. The study concludes that both the direct and the third party dispute settlement measures, have, by and large, not been successful in the State. What is required in the creation of a good infrastructure for the management of industrial relations in the State before the situation goes beyond limits.

G.C. Rath, D.V. Giri and S.C. Parida, in their paper, "Industrial Relations in Orissa" list their findings, based on both primary and secondary data. They are:


1. deteriorating Union membership in the organised sector;
2. emergence of regional level Unions in the unorganised sector;
3. lockouts significantly contributing to the mandays lost;
4. increasing realisation on the part of some employers and their employees about the need to bargain collectively; and
5. the unsatisfactory and ineffective role played by the State Government.

B. COLLECTIVE BARGAINING

Haribbau Naik, in his paper entitled "Collective bargaining - an instrument to improve socio-economic conditions of workers" throws light on the growth of collective bargaining and the results of collective bargaining. He concludes that the performance and record of collective bargaining in India both in terms of quantity and quality on the whole have not been unsatisfactory, though its operation on a larger scale and expansion to wider area is desirable.


B.R. Patil in his paper "Sectionalised Bargaining in Textile Industry in Coimbatore", analyses collective bargaining at the sectional level. According to him, sectionalised bargaining is a pattern that combines in it the elements of productivity bargaining and coalition bargaining in an effort to deal with the problems of rationalisation and multiple unions which continue to be the characteristics of the textile and other industries with absolute technology and method of production.

In his paper, "Coalition and convertive bargaining in Indian Industries" B.R. Patil has made an attempt to conceptualize the bargaining by a group of Trade Unions affiliated to different federations while tracing the development and practices of converting an agreement into a settlement arrived at in the course of conciliation proceedings and into consent awards for securing the benefits under Sec.18 of the Industrial Disputes Act, 1947. It is concluded that coalition and convertive bargaining in Indian industries have been evolved to solve the problems in Trade

Unionism and industrial relations. Hence steps should be taken to strengthen the collective bargaining as a Central Institution of the Industrial Relations System.

In the Tamil Nadu Labour Journal, an attempt has been made to study the role of the State in Collective Bargaining. With the growth of the Trade Union movement in India, collective bargaining has come to assume a pivotal role in employer-employee relations - a role that is in fact, "a civilised confrontation" between the workers and the Management for arriving at a settlement or agreement.

The project of Moore 1978, provides analysis of the emerging scope of bargaining in Florida's Public Sector education that will permit public school administrative negotiators and school board members to assess their own positions taken in other Florida school districts by the Public Employees Relations Commission (PERC), the Courts and other Public and Private Sector Jurisdictions.


The work of J.A. Badersli Naider, 1978 presents a theoretical model outlining the possible impact of the collective bargaining legislation covering police and fire fighters on functional distribution of municipal resource allocations.

C. CONCILIATION

R. Narasimhan, 1983 has evaluated the operation of the Conciliation machinery in Tamil Nadu. He has studied the impact of strike or threat thereof on disposal time and compared the disposal time of cases which end in failure or in success. His main conclusion is that strike or threat of strike, expedites settlement of industrial disputes.

The study of J.W. Frees, 1976 explains how mediators help the parties to move from the area of disagreement to the area of agreement. It is mainly a descriptive study giving


an account from the first notice of a dispute till its final conclusion, laying out the structure of the process and the basic principles which define the strategy mediation.

In his Paper "Conciliation in Industrial Disputes" Subhash C. Bajaj throws light on the role of conciliation, conditions for conciliation, qualification of the Conciliator, process of conciliations and conciliation techniques.

P.J. Ovid, in his Study "Effective Conciliation" has analysed the reasons for the success and failure of conciliation. He concludes that the frustrations of a Conciliation Officer, acceptability of the Conciliation Officer by the parties to the dispute, inappropriate Indian Law on conciliation, shortage of time and easy availability of the Adjudication machinery are the major reasons for the failure of conciliation.


B.S. Murty, D.V. Giri and B.P. Rath in their study, "Conciliation Machinery in Orissa", outline the working of the Conciliation machinery in Orissa 1960-82 and the cases inhibiting its effective functioning. It is stated that only 39 per cent of the cases were settled through the method of conciliation. It is also observed that a large number of failures included individual disputes. Mutual distrust of the parties, casual attitude of the parties, lack of faith in the Conciliation Officer, easy access to adjudication, absence of commitment on the part of Conciliation Officer, inadequate training, heavy workload, low status, poor emoluments, inadequate powers of the Conciliation Officer and the exaggerated demands and the rigid stand taken by the parties are the factors inhibiting the effectiveness of conciliation in Orissa.

Saini S. Debi 1992 in his Paper "Failure of Conciliation: Perceptions and Realities" attempts to show that the perceptions research cannot adequately explain the phenomenon of failure of conciliation. The failure perceptions are compared with the actual cases of conciliation failures. It is argued that contrary to

perceived casual factors like unrealistic demands, lack of trust between parties, and lack of commitment on the part of the Conciliation Officer, conciliation fails because the industrial disputes-resolution system, which gives overarching powers to the State, enables the Management to successfully resort to unfair labour practices and thus to succeed in their goal of weakening or breaking the Unions.

Pradeep Kumar 1986, in his study "The working of Conciliation Machinery in Rajasthan", finds that the conciliation to be ineffective. He attributes its ineffectiveness mainly to:

1. The nature of politicised Trade Union,
2. Lack of trust in the Conciliation Machinery and
3. Delays in the conciliation proceedings.

In addition, he finds other contributing factors such as:

1. Powerlessness of Conciliation Officers and the representatives of the parties to the dispute;
2. Heavy workload of Conciliation Officers and
3. Poor knowledge and skills of the conciliator.


A national level analysis on the performance of conciliation was first attempted by the National Commission on Labour. The Commission felt that a sizable percentage of successful settlements were due to the parties themselves presenting an agreement for approval to the Conciliation Officer to get the binding effect. The Commission also listed a variety of reasons for the poor performance namely:

1. the delays involved in conciliation,
2. poorly trained and poor-skilled officers;
3. casual approach adopted by parties to the dispute and
4. excessive desire for adjudication.

Patil 1977 in his book, "Conciliation in India" conducted an in-depth and comprehensive study on the effectiveness of the Conciliation machinery in Karnataka. He studied the views of Conciliation Officers, disputants, employers' and worker's representatives. He found that the success rate of conciliation was just 12-18 per cent, suggesting a poor performance. If the law which imposed a time-limit of 14 days for concluding conciliation proceedings

was applied to conciliation efforts then only 25 per cent of
the disputes could be settled in time. Factors like:-

1. large number of disputes and heavy workload.
2. frequent adjournments,
3. powerless representatives of the disputants were
also identified by Patil as affecting the effectiveness of
conciliation. He also identified certain factors which
promoted settlement of disputes such as:-
   a. Positive attitude of the parties,
   b. Probable benefits from agreements
   c. Skills of Conciliation Officers and
   d. The incompatibility of recommendatory conciliation
      and compulsory adjudication.

In his Paper, "Conciliation Machinery in Maharashtra -
An Enquiry into its Effectiveness", P. Nandakumar states
that the Conciliation machinery in Maharashtra is not
functioning very effectively. The quantum of disputes settled
has been less than 25 per cent, the "failure" of settlement
has been more common and the time-limit imposed by law for
settlement of disputes has not been adhered to. Based on

22. B.R. Patil, Conciliation in India, Chugh Publications,
discussions with the Conciliation officials, suggestions for improving the effectiveness of Conciliation machinery are offered.

D. ARBITRATION

In the Report, "Promotion of Voluntary Arbitration", the promotion of voluntary arbitration as an effective instrument is emphasised.

Subha Rao (1978) in her thesis, has developed a model to measure the impact of arbitration-negotiation process.

Mironi Mordochai, 1977, in his thesis, throws light on the constitutionality of the arbitration provisions, the status and duties of the panel members, the conduct of the hearings, the decision-making process and enforcement, the


tripartite structure of the panel, the selection of arbitrators and the use of legislated decision-making criteria.

The Ministry of Labour, Government of India, has analysed 585 cases of industrial disputes. The conclusion is that:

1. in one per cent of the cases both the parties were willing for arbitration.
2. of 585 cases, 249 were settled on compromise,
3. the employers refused to accept arbitration in 99 per cent of the cases and
4. the Union refused arbitration in 19 per cent of the cases.


27. The Secretary, Ministry of Labour, Government of India, New Delhi, "Attitudes of Employers and Unions to Voluntary Arbitration from 1-1-60 to 30-6-61", 1963.
The Study of the Ministry of Labour, Government of India, discloses that out of 1433 cases, 28 parties were willing for arbitration only in 78 cases.

E. ADJUDICATION

Saini S. Debi, in his Paper "Compulsory Adjudication of Industrial Dispute: Juridification of Industrial Relations" has made an attempt to measure juridification of industrial relations as the impact of compulsory adjudication. Compulsory adjudication is used to mean the mechanism of dispute-resolution from the stage of the conciliation to the Tribunal - award implementation. The parties are being guided by the legalistically - viable positions rather than voluntarily - negotiated considerations, a situation called "Juridification". The parties have accepted the inevitability of the State regulation, and have ceased to think that alternative disputes - resolution structures are possible. And these beliefs are held inspite of undergoing the traumatic experiences of the adjudicative process.

28. The Secretary, Ministry of Labour Government of India, "Attitudes of Employers and Unions to Voluntary Arbitration from 1-3-1961 to 30-6-1963".
The Industrial Disputes Act (IDA) as a "Legal Centralism paradigm", radiates messages that justice can be given exclusively by the State created Tribunals/Labour Courts. This has led to the legal/illegal dichotomy becoming a flourishing industry, the exigencies of the work-place industrial relations taking a back seat. The organisational role of the Unions has also been completely dampened. A facade of the State protection to the workman is projected, which actually, is not there. It is also argued that the adjudication system has made the Unions go on the defensive, or to get wiped out.

Santokh Ram, in his Paper "Government's Discretion to Refer Industrial Disputes for Adjudication" makes out a case for taking away from the Government its power of referring industrial disputes for adjudication. An effort has been made to bring out the various baneful effects of the exercise of this wide discretion by the Government in the sphere of adjudication of industrial disputes. It is concluded that whether it is the Industrial Disputes Act, 1977, or the Industrial Relations Bill, 1978, the reference-making discretion of Government does not serve any useful purpose.

It has become the principal bane of the adjudicatory mechanism provided for settling industrial disputes in India. In fact, the Industrial Relations Bill, 1978, has aggravated the matters still further in this connection. Consequently, there is a strong need for taking urgent measures to undo the exercise of this power by the Government.

Shantimal Jain, in his Paper "Changing Profile of Workmen - Civil Courts and Industrial Disputes" deals with jurisdictional conflict and crisis and exhibits new dimensions to the existing labour law positions. He concludes that the industrial law is complex and fast-developing. The vesting of jurisdiction in civil courts of the industrial disputes would therefore ensure an objective and detached approach, free from emotional bias which becomes manifest in many awards of the Industrial Tribunal/Labour Courts.


Dr. D.C. Jain, in his Paper, "Sec. 10(1) and 12(5) of the Industrial Disputes Act - Second Reference Needs a Second Thought" examines the amplitude of the powers of the Government under Section 10(1) Vis-a-vis Sec. 12(5). He examines whether once having refused to make a reference, the appropriate Government can subsequently make a reference of the same matter.

Shantimal Jain, in his study "Representation Before the Domestic Tribunal" states that the right of workers for representation before the Domestic Tribunal was previously deemed to be based on strict interpretation of the Standing Orders or Service Rules and if the Standing Orders or Service Rules did not provide any such right, then the workers did not possess such right of representation and if they are denied such right, then the enquiry was not vitiated. But now it follows that the traditionally understood position in this respect has come a long way. The Courts are now inclined to give the proposition of representation before the domestic Tribunal, widest possible interpretation albeit one-sided and it remains to be seen what further innovations would be brought about in this field by subsequent judicial &

pronouncements. As the industrial law is to-day receiving a fresh look by the Courts, it would be interesting to see what further modus operandi is evolved on the issue of representation.

Prof. S. Muthuchidambaram has made a study of the number of disposal of cases pertaining to industrial disputes from 1950-70, the average number of cases per annum, the reported number of cases per annum, the average number of cases disposed of by the Supreme Court per working day, the average number of pages per verdict for the whole period and a comparison of disposals by the Supreme Court of India with that of Canada.

1.7 COLLECTION OF DATA

The Present study is based on both primary and secondary data. Industrial disputes including strikes and lockouts, causes of industrial disputes thereof in Madurai district in the Cotton Textile Industry over a period of ten years from


1982 to 1991 on the one hand and the effectiveness of the machinery and other aspects as viewed by the "Actors" (Workers, Trade Union Leaders, Managers and Labour officials) on the other, represent the two categories of the data required for the present study.

Data relating to number of registered and working factories, industrial disputes raised before the industrial relation machinery, number of individual and collective disputes, involvement of Trade Unions, disputes resulting in strikes and lockouts, causes, mandays lost, workers' involvement, the Union involvement, number of cases settled through conciliation, failed, withdrawn or pending cases, time taken to settle the disputes through conciliation, cases referred to adjudication and settled, time taken and the verdicts given by the Labour Courts, awards and the like, have been collected from the Complaint Register, Annual Statement, Award Register and Copies of Memorandum of Settlement maintained by the Office of the Assistant Commissioner of Labour (Conciliation, Textiles), Madurai and Annual Statements maintained at the Deputy Inspector of Factories situated in Madurai.
Data relating to causes of industrial disputes, preference among different methods of settlement, assessment of the Conciliation machinery, factors inhibiting effective functioning of Conciliation, expectation of the parties and difficulties experienced in adjudication, Awards and Industrial peace, Constitution of Adjudication machinery and the profile of an adjudicator, advocates the failure of adjudication and the like have been collected from the workers, Trade Union Leaders, Management, Labour Officers and Presiding Officer with the help of two Comprehensive interview schedules.

1.8 SAMPLING DESIGN

Two samples are being used: one for collection of data for the Conciliation machinery (Sample I) and another for the Collection of data for the Adjudication machinery (Sample II).

SAMPLE - I

After selecting the Textile Industry of Madurai district, the next step was to select the dispute-prone units from where the respondents had to be chosen. As per the reports of the Labour Officials at Madurai, 16 Units were considered to be dispute-prone.
Due care has been taken while choosing the respondents from the selected units representing workers, Trade Union leaders and Managers. Labours Officials representing the Government were also contacted. Considering the time involved in the collection of primary data from the workers it was decided to take five per cent of the workers (workers on roll) as sample in each of the selected units. In this way altogether 873 workers have been selected at random. (Sampling plan is presented in Table 1.1).

All the 70 Trade Union Leaders of existing Unions, each represented by one office-bearer, irrespective of the post held were included as respondents.

All the 48 Managers who had been dealing with labour matters in these selected units were included as respondents. The Managers include top executives, production managers, industrial relations managers, personnel managers and Labour officials wherever applicable.

The Labour Officials representing the Government involved in the settlement of industrial disputes include Deputy Commissioner of Labour, Assistant commissioner of Labour (Conciliation, Textiles), Joint Commissioner of Labour, Labour Officers at Madurai and Dindigul and Senior Superintendents.
### TABLE 1.1

Sampling Plan

<table>
<thead>
<tr>
<th>Unit</th>
<th>Total work force on 1st Jan '92</th>
<th>Sample size (5%)</th>
<th>Trade Union Leaders</th>
<th>Managers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>7000</td>
<td>350</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>2.</td>
<td>2002</td>
<td>100</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>944</td>
<td>47</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>4.</td>
<td>676</td>
<td>34</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>5.</td>
<td>1374</td>
<td>69</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>6.</td>
<td>1300</td>
<td>65</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>7.</td>
<td>622</td>
<td>31</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>8.</td>
<td>775</td>
<td>39</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>9.</td>
<td>644</td>
<td>32</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>10.</td>
<td>405</td>
<td>20</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>11.</td>
<td>305</td>
<td>15</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>12.</td>
<td>400</td>
<td>20</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>13.</td>
<td>80</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>14.</td>
<td>180</td>
<td>9</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>15.</td>
<td>160</td>
<td>8</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>16.</td>
<td>600</td>
<td>30</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

---

873   70   48
SAMPLE - II

During the period under reference, 1982-1991, there were 382 industrial disputes, referred under Section 10 of the Industrial Disputes Act.

According to Rule 68 of the Tamil Nadu Industrial Disputes Rules 1958, the Courts are required to preserve records for 3 years from the date of publication of awards in the Gazette. Accordingly records were made available to the researcher for a period of three years i.e., 1989, 1990 and 1991. During the period of these three years 58 cases were disposed of by the court.

It may be noted that in respect of general demands (i.e., other than employment), the individual workman can not take the dispute and ask for adjudication. Since individual workman without adequate exposure to the system of adjudication may not be able to give considered views, only representatives of workmen were selected for the purpose. The representatives may be Trade Union Leaders, advocates, consultants or workmen. Here after the words, "Workman" or "Management" will refer to the person responsible for conducting the case on behalf of the workmen or the Management. In case, more than one Union or Management are
involved the first named Union or Management alone is taken for reference. Workmen's representatives are 58 and those of managements are 58. From these lists, 30 managements and 30 workmen have been selected by random sampling technique. Since there is only one Presiding Officer, he is included in the list.

1.9 CONSTRUCTION OF TOOLS AND PRE-TEST

Interview schedules in the study have been structured by the researcher himself. The variables to be studied have been identified in the preliminary interview with some selected workers, Trade Union Leaders, Management, Labour officials, and the Presiding Officer.

The variables thus identified by the researcher have been treated as basic material for framing appropriate questions. The schedules so drafted were circulated among a few research workers for a critical review with regard to the working format, sequence and the like.

A pre-test was conducted. The interview schedules were pre-tested and revised in the light of experience gained from the pre-test.
1.10 FIELD WORK AND DATA COLLECTION

Field work for this study was carried out by the researcher in all the sixteen selected units and 30 adjudicated disputes for the purpose of collecting primary data from the selected respondents. This was done by administering interview-schedule to workers, Trade Union Leaders and Management. A mailed questionnaire was used to collect the data from the Presiding Officer. The interview was quite informal using Tamil and was recorded by the researcher in the interview schedule.

1.11 SCHEME OF ANALYSIS

The statistical method adopted in this study are well-known namely, correlation, Index Number, percentage etc. Summary statistics like mean, standard deviation, correlation co-efficient have been calculated and test of insignificance have been used wherever found suitable.
1.12 MEASURES OF STRIKES

The measures of strikes had been used by many researchers mainly to see the strike proneness. However for the present study the Ross and Harman's approach has been adopted.

THE MEASURES ADOPTED ARE

1. Duration Ratio : Calculated by number of mandays lost divided by workers involved.

2. Coverage Ratio : Calculated by number of workers involved divided by number of strikes.

3. Time loss Ratio : Calculated by number of mandays lost divided by number of strikes.


b. Industrial Relations Statistical Series - V. INDUSTRIAL DISPUTES IN INDIA, Shri Ram Centre for Industrial Relations, New Delhi, 7(4). April 1981, p.2


1.13 EFFECTIVENESS OF THE INDUSTRIAL RELATIONS MACHINERY: BREAK-DOWN RATE

Break-down rate, which is used by Johri, is used in the present study to measure the effectiveness of the Industrial relations machinery in Madurai district as a whole in averting strikes. This has been done by calculating strikes as a percentage of disputes referred to the machinery.

1.14 MEASURES OF EFFECTIVENESS AND EFFICIENCY OF SETTLEMENT MACHINERY

In the context of the present study, the measures developed by the earlier researcher with suitable modification has been used to study the effectiveness and efficiency of the settlement machinery. They are as follows:

1.15 EFFECTIVENESS OF CONCILIATION

Effectiveness of conciliation in terms of settlements has been attempted to be measured at three levels which are as follows:

38. Asdhir Vijay, op. cit. ch.3.
\[ \frac{S}{N - (W + P + A + OD)} = \text{Upper limit} \]

\[ \frac{S}{N - (W + A + OD)} = \text{Reasonable level} \]

\[ \frac{S}{N} = \text{Lower limit} \]

Where, 

- \( S \) = Settlements
- \( N \) = Total number of disputes available for conciliation in a year.
- \( W \) = Withdrawals
- \( P \) = Number of cases pending at the end of the year.
- \( A \) = Advice
- \( OD \) = Otherwise disposed of

\( \frac{S}{N} \) = It represents settlement as a percentage of total number of cases available for conciliation. It sets the lower limit of effectiveness in terms of percentage of settlements. It may be considered as the lower limit for the effectiveness, in the sense that the conciliation could be effective at least to this extent.
S
------------- - It represents settlements as a percentage of total available for conciliation minus pendency, withdrawals, advice and otherwise disposed of. It removes the problems of pendency and withdrawals. It provides the upper limit of effectiveness.

The above measures provide lower and upper limits of effectiveness respectively. The true effectiveness would lie between these limits. It is provided by

\[
S = \frac{N - (W + P + A + OD)}{N - (W + A + OD)}
\]

S
------------- - It represents settlements as a percentage of total available for conciliation minus withdrawals, advice and otherwise disposed of. It provides a reasonable measure for judging effectiveness of the Conciliation machinery. It will be called a reasonable measure although it is well-understood that it is not fool-proof since it includes those genuine pendency cases also in the denominator which might have been received by the conciliator at the fag end of the year.

1.16 EFFICIENCY OF CONCILIATION

Time-taken to settle the disputes have been calculated to measure the efficiency of the conciliator.
1.17 EFFECTIVENESS OF ADJUDICATION

The measures \( S \) and \( S \) have been used to judge \( N \) \( N-W \) the effectiveness of Adjudication machinery. By definition, \( S \) \( N-W-P \) is equal to hundred in adjudication because \( W \) \( N-W-P \) consists of all those cases where adjudication could not consider the cases on their merits and hence were dismissed for want of prosecution, as being out of jurisdiction or invalid reference, and the like. Hence, this upper limit, \( S \) \( N-W-P \) ie., \( S \) \( N-W-P \) although mathematically correct, does not have operational significance for the valuation of adjudication. Hence this measure is dropped.

1.18 EFFICIENCY OF ADJUDICATION

It is being measured by calculating the time taken to dispose of disputes by the adjudicators.

1.19 ANALYSIS OF THE CAUSES OF THE FAILURE OF CONCILIATION

The views of the respondents with respect to causes of the failure of conciliation have been classified groupwise, viz., workers, Trade Union Leaders, Managers and Labour Officials and their mean score was computed separately for each group. For this purpose items on five point scale have
been assigned the score values of 2, 1, 0, -1, and -2. 2 for strongly agree/ 1 for agree/ 0 for uncertain/ -1 for disagree/ and -2 for strongly disagree. And items on ranking have been assigned the score values of 1, 2, 3,... (1 for the item ranked first, 2 for the item ranked second and so on). Using the computed mean score as the basis, the views of the respondents have been analysed at three levels, viz., group perception, intergroup perception and overall perception.

GROUP PERCEPTION

The perception of each group about a particular aspect of the failure has been analysed through the ranking of the items relating to that aspect of the failure based on the mean score of the item.

INTERGROUP PERCEPTION

To find out the difference in perception between groups about each item of the tool (items on five point scale) test of significance such as 't' test was administered. However while administering the 't' test, the views of four groups were considered viz., workers, Trade Union Leaders, Managers and Labour Officials.

'T' TEST

As mentioned earlier the idea of administering 't' test was to compare the perception of each group with those of the other three groups with respect to each item of the tool. For this purpose six 't' values have been computed for each item, by using the mean and standard deviation of the scores of the comparable groups. Thus 't' refers to the intergroup perception between Workers and Management, 't' refers to Workers and the Trade Union Leaders, 't' refers to Workers and Labour Officials, 't' refers to Management and Trade Union Leaders, 't' refers to Management and Labour Officials and 't' refers to Trade Union Leaders and Labour Officials.

Generally a null hypothesis (H_0) i.e., the comparable groups do not differ significantly in their perception about a particular item, was formulated. If the calculated 't' value has been ≥ table value (2.576 at 0.01 level), the H_0 had been accepted, if not rejected. In case it has to be accepted, whether comparable groups have agreed/or disagreed/with the concerned item was decided based on the signs + or - of the mean scores of those groups with respect to the concerned items. Thus + sign refers to agreement/and - sign refer to disagreement. In case if the H_0 was to be rejected, the difference in perception was decided based on
the difference in the mean scores of these groups with respect of the concerned item. Thus the higher the mean score, the higher will be the extent of agreement and vice versa.

OVERALL PERCEPTION

The Perception of the 'Actors' as a whole about a particular aspect of the causes of the failure of conciliation, has been analysed through the ranking of the items relating to that aspect of the causes of the failure of conciliation, based on its weighted mean score.

1.20 OPERATIONAL DEFINITION OF THE CONCEPT

AWARD

It is an interim or final determination of an industrial dispute by the Labour Court or Industrial Tribunal.

ADJOURNMENT

In this study, Adjournment refers to the postponement of a hearing on a particular date by the Presiding Officer, without transacting any business on that day, due to any reason.
PRESIDING OFFICER

A judge of the Labour Court or Industrial Tribunal.

REPRESENTATIVE

An office-bearer of an association or Union of which the party is a member or an advocate or an authorised representative appearing for a party to conduct the case before the Adjudication machinery or Conciliation machinery.

ADJUDICATION PROCEEDINGS

The hearing of an industrial dispute by the Presiding Officer, which includes examination of documents, witness and hearing of arguments of the parties. The Adjudication proceedings is confined to industrial dispute referred under Section 10 of the Industrial Disputes Act., 1947.

CHARTER OF DEMANDS

Any dispute pertaining to the claim of a party containing more than one demand.

ACTORS

"Actors" refer to Workers, Managers, Trade Union Leaders and Labour Officials.
1.21 CHAPTER SCHEME

The first chapter deals with Introduction, Statement of the problem, Scope of the study, Review of Literature, Objectives of the study, Collection of data, Methods of analysis and the Chapter scheme.

The second chapter discusses Industrial Disputes, Strikes and Lockouts.

The third chapter outlines the various Causes of industrial disputes.

The fourth chapter briefly explains the settlement machinery - A theoretical approach comprising Collective bargaining, Conciliation, Arbitration and Adjudication.

The fifth chapter assesses the effectiveness and efficiency of the Conciliation machinery and identifies the factors that inhibits the effectiveness of conciliation.

The sixth chapter assesses the effectiveness and efficiency of the Adjudication machinery and also explores the various causes for the failure of adjudication.

The seventh chapter presents summary, the findings and suggestions.