CHAPTER-1
INTRODUCTION
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1.1 The Theme: Industrial Disputes

In an agrarian economy there was hardly conflict between employer and employee. Industrialism is a major interacting factor in the growth of labour problems in industrial society, there is a private ownership of the means of production. There is a complex system of division of labour as well as a system of exchange and distribution. Under this system, serf labour is replaced in terms of wage labour. The worker is compelled to work under those conditions which serve the interests of those who control the means of production. Thus conflict arises between the employer and employee over the questions of their share in the production. This constitute the crux of the labour problem.

With the advent of industrialism and division of labour the relationship between employer and employee became more and more impersonal. The moment the interest of employee and employer differs, this leads the strong to exploit the weak. Whenever the satisfaction of labour is ignored, industrial relations tend to strain, ending up with industrial unrest.

The root of modern industrialism and labour problem can be traced back to the seventh and eighteenth centuries. Advancement of natural sciences reacted upon metal-
lurgy and practical inventions appeared in the material world which consequently revolutionized the old patterns of production. This was sudden change in the conditions of human life. Steam railway, computers, electric, electronic, telegraph, printing machinery, etc., are among conspicuous inventions which extended man power over structural materials. Thus, by means of technical processes, man attained mastery over the forces of nature. The system of production changed; division of labour merged. Consequently these are the characteristics phenomenon of industrial civilization. This is dynamic. Their character and scope changed from generation to generation.

In India industrialism began very late. Under British rule, India's economic policies were transformed from feudalism to capitalism. Its industrial development was predominantly regulated to suit the needs of British capitalism. Heavy industries were not permitted to grow. Even regarding light industries, only those allowed to develop which either did not compete seriously with similar home industries or provided better and more profitable opportunities for the investment of British capital. Indian economic development was carried under the hegemony of British imperialism. The industrialization was slow to a large extent during British period. Therefore, in India the study of labour disputes is comparatively of recent origin.

1.2 Meaning and Nature of an Industrial Dispute

The term 'Industrial Disputes' ordinarily refers to
disagreements between the workmen and the employers relating to conditions of employment of workmen or their non employment or even among the workmen themselves, over the implied terms of their contract or service or in the absence of any such contract and over conditions of work in general. The legislation enacted in various countries defines an industrial dispute so as to specify the matter over which an industrial dispute can be raised. In India, Chapter 1 Section 2(K) of the Industrial Disputes Act, 1947, defines an Industrial Disputes as follows:

"Industrial disputes means any dispute or difference between employers and employee, or between employer and workmen or between workmen and workmen, which is connected with the employment or non employment or the terms of employment or with conditions of labor of any person."

Industrial disputes can be over rights or over interests of the workmen. The first category of disputes are generally about the application or interpretation of the existing terms of their contract of service. Such a dispute may directly relate even to a single workman; sometimes, other workmen may be interested in it to the extent that the decision reached would effect where such a dispute arises. Other category relates to the conditions of work of the workmen.

There is no one single cause for industrial dispute. The causes of Industrial Disputes may be classified as (a) psychological, (b) political and (c) economic. As early as 1931 the Royal Commission on the Labour re-
"Although workers may have been influenced by persons with nationalist, Communist or commercial end to serve, it is believed that there has rarely been strike of any importance which has not been due entirely or largely to economic reasons." Low wages or wage cuts irrespective of rising prices, intolerable conditions of work have provoked a number of strikes. Besides, undeserved punishment, mass discharges, assault, abuses and misbehavior have also led to several strike. A very big portion of strikes that takes place have nothing to do with money, hours of work or condition of work but are started because of lack of information about changes in the factory that no one knows about except the management. Similarly along with this development there was a marked shift in the Judicial philosophy and thinking relating to industries and Industrial Disputes. The sanctity of freedom of contract under laissez faire policy had to give way to a newer concept of social justice recognizing collective bargaining in which workman is considered as an equally partner in productive activity. In view of this thinking special authorities like, Labour Courts, Industrial Tribunals etc., which were different from ordinary Civil Courts were constituted to decide Industrial Disputes. Their rule and procedures were quite different from ordinary Civil Courts. Nevertheless they have a sanctity of Law.

The constitution of India which is basic documents of the Nation, also contain the aspiration of the
working population in the form of fundamental rights like freedom of association as well as in the form of Directive principles of State policy. Holding workmen not nearly as a servant but also an active partner in production. By emphasizing workers participations in Industry.

"Profit maximization may also require authoritarian administration of the enterprise, closer supervision of workers, maintenance of strict discipline and complete obedience of the rules of the enterprise. On the contrary, workers may demand a share in the management of the enterprise, a voice in the formulation of the Standing Orders, and scope for self-expression and respect for the dignity of their individuality," (1) hence, it is not only the sharing of the fruits of industry that generate conflicts; the very fact of the existence of the wide cleft of authority between the "hands that produce" and the "hands that control the means of production" has become a major source of conflict between management and labour.

There can be an ordinary dispute between an employer and an employee. In case of industrial dispute not only a large number of workers are affected but even innocent parties too. In most cases disputes arise because of unequal parties which involves human relations. Many times the dispute arises due to the illiteracy of the workmen.
1.3 Classification of Industrial Disputes

The most common practice is to make a distinction between two main types of disputes relating to terms of employment. They are as follows(2)

(a) disputes that arise out of deadlocks in the negotiations for a collective agreement, popularly known as interest disputes; and

(b) disputes that arise from day-to-day workers grievances or complaints, popularly known as grievance disputes.

(c) those arising from acts of interference with the exercise of the right to organize, or acts commonly known as unfair labour practices; and

(d) disputes over the right of a trade union to represent a particular class or category of workers for purpose of collective bargaining simply referred to as recognition disputes.

1.4 The weapons in the hands of Employers and Employees for Settlement of Dispute

The most powerful weapon with the workmen in dealing with the employer refusing to accede to their demands, is strike. The corresponding weapon in the armoury of the employer as a means of reprisal is Lock-out or closing of the place of employment. In the absence of state intervention, trial of strength determines the issues between parties. Strikes and Lock-out actions involve economically drastic consequences for both
employer, the workmen and the public which constitutes the consumer class.

1.5 Government Intervention in Industrial Dispute

Government cannot be silent spectator because strikes and lock-outs injure not only the parties to the disputes but also the society at large. It has to play a very important role in settling the industrial disputes and conflicts. The labour management relations in India have been influenced by government. Government was a passive regulator before independence but more important legislative measures were brought after 1947. Satisfactory attempt have been made in India to bring employees, employer, government and trade unions closer in the recent years. Industrial Disputes Act of 1947 provide machinery for investigation and settlement of industrial disputes. Different authorities are set up with different aims, powers, functions and duties in this Act. Apart from this Central Government Act, various acts have been passed by the state government, e.g., Bombay Industrial Relations Act, 1946 in Maharashtra.

1.6 Literature Review

Some research work on the labour problem has been done so far from the point of view of industrial relations, administration of labour disputes, strikes and lock-outs, industrial awards, state, labour and sociological aspect of Indian labour. For example V.B. Karnik has published books on Indian trade unions, strikes in India, etc. Dr. Zachariah worked on industrial relations and

None of the previous studies deals with the study of industrial disputes from the faulty public management, employers attitude towards the employees, demands of workers, factors affecting the settlement of dispute by mutual understanding, the preventive and settlement machinery at plant, government and court levels and affairs of the industries in Akola district point of view.

1.7 Scope of study
The present study is confined to Akola district in which six industries that is simplex mill ltd., Nilkanth Sutgirni, two textile mills under national textile corporation, Maharashtra state seeds corporation & Nocil are large and medium scale industries & other industries like Dal Mills, Oil mills, Plastics granules, Cotton ginning & pressing, Paper mills, insecticides industries, Fabrication industries etc. are small or very small industries. The present study is confined to industrial disputes in Akola district during the period year 1985 to 1995.
REFERENCES