SECTION - VI

Findings and conclusions.
FINDINGS AND CONCLUSIONS

An attempt has been made in our dissertation to study the problems of discipline in some Manufacturing Industries in West Bengal with the help of some case studies of disciplinary action taken by the respective management of those Industries which experienced various problems in maintaining discipline. Most of these disciplinary problems are due to inefficient management and malpractices by workers as well as the Trade Unions.

We intend to study the various problems of Industrial discipline and try to find out the principles for maintaining it properly. In the course of doing so, we have divided the dissertation into six sections. The opening section attempts to analyse the different concepts of discipline. In this connection we have discussed the different allied areas like 'Biblical' discipline, Discipline in Education; Military discipline, and Industrial Discipline.

Disciplinary problems were present even in the days of 'Kautilys'. At that distant period inspite of the fact that there was no industry at all, the society has enacted rules for the work-ethos to run production smoothly. But there were some rules regarding labour and co-operative undertaking, and rules for some punishment for violating justice. It was also found in the days of Jesus Christ about two thousand years ago. The Biblical discipline comes only from religious and
not political or social needs. In fact, at that period there were no industry or factory in the modern sense. Therefore the question of Industrial discipline did not arise in this sense. At that time slaves were the main workers/labourers. It is unbelievable, but still a fact that slaves were treated as commodities and not as human beings. The people then had no knowledge about the theory 'X' and theory 'Y' which Douglas McGregor defined and, naturally, no 'Positive' or 'Negative' discipline followed. But they followed the rules of 'hire and fire' i.e. severe punishment was given to the disobedient workers.

In the academic world discipline is control, exercised by a superior, a parent or teacher, through punishment or reward, by command, by withdrawing of approval, by praise or blame, by causing fear or by bestowing love. In the absence of discipline, academic life loses its value. It may also have a very bad effect on society, for the students of today are the workers and citizens of tomorrow.

Discipline is the soul of armies in Military discipline. Discipline in the armed forces means the discipline of every individual soldier and also, collectively, of the entire force. It is an attitude of mind which leads to maximum co-operation. Such discipline in turn creates an unquestioning and willing obedience to all the established rules and norms of the organisation. Regiments or armies without discipline will be only contemptible armed mobs, more dangerous
to their own countries than to the enemy. Therefore, Military discipline implies a conception of duty. Military discipline, however, is always different from Industrial discipline in its objectives, organisation, methods of enforcement, training, selection and physical standards of personnel. In Industry, discipline is necessary to raise production to the maximum while minimising the cost. The management has to generate a pleasant togetherness, spirit of co-operation and obedience in the employees. Physical fitness too is different in the two set ups of army and the industry. There are also different setups in the organisations and structural and functional differences exist. Sacking, for example, is very easy in the army but difficult in industry. In the army the rights of the individual soldier or subordinates are co-related to the goals to be achieved. This is, however, not so in the case of industry. The conduct of the soldier is not self-determined. He has to follow directions. Theirs' not to reason why, their's but to do or die. Industrial discipline has to be a much modified form of military discipline combining reward and milder punishments.

With the development of industry in our country and the rise of the class of industrial workers and technicians, the problem of discipline in industry has assumed a new dimension. It is closely linked with social, economic and political problems of the country. This naturally leads to an analysis of some approaches to those problems. The management
can adopt any of the following six approaches for solving their problems. These are - (1) the judicial approach, (2) the organic view of factory (Modern approach), (3) the human relations approach, (4) the human resources approach, (5) the group discipline approach and (6) the leadership approach. These have been discussed in detail one after another. Human Relations approach and the human resources approach play a very significant role in modern industrial organisation. Important contributions of human relations approach are: (a) Economic and Good production, (b) Maximum Utilisation of Man-power, (c) Development of Trade Unionism and Government stress and (d) Development of Industrial Humanism. It is to be noted that the essential features of Human Relations Approach is an optimum relationship between the productivity of an organisation and human satisfaction in the team. The Factory is a social system and its employees are human beings having minds, hearts and human values. The Management should behave with them with dignity and respect so that they may not be physically present only, they would like to put their hearts into their work. Human Resources Approach i.e. self-discipline approach is the key to almost all managerial success. Man is here treated as a factor of production. Among all other resources, the human resources is the basic and most vital capital to be utilised in the best way for achieving maximum productivity under the complex pattern of modern industrial ventures. As work is an essential part of man's life, giving him status and handling him to the society, the attitude of
the worker towards worker, working environment, his society and the attitude of the society towards him are the definite emblems of his morale. Thus the management itself has a major contribution in creating ideal conditions for activating constructive discipline in the organisation. We have also discussed the Positive approach and the Negative approach, Traditional approach and the Modern approach regarding Industrial discipline. Positive discipline is self-discipline. Negative discipline is imposed discipline. In the positive approach the management makes an effort to reform a man and improve him without punitive action. It is such an arrangement wherein the worker is motivated to work for himself and he is eager to obey and abide by the rules. Positive or self-discipline encourages mutual co-operation between co-workers and between employees and employers. So it minimises the duty of the personal supervisor and saves managerial time. It is hard to practice though not impossible. Once a start is made it will become a habit, by means of reasonable programme with a sound and sensible motive to spur all on. The Negative Approach to discipline stresses more on punishment than on co-operation. Any breach of the peace is controlled by punishment.

An attempt has been made to highlight discipline as one of the control mechanisms in Personnel Management. In short, Discipline in Personnel Management would lead to the optimum utilisation of human resources used in Industry. Budget is an important tool of management control. It is a numerical statement expressing the plans, policies and goals of the
enterprise for a definite future period. As a tool of control a budget guides the courses of action to reach predetermined standards and provides a means of evaluating the actual results with reference to the expected ones. Of the two chief control mechanisms in the area of Personnel Administration, one is Performance Appraisal i.e. periodical assessment of the work, conduct and potentials of a person employed and the other is the Administration of Discipline. It has been discussed fully with some examples to have a clear idea about it. Some Appraisal forms have also included there.

Basically, discipline is a form of training. We should remember that the maintenance of discipline is the joint responsibility of management and employee alike.

In dealing with the workers we should remember that their energy and skill are the most valuable assets of the industry. Their sense of responsibility is an important, worth-cultivable quality in industrial operation. We have to realise that the human element in industry is being given more and more importance. We think it is the duty of every executive to keep himself alert for detecting the slightest cause of any grievance, which might lead to indiscipline. The cause must be controlled to nip indiscipline in the bud, before it can disrupt smooth production. This can only be achieved and well-maintained only on the basis of a harmonious relation and understanding between the Management and the workers.
Discipline amongst the employees is an essential prerequisite for increasing organisational effectiveness. In order to ensure this, the management must defreeze their traditional and conventional assumptions and utilise the potential goodness of human beings by providing opportunities for self-awareness, self-development and growth of self-discipline. This can be done by changing the working conditions and terms, bringing meaning to the job, converting job-contents and job-context as media for fulfilment of not only physiological needs but also of psychological and social needs of the workers.

For the acceptance of discipline the rules must be effectively communicated and the penalties inflicted must be consistent. Discipline helps the employees to learn the requirements of their jobs; and if discipline is applied impersonally, without personal animus, the respect shown to the supervisor by his subordinates may actually be increased. In this respect we have discussed in detail Douglas McGregor's 'Hot-Stove Rule'. In short the 'Hot Stove-Rule' drawn an analogy between touching a hot stove and undergoing discipline. As soon as one touches a hot stove, one's discipline is immediate, with warning, consistent and impersonal. The hot stove rules postulate that, like touching the hot stove, industrial discipline should be given with warning; employees should know in advance how they will be punished if they engage in certain unwanted forms of behaviour. If the stove is red-hot, one ought
to be able to see it and to know that if one touches it, one will get burned. That is the principle of **advance warning**. If one touches the hot stove, one gets burned i.e. penalized right away; that is the principle of **immediacy**. Every time one touches a hot stove, one will get burned; that is the principle of **consistency**. Every one who touches a hot-stove will get burned because it has no favourite; that is the principle of **impartiality**. The purpose of the example is to let the labour know the dangers and inevitable effects of indiscipline and the principles of management conduct as well. We have also tried to prove that there is a direct relation between the Natural Justice and Discipline. The essential points of Natural Justice to be kept in mind in all cases, is that the person concerned in a breach of discipline case should have reasonable opportunity of presenting his case and that the authority concerned should act fairly, impartially and reasonably. By natural justice is meant that which is founded on Equity, Honesty and Right. Its principles are:

(a) A person must not be a judge in his own case;

(b) Every person whose civil rights are affected, must have a reasonable notice of the case he has to face;

(c) He must have reasonable opportunity of bringing in his defence;

(d) the authority must act in good faith, and not arbitrarily.
but reasonably.

The workman must not only be given an opportunity to hearing but such opportunity must also be reasonable. Justic S.R. Das has rightly explained reasonable opportunity as -

(a) an opportunity to deny his guilt and establish his innocence, which he can do only if he is told what are the charges levelled against him and the allegations on which such charges are based;

(b) an opportunity to defend himself by examining himself or any other witness in support of his defence; and

(c) an opportunity to make his representation as to why the proposed punishment should be inflicted on him before the domestic enquiry is over.

We have discussed fully the causes of indiscipline in some industries in West Bengal. In this respect we have tried to locate the areas and sources of indiscipline in- cluding political factors.

The disciplinary cases cover the areas of attendance, punctuality, regularity, insubordination, loafing, fighting, drunkenness, stealing, breaking or damaging company property.

The problem of discipline arises from the -

(1) Illiteracy and poor intellectual level of workmen;
(2) Workmen's social background (indebtedness, drinking habits, regional and linguistic prejudices, casteism, and other social evils);

(3) Rivalries among trade unions;

(4) Instigation and misguidance by outsiders;

(5) Inadequate wages and bonus;

(6) Workmen's personal problems and his apprehensions, hopes and aspirations;

(7) Workmen's lack of confidence in and adjustment with superiors;

(8) Workmen's natural reaction to the rigidities and multiplicity of rules;

(9) Working conditions;

(10) Absence of organisation and service manual;

(11) Absence of enlightened sympathetic and scientific management;

(12) Absence of reward and appreciation for better performance;

(13) Errors of judgment;

(14) Absence of good supervisors;
(15) Lack of proper education;

(16) Absence of formal and informal communication.

Political interest - Instances are not rare where chaos prevailed in an organisation for only political reasons even when there was no kind of socio-economic demand on the part of the employee. Existence of many Trade Unions in an Industry is another cause of indiscipline therein. In course of our investigation we have found eleven (11) Unions in the Ganges Jute Mills, Bansbaria, Hooghly. In this sort of situation Government help is necessary for gradually creating the atmosphere for one Union to act the sole bargaining agent, in one industry.

We have pointed out the various lists of misconduct as per Employment Standing Orders 1946. We are trying to highlight some of the important factors that are responsible for industrial indiscipline. Some of these are: Social setting of the workers, working conditions, wages structure and pricing, presence of multiple unions with opposing ideologies and the political set up of the nation. Frustration, Alienation, Deprivation of human needs, Outmoded management style, Lack of aspiration, Lack of proper communication, ineffective and delayed disposal of employees' grievances, outmoded attitude of trade unions, absenteeism, managerial inefficiency, arbitrary rules and regulations, nepotism etc. have been dwelt on.
Characteristic features of Industrial Labour, as we have found are: illiteracy, ignorance, conservatism, heterogeneous composition of Industrial labour, lack of stability or a united front, lack of political awareness, migratory character, irregular attendance, high rate of absenteeism, low standard of living, lack of mobility, excessive indebtedness, and abject poverty.

In the maintenance of discipline and in applying the procedure of disciplinary action in Industry, the manager's role is one of the most important factors. Any laxity will increase the gravity of the problems. The manager should try to understand the necessity for ascertaining and accommodating the needs of the human beings who constitute his workforce. It is the duty of the management to locate the areas of service conditions that would be of relevance in handling disciplinary cases. Service conditions disclose that the procedure for disciplinary action is not only limited to members of labour unions but also extends to the executives. Unfair treatment of workers has a derogatory effect on labour-management relations. Some of the responsibilities of a Personnel Manager are: (i) to present correctly the management's policy, viewpoint and orders to his workers, (ii) to advice and assist top-and-line management in the adoption and development of the proper constructive management philosophy regarding the employee and their conduct; the Personnel Manager must be impartial and consistent in his dealings and must
see that the disciplinary action is fair and consistent with sound principles of personnel administration. He must help develop better standards of self-discipline among the employees. In this respect we have discussed the two types of approaches to discipline, legalistic and humanistic. The legalistic approach acts as per rules and regulations that the employee is governed by. This approach is called a negative i.e. punitive one. In any situation that involves punishing the management has to take disciplinary action very firmly as per procedure evolved by the company and award appropriate punishment to the indisciplined worker.

The question of humanistic approach to maintain discipline in an organisation should be considered as one of the best ways. We have discussed it fully. In short, it aims at a cordial relation with employees by kind and sympathetic treatment or to inspire the colleagues to minimise indiscipline a form of benevolent paternalism. This method wants that the every man should be treated as a human being, not as a commodity. We also included in our discussion the declaration of Philadelphia, which is also a part of the I.L.O's constitution, adopted at the twenty-sixth session of the International Labour Conference held in May 1944 in Philadelphia.
The role of the Trade Union in connection with Industrial Discipline has also been discussed. A trade union, besides fighting for the rights of the workers, must also see to it that they are discharging their responsibilities towards assigned work. So, the role of trade union in applying discipline cannot be ignored. Over 90 per cent of all union contracts provide for arbitration of unsettled disciplinary disputes. In about 45 per cent of all the disciplinary cases not involving discharge, management action is modified by the arbitrator. Trade Union increases the bargaining power of workers and provides the channel through which the grievances of workers can be made known.

But it is a fact that in most companies, with trade union's harsh disciplinary tactics have been replaced by a more corrective approach to discipline whereby employees can be punished only for a just cause. So, the Humanistic approach provides the employees a chance to change their way of acting and to become better employees. The objective of discipline thus becomes an attempt to achieve corrective discipline through the application of the principles of the proper process. At the end of this section (Sec-3) we have discussed the rights of recognised unions under the Code of Discipline and the rules of unions and organised groups.

Section four starts with the statutory law on discipline
and thereafter discussed fully the disciplinary procedure along with empirical studies with the help of some case-laws. In fact, disciplinary proceedings start with the framing of the chargesheet. Its object is to give an opportunity to the C.E. to explain and defend himself. It requires that the C.E. should know the nature of the offence with which he is charged. In this connection it has been discussed the relevant rules of Central Civil Service i.e. (Classification, Control and Appeal Rules, 1957) and other allied rules. Though a chargesheet is not expected to be a record of evidence yet the framing of the chargesheet is an important matter for any disciplinary action. So, we discussed various legal and formal angles from which the framing the chargesheet is done.

After a chargesheet is properly framed it becomes the duty of the respective authority to serve it on the employee/s concerned. The common method is to call the employee to the officer and to hand over the charge-sheet to him directly. This should be done very carefully. Its implications are discussed fully with the help of some case studies.

It is open to the C.E. to put the specific defence in reply to the chargesheet or not to put it as it may suit his convenience. The next step is holding the domestic enquiry. Up to a certain level it remains domestic enquiry but to make it stand the lest of the rigid provisions of Industrial law, after a certain level the domestic enquiry becomes technical and legal. Some important objects of Domestic enquiry
are - (i) to find out whether the allegations in the charge-sheet are correct, (ii) if the allegations are correct, disciplinary action should be enforced by awarding appropriate punishment as per Standing Orders. If the C.E. admits the charges, it is not necessary to proceed further but it should be checked whether the admission is voluntary or not. In this respect we have discussed the requirements of their domestic enquiry. In addition to that we also pointed out the procedure of appointment of Enquiry Officer and his rights and duties in the domestic enquiry and after.

At the end of this section (i.e. Sec-4) we have presented a brief chart illustrating to the process of conducting domestic enquiries from which one can easily understand the process at a glance.

The different types of penalties/punishments such as Dismissal, Discharge, Demotion, Withholding of increment, Fine, Suspension and Warning or Censure, of which the first four are Major punishments have all been discussed in detail. The punishment should be commensurate with the gravity of the offence. Where Industrial Employment (Standing Orders) Act is not applicable, the management has the discretion to decide about the appropriate punishment for a particular misconduct, but care should be taken to see that the punishment is not excessive but proportionate to the offence committed. When the punishment awarded is grossly disproportionate the Industrial Tribunal or Labour Court can set it aside on
the ground that such disproportion which is itself the evidence of victimization. The general rule is that for illegal dismissal the employee is entitled to claim reinstatement. No punishment can be imposed with retrospective effect. But where the Standing Orders permit dismissal retrospective from the date of suspension, such dismissal is valid. It is to be noted that past records relating performance and discipline are relevant on the question of the quantum of punishment. If the past record is taken into consideration not as effective reason for dismissing but to give additional weight to the decision already arrived at, the order would not be vitiated.

The punishing authority is to decide on the report of the enquiring officer as to what action is to be taken against the delinquent. The punishing authority should apply his mind in detail to the enquiry findings as submitted by the Enquiry Officer and should not pass the punishment orders in a cavalier fashion. It is open to the disciplinary authority to make inference of facts from the materials before him and differ from the findings of the enquiry committee.

After the decision about the punishment to be awarded has been taken, the order has to be communicated to the worker concerned as expeditiously as possible.

The dissertation ends with some further case studies illustrating the nature, and course of disciplinary actions taken by specific Industrial organisations in West Bengal.
Case Studies

One Sri A. Sengupta, Durwan, Security Department, Dunlop India, gave a false declaration while filling in the "Application for employment" forms at the time of his engagement. He declared his date of birth as 11.5.1952 i.e. 30 years as on 25.4.82 and submitted a School Transfer Certificate in support of the same.

On enquiry the Management finds that the transfer certificate is a forged and fabricated. Therefore, the C.E. is charged with the above misconduct and hereby directed to submit his explanation in writing within 48 hours in respect of the letter as to why disciplinary action should not be taken against him for the alleged misconduct, failing which it will be deemed that he has no explanation to offer and the matter will be disposed of, ex-parte. During the cross-examination in the Domestic enquiry the C.E. had admitted that his date of birth was 11.5.42.

The charge is framed for having submitted a forged and fabricated transfer certificate, which the C.E. could neither disprove nor challenge at the enquiry. Manager after carefully considering the record of the enquiry proceeding in respect of Sri A. Sengupta concur with the findings of the enquiry officer as contained in his report. He finds that Sri Sengupta, Durwan, Security Department, is guilty. Management issued the dismissal letter to Sri A. Sengupta for his misconduct.
This is the case of legalistic approach.

Sri Hrishikesh Adhikari, an office peon was a chronic absentee from office duties. He had been cautioned for a number of times for unauthorised absence. He had also submitted a number of letters to the Management from time to time, assuring the management that he would improve his attendance. But it became evident that he had not been serious enough about his attendance inspite of his promises.

It is to be mentioned here that inspite of the best effort of the management to rectify the habit by persuasion, counselling and punitive actions against him on their part, he has not mended his habit of absenting himself from duty without sufficient and valid ground. Having no other alternative, the management terminated his service as per the Certified Service Rules of the Company.

It had been reported by the Security Officer of the S.P.L. that Sri Dilip Behara, a Sweeper of the Company was caught red-handed with some material of the Company while he was going out of the factory premises. The second charge was that while conducting search on suspicions raised by the above incident the Security Officer found some Company's materials in his (Sri Behara's) Department, from his box.

Sri Behara, the C.E. has deposed before the Domestic enquiry. He has admitted the charge and begged to be excused.
He has also stated in his letter that somebody had kept these materials found in his box, inside his dress and he could not realise that there belonged to the Company.

This type of defence is not correct in as much as these materials have some weight and Sri Behara should have realised this on taking up the clothing, but it was heavy and he should have checked it then and there.

The management carefully considered the records of the enquiry proceedings in respect of Sri Behara and was in concurrence with the findings of the Enquiry Officer as contained in his report. Having considered the above, the management felt that any leniency would severely affect the discipline and normal functioning of that department of the factory.

Under the above circumstances the management found no other punishment than his dismissal from the services of the Company would meet the end of justice. The management decided accordingly.

The findings show that, the management prefers legalistic approach to the humanistic approach.