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Shall India Proclaim Moratorium on Strikes, Lockouts, Bandhs?

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Abstract:

A conflict is constructive if it is task oriented and not a personal one. It focuses on execution of the task without losing objectivity of organizational betterment. Constructive conflicts emphasize task-completion, problem solving, creativity, exchange of ideas and also generate high-quality decisions in the workplace. Unlike this, a personal conflict is more of an ego game, hence destructive. Managed in the wrong way, real and legitimate differences between people can quickly spiral out of control, resulting in situations where co-operation breaks down and the team's mission is threatened. The fact that conflict exists, however, is not necessarily a bad thing, as long as it is resolved effectively, it can lead to personal and professional growth. The focus is on real-work situations and its problems and challenges in the workplace. This article will help to understand how to increase effectiveness in getting things done while building positive working relationships and avoiding aggressive or submissive behaviour patterns and hence improving workplace environment.

Keywords: Temporary ban, Moratorium, Conflict environment, industrial bandhs

1. Introduction

Strikes, lockouts, industrial bandhs, go-slow, work to rule etc, have functional value for achieving justice and equity. These are the final manifestations of industrial unrest and conflict. These safeguard labour and management's liberty in a democratic society. These rights are assumed which are statutorily restricted. But there is no statutory ban on strikes and lockouts excepting that there is declaration of Moratorium on it during emergency. Strikes and lockouts, reveal good as well as harmful results. Sometimes these become the sources through which socio-economic advances and upliftment are accrued.

2. The Industrial Relations Scenario in India

The trend of strikes and lockouts reveal the truth that there is significant increase of managerial militancy as well as worker's union militancy through industrial unrest, It is deteriorating very rapidly, demolishing and impeding socio-economic stability and development, putting the industrial sectors into a very complex and critical juncture. In such a movement the sky of industrial society has clouded with worries, anxieties and apprehensions due to mismanagement and non-cooperation of workers and unions, Management has to assume a greater burden of responsibility in this regard. It fails to deal with effective control by utilizing better its resources technical, financial, personnel etc. So ultimate outcome of mismanagement is managerial militancy which takes the situation from bad to worse. On the other hand, unions are ill-suited to meeting the needs of their workers or companies. They are becoming irrelevant and posing obstacle to companies' productivity and country's progress, as a result of which there is a radical decline inunionism. In this scene of turmoil workers are driven to the unions. It tends to union militancy. In this state of desperation, Government's decision for closure and privatization of the public sector undertakings which run in losses, is considered baseless and hence criticized by leftist trade unions and one-day strike was resorted to on 29th November, 1991. On 26th January, 1992, the President appealed for moratorium on strikes, all bandhs etc. .. for two years in his Republic Day--eve--address. This moratorium has its value due to widespread industrial unrest and conflict, etc. The magnitude of this phenomenon can properly be judged from the following tables for the year 1961-1990 in terms of strikes and lockouts, workers involvement in it and man days lost. The table given below provides some illuminating data which bears testimony to industrial unrest and conflict. The trend of strikes and lockouts in India since 1961 to 1990 in terms of strikes and lockouts, worker's involvement in it and man-days lost.

The table given below provides some illuminating data which bears testimony to the industrial unrest and conflict. The trend of strikes and lockouts in India since 1961 to 1990 reveals the facts as follows:-

In the first 15 years since 1961 to 1975, the number of man-days lost due to strikes has varied in the range of 60 to 84 percent of the total man-days lost, which indicate the continuous rise in worker's militancy. On the other hand, the incidence of lockout had increased from 16 to 40 per cent which also indicate continuous rise in employer's militancy. The causes are higher wages, dearness allowance, grievances against retrenchment and improvement of working conditions.

But the situation had taken a new turn in the year 1975, when the Congress (I) government came to power. It declared emergency. During this period the voice of the working classes was ruthlessly stifled which led immediately. to employer's militancy, in 1976, the

number of man-days lost due to lockout shot up to 9.9 million as against only 2.8 million man-days lost due to strikes. In the relative terms, the share of, lockout was as high as 78 percent in total man-days lost and that of strikes came down to only 22 per cent.

During 1977 and 1979, the scenario changed, when the Janata Party came to power. The largest trade union of the country INTUC encouraged workers' militancy. HMS, CITU and AITUC became silent supporters. The year 1979 witnessed a record of 35.8 millionman-days lost due to strikes, as against lockouts which dwindled to a low figure of 8.1. millionman-days, in comparative terms, strikes accounted for 82 per cent of total loss of man-days against lockouts coming down to 18 per cent.

In 1980, the Congress (l) government came to power which led to the trend being reversed again. The share of lockouts began to rise. Since that onwards the employer's militancy has been on the increase. During 1989 the share of lockout was 65 per cent where as the share of strike was 35 per cent.

The above statistics reveal the truth that the magnitude and intensity of man-days lost due to strikes and lockouts are entirely relatable to the changes in the Indian polity. Industrial Relations scenario in India is contaminated. The trend indicates reduced job pride and fall in the work ethics. The growing rate of militancy of management, workers and unions portray very crucial picture. Hence moratorium as a corrective pill to the present system has to be conceptualized.

Year	No. of Disputes				Workers volved	No. of Man-days lost ('000)					
	Strikes	Lockout	Total	Strikes	Lockout		Strikes Lock outs		Total		
1961	1240	117	1357	432	80	512	2969	1950	4919		
1962	1396	95	1491	575	130	705	5059	1062	6121		
1963	1364	107	1471	491	72	563	2229	1040	3269		
1964	1981	170	2151	876	127	1003	5724	2001	7725		
1965	1697	138	1835	8s9	102	991	4617	1853	6470		
1966	2353	203	2556	1262	148	1410	10377	3469	13846		
1967	2433	382	2815	1340	151	1491	10565	6583	17148		
1968	2451	325	2776	1465	204	1669	11078	6166	17244		
1969	2344	283	2627	1687	140	1827	15477	3571	19048		
1970	2598	291	1889	1552	278	1828	14749	5814	20563		
1971	2478	274	2752	1476	139	1615	11803	4743	16546		
1972	2857	386	3243	1457	262	1737	13748	6796	20544		
1973	2958	412	3370	2358	187	2545	13862	6764	20626		
1974	2510	428	2938	2710	145	2855	33643	6619	40262		
1975	1644	299	1943	1032	I 1 1	1143	16706	5195	21901		
1976	1241	218	1459	550	186	738	2799	9947	12748		
1977	2691	426	3117	1912	281	2193	13410	11910	25320		
1978	2762	425	3187	1690	226	1916	15423	12917	28340		
1979	2708	340	3048	2714	159	2873	35804	8050	43854		
1980	2501	355	2856	1661	239	1900	12018	9907	21925		
1981	2245	344	2589	1261	327	1588	21208	15375	36583		
1982	2029	4S4	2483	1191	278	1469	52113	22502	74615•		
1983	1993	495	2488	1167	294	1461	24921	21937	46858'		
1984	1689	405	2094	1726	223	1949	39957	16068	56025		
1985	1355	400	1755	878	201	1079	11487	17753	29240		
1986	1458	434	1892	1444	201	1645	18824	13925	32749		
1987	1348	451	1799	1495	275	1770	14026	21332	35358		
1988	1304	441	1745	937	254	1191	12530	21417	33947		
1989(P)	1408	358	1793	N.A.	N.A.	N.A.	10650	19790	30440		
1990(P)	730	226	956	N.A.	N.A.	N.A.	3560	4660	8220		

Table 1: Industrial Disputes Classified by Strikes & Lockouts 1961 to 1990 (in Lakhs)

 Source: Table-1, Presidential address by Professor Ruddar Dutt to the 33rd Annual Conference of the Indian Society of Labour Economics held on 24th December, 1991 at Osmania University, Hyderabad (A.P.)

2.1. Time-loss due to Industrial Disputes in 2011 and 2012

During the year 2012 as compared to 2011, the total time-loss (Central and State Sphere) due to Strikes and lockouts in Public and Private Sector combined registered a decrease of 10.52 per cent (1,521,243). However, at disaggregated level, it decreased by 39.47 per cent (1,853,731) in case of strikes and increased by 3.41 per cent (332,488) in case of Lockout. While in Central Sphere, the total time-loss due to Strikes in Public and Private Sector combined registered an increase of 125.48 per cent (841,298 man-days), it

^{*}Includes 41.40 and 13.38 million man-days lost due to Bombay Textile strike during 1982 and 1983 respectively; (p) Provisional.

registered a decline of 17.14 per cent (2,362,541 man-days) in State Sphere. However, at disaggregated level, in State Sphere, it experienced a decrease of 66.94 per cent in case of strikes and an increase of 3.41 per cent in case of lockouts. Average time-loss per dispute increased from 39,076 man-days in 2011 to 40,682 man-days in 2012. While in case of strikes it decreased from 26,239 to 21,377 and in Lockouts it increased from 51,106 man-days to 54,561 during the same period {Ref. Tables 2, and 3}.

			PUBLIC SE	CTOR		
Sr. No.	Sphere	Strikes/ Lockouts	2010	2011	2012	%increase/ decrease over the year 2011
1	2	3	4	5	6	7
I	Central Sphere	Strikes % to Total	1,499,497	657,831 (4.55)	1,450,942	120.56
			(6.48)		(11.22)	
		Lockouts % to Total	-	-	-	-
		Strikes & Lockouts	1,499,497	657,831 (4.55)	1,450,942	120.56
		% to Total	(6.48)		(11.22)	
II	State Sphere	Strikes % to Total	69,240 (0.30)	113,656 (0.79)	258,502 (2.00)	127.44
		Lockouts % to Total	-	-	-	-
		Strikes & Lockouts % to Total	69,240 (0.30)	113,656 (0.79)	258,502 (2.00)	127.44
III	Total (Central and	Strikes % to Total	1,568,737	771,487 (5.34)	1,709,444	121.58
	State Sphere)		(6.78)		(13.21)	
		Lockouts % to Total	-	-	-	-
		Strikes & Lockouts	1,568,737	771,487 (5.34)	1,709,444	121.58
		% to Total	(6.78)		(13.21)	
		1	PRIVATE S			
I	Central Sphere	Strikes % to Total	12,874 (0.06)	12,656 (0.09)	60,843 (0.47)	380.74
		Lockouts % to Total	-	-	-	-
		Strikes & Lockouts % to Total	12,874 (0.06)	12,656 (0.09)	60,843 (0.47)	380.74
II	State Sphere	Strikes % to Total	11,569,217	3,912,664	1,072,789	-72.58
			(50.02)	(27.06)	(8.29)	
		Lockouts % to Total	9,979,699	9,761,231	10,093,719	3.41
			(43.15)	(67.51)	(78.02)	
		Strikes & Lockouts	21,548,916	13,673,895	11,166,508	-18.34
	m . 1/G 1 . 1	% to Total	(93.16)	(94.58)	(86.32)	51.20
III	Total (Central and	Strikes % to Total	11,582,091	3,925,320	11,304,72	-71.20
	State Sphere)	I 1 4 67 4 T 4 1	(50.07)	(27.13)	(8.74)	2.44
		Lockouts % to Total	9,979,699	9,761,231	10,096,879	3.44
		Strikes & Lockouts	(43.15) 21,561,790	(67.51) 13,686,551	(78.05) 11,227,351	-17.97
		% to Total	(93.22)	(94.66)	(86.79)	-17.97
		% to Total	(93.22) TOTA		(60.79)	
I	Central Sphere	Strikes % to Total	1,512,371	670,487 (4.64)	1,511,785	125.48
1	Central Sphere	Strikes % to rotar	(6.54)	070,407 (4.04)	(11.69)	123.40
		Lockouts % to Total	-	_	-	_
		Strikes & Lockouts	1,512,371	670,487 (4.64)	1,511,785	125.48
		% to Total	(6.54)	0,0,10, (110.1)	(11.69)	120.10
II	State Sphere	Strikes % to Total	11,638,457	4,026,320	1,331,291	-66.94
			(50.32)	(27.85)	(10.29)	
		Lockouts % to Total	9,979,699	9,761,231	10,093,719	3.41
			(43.15)	(67.51)	(78.02)	
		Strikes & Lockouts	21,618,156	13,787,551	11,425,010	-17.14
		% to Total	(93.46)	(95.36)	(88.31)	
III	Total (Central and	Strikes % to Total	13,150,828	4,696,807	2,843,076	-39.47
	State Sphere)		(56.85)	(32.49)	(21.97)	
		Lockouts % to Total	9,979,699	9,761,231	10,093,719	3.41
			(43.15)	(67.51)	(78.02)	
		Strikes & Lockouts	23,130,527	14,458,038	12,936,795	-10.52
		% to Total	(100.00)	(100.00)	(100.00)	

Table 2: Time-loss (Number of Man-days Lost) by Sector/Sphere during 2010 to 2012 = Nil

Note: - Total of percentages may not necessarily tally due to rounding of figures.

Sr.	Sphere	Strikes / PUBLIC SECTOR			PRIVATE SECTOR			TOTAL			
No.		Lockouts	2010	2011	2012	2010	2011	2012	2010	2011	2012
1	2	3	4	5	6	7	8	9	10	11	12
I	Central Sphere	Strikes									
		% in sphere	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
		% to Total	95.6	85.3	84.9	0.06	0.1	0.54	6.5	4.6	11.7
		Lockouts									
		% in Sphere	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		% to Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Strikes and Lockouts									
		% in Sphere	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
		% to Total	95.6	85.3	84.9	0.06	0.1	0.5	6.5	4.6	11.7
II	State Sphere	Strikes									
		% in Sphere	100.0	100.0	100.0	53.7	28.6	9.6	53.8	29.2	11.7
		% to Total	4.4	14.7	15.1	53.7	28.6	9.6	50.3	27.8	10.3
		Lockouts									
		% in Sphere	0.0	0.0	0.0	46.3	71.4	90.4	46.2	70.8	88.3
		% to Total	0.0	0.0	0.0	46.3	71.3	89.9	28.9	67.5	78.0
				Strikes &Lockouts							
		% in Sphere	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
		% to Total	4.4	14.7	15.1	99.9	99.9	99.5	93.5	95.4	88.3
III	Total (Central and State	Strikes									
	Sphere)	% to Total	100.0	100.0	100.0	53.7	28.7	10.0	56.9	32.5	22.0
		Lockouts									
		% to Total	0.0	0.0	0.0	46.3	71.3	90.0	43.1	67.5	78.0
	Total	Strikes &	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	T. 1.1. 2. D	Lockouts	G. H								

Table 3: Percentage of Man-days Lost due to Strikes and Lockouts by Sector/Sphere during 2010 to 2012 $0.0 = Less \ than \ 0.05 \ percent$

Note: Total of percentage may not necessarily tally due to rounding of figures.

2.2. Implications of Moratorium on Strikes and Lockouts-Theoretical propositions

Moratorium; meaning "suspension of activity; a temporary ban on the use of production of something" (New Webster's Dictionary) in case of strikes, lockouts and other methods of industrial conflicts is meant to serve two co-equal causes. First the purpose is to minimize the severity of the conflict. Second, basing on this to promote organizational productivity and socio-economic betterment. Thus moratorium on strikes and lockouts is having negative-positive continuum meaning the depletion of negativism and fomenting positivism in industrial relations.

However, despite its temporary and may be voluntary nature, moratorium on strikes and lockouts may prompt advocates of equity and justice principles to be critical of it. They would tend to argue that moratorium is an unnecessary restraint on their otherwise reasonable and somewhat legitimate right. But, instead of viewing the entire scenario from the organizations and workers angle; when the society's stake in the economic welfare of its members is accepted as the main criterion, the moratorium on strikes and lockouts appears logical. In order to sustain the logic of moratorium a few ethical questions need to be clarified. Shall moratorium mean that, the organization and the workers' Unions cannot express their views, demands, and grievances? The answer would be an emphatic no. Ample scope should be offered to both the parties to express each of their views, demands and grievances in an atmosphere of mutual trust and faith. As a result of which the methods of settling any differences of opinion between take the shape of either strike or lockout and such other extreme conflict resolving strategy. So, what demands is a new dimension of industrial relations based on integrated and synthetic approach, an approach that appeals to democratic ethos by fostering mutually agreed upon strategies. The second question that crops up is that, shall moratorium be imposed by the Govt. or shall it be voluntary? Moratorium imposed by Govt, during emergencies have apparently worked but only temporarily. Once the emergency has been lifted and along with it the moratorium on strikes and lockouts, the situation has had worsened experiencing a spate of industrial conflicts. On the other hand, the appeal for moratorium on a voluntary basis may not generate the expected and desired enthusiastic responses. Needless to reiterate that, if voluntary moratorium works then it is an ideal situation.

An ideal situation would stand the test of time. But such situations are quite few and far between. So, in reality moratorium on strike and, lockout are imposed and that to for specific period. This provides a sense of deprivation to the right conscious workers and their unions as well as organizations. So the post-moratorium period witnesses unruly behaviour. So, there' should be a relatively permanent moratorium on strikes and lockouts and that to on a voluntary basis. As mutually agreed upon moral code of conduct, if moratorium is self imposed, then it may have better chances of success.

3. Attitudes of Workers, Unions, Management and Industrialists

The attitudes of workers, Unions, Management and Industrialists over the ideology of moratorium differ from one another.

The vital necessity of moratorium is ignored by workers and they are becoming ready to launch strikes. It is reflected in the indefinite strike of Jute Mills resorted to on 28th January 1992. The trade union leaders who are mostly outsiders are not responsibly behaving. Neither they are concerning about workers' interests, nor are they positively disposed towards industrial productivity. Yet, they regulate the Indian labour movement. The bargaining strategy is characterized by militancy and arrogance. The moratorium is strongly disapproved mostly by AITUC. CITU and other leftist unions. AITUC has criticized that the moratorium will not only freeze the right of the workers to strike for two years but also would disarm them against attacks on them by the employers and government. And the CIIU deeply regretted to note that Government of India has stooped so low that even the presidential address is influenced by the IMF and World Bank. It also criticized that, moratorium is snatching the right of the working class because strike is the only instrument of workers against exploitation and oppression of the Management and the Government. Thus the Indian Trade Union leaders threaten to resort to a "VIgorous retaliatory movement" if the moratorium comes to be enforced.

The ideology of moratorium is accepted by the management. The increasing trend of lockouts indicates managerial militancy. Management apparently is ready to bridle on their militancy activities. But on the other hand the intellectual industrialists, both private and public sector undertakings, are going, on different ways. Many industrialists give very favorable opinions and say that the period of moratorium should be extended to at least one decade and other industrialists criticized it.

4. Concluding Remarks

Moratorium is a big boost and earnest measure to free from the shackles of industrial crisis engulfing Indian industries rapidly. In this state of affairs, it can yield very good consequences which is already experimented during 1962 and 1975, emergency periods. But government's piecemeal measures like workers-cooperative or joint venture will definitely shatter Indian industries into pieces and twist its fortune. These concepts contain the seeds of their own decay because of the growing rate of employer's and workers' militancy, gullibility, indolent and self-centered nature. Industrial conflict and unrest are innate in industrial settings, government's quest for harmony and the search for a rational synthesis becoming mirages in the vast desert of industrial unrest. But at this juncture implementation of moratorium is needed. President says "If we are to emerge from the crisis a moratorium should be declared voluntarily at the national level for at least two years on all bandhs, strikes.... or any other activity which impedes economic development". Moratorium is not the only panacea to cure financial sickness of the nation as a whole. Two years of moratorium cannot yield its expected results. One decade of moratorium is sought to enter into a period of industrial renaissance.

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