

Course Name: Labour Welfare and Industrial Relations

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Week: 3

Lecture :12

Lec 12: Strikes, Forms, and Effects of Strike

Hello learners, namaste. Welcome back to the second lecture of module 3 where we look into a very interesting aspect which is strikes. So we look into strikes, forms and effects of strikes. So we have seen that strikes are always situation or a position of conflict. We will look deeper into that. We will understand what are the different forms and effects of strikes.

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So let's understand this particular phenomenon, which is known as strike. Let's define it. The Industrial Disputes Act specifically defines strike as a cessation of work by a body of persons employed in any industry acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are have been so employed to continue to work or to accept employment. Quite an exhaustive definition. We see that during the entire course of our course also. We see that all the definitions are quite encompassing.

They include everything. And the reason is because we are taking this from the law. And the law itself is quite inclusive. So that's why the entire set of definitions are also becoming very holistic in that perspective. So let's understand it very quickly.

We have certain aspects. One is a cessation of work that is happening by a body of persons employed in any industry acting in combination or a concerted refusal that is not

specifically a refusal but a concerted refusal or a refusal also that could come under a common understanding of any number of persons who are or have been so employed. So basically they are part of the system, they are part of the organization, but they tend to stop working. So this is where, you know, what we understand as strike comes in, it is nothing but the important aspect is cessation of work. So it can be because of various reasons, but these are the basic understanding, the basic definition of strike.

We'll understand what are the different features of a strike. So according to Ludwig Teller, The word specifically strike broadly corresponds to a disagreement between an employer and his employee. This is what we see. Two people, A and B, the employer and employee.

The conflict between the two will definitely lead to a situation of dispute we have seen. And the consequence of that is strike that results in a mutually beneficial suspension of employment. So when you see a strike as a phenomenon, it has certain typical characteristics. The first and foremost one is it's a relationship between the person or persons involved who initiate the strike and the person or persons against whom the strike is called is established.

So there are two individuals again, A and B. So what we see as a person or person, A, who actually initiate the strike and against whom, B, person or person. So it could be entity, it could be, let's say, an individual. So the relationship as one of the employer or employees constituted. Another significant feature of the strike could be that the ongoing dispute between the parties and the utilization by the labor of the weapon of concerted refusal to continue to work on strategy of convincing or coercing adherence to the demands of workmen. So it is implicit strategy whereby they are trying to convince the higher authorities that if you want the organization, the factory or let's say the production unit to run in a normal manner, then please accept our demands so this is something which is implicitly put forward by a strike and explicitly they are giving it their refusal to perform or a concerted refusal it could be so the contention advanced by workers is that even in a state of hostile suspension This is very critical. Although work ceases, the employment relationship is deemed to continue.

So basically, it's violation of employment agreement is not happening. The employment is ceasing, no doubt about it. But the cessation is mainly because of a particular reason to get to a particular aspect or to get something done by the management for the worker. So when you look into strikes, it's interesting that there are different types of strikes. It's not that the one we generally see in the media, the social media nowadays, we see a lot of strikes.

But more than that, there are on a very exhaustive scenario. If you look into strike from a comprehensive angle, we see there are a lot of different strikes and quickly we look into what are the different types of strikes. The first one is economic strike. So economic strike happens when Due to the economic demands, let's say what we have seen as the economic causes in our previous lecture, if you recollect, it could be the demands like increments in wages, allowances, HRA, house rent allowances, transport allowances, bonuses, etc.

It could be an economic strike concerning the hours and other working conditions of work. and terms of employment of the workers specifically. So all these aspects, something which we have seen as a cause for dispute, is also rendering as a type of strike here. So in economic strikes, the workers critically demand betterment regarding their wages, house rent allowance, travelling allowance, dearness allowance, and all other facilities such as privileged leave and even casual leave. So these are some of the aspects related to economic strike.

Very quickly, if you look into the second aspect, sympathy strike. This is also an interesting variety of strike. So in sympathy strike, union of workers of one industry categorically, let's say, join the strikes already hailed by other unions or workers. So it's showing a certain solidarity with other set of union members or maybe union in itself. So sympathetic strike is one in which striking employees have no demands or grievances specifically of their own.

But the strike for the purpose of aiding others, either directly or indirectly, a sympathetic strike is specifically a strike within the purview of the Industrial Disputes Act. Let's understand this on that basis, because this is not something new. It is already enshrined

within the Indian Disputes Act. So let's have a clear understanding of sympathy strike. In the case of *S. Kumbhalingam v. Indian Metal and Metallurgical Corporation, Madras, 1963*,

It was held that when the workers in concert absent themselves out of, let's say, sympathy in this case for some cause, wholly unrelated to their employment or even, let's say, in regard to the condition of workers in service under other management, all such absence could not be held to a strike. as the essential element of the intention to use it against the management is absent. So the word sympathy is critical here. You do not have an essential intention to use it against the management. This is a classic verdict that has happened in or what we have in the *Kumbh Lingam versus Indian Metallurgical Corporation Madras 1963* case.

So the management specifically would be entitled to take disciplinary proceedings against those workmen for their critical absence on the ground of the breach of the conditions of service. So when you are entering into a service or the job, specifically what we look into the job agreement or the conditions of service, These conditions are actually broken when you enter into a sympathy strike because it is not your war. It is not your fight that you are fighting. And in such cases, if let's say there's a strike going on for X company and instead of X, you being a member of Y company, you are initiating the strike unnecessarily.

The situation is getting worsened with respect to the company Y. So why should the owner or the management of the why suffer? On that note, this *S. Kumbhalingam v. Indian Metal and Metallurgical Corporation Madras 1963* case is very significant. Another important type of strike or the third type of strike is general strike. So this strike was intended to increase the political pressure on the ruling party by all unions or members in a region or state.

So this normally refers to large-scale strike organized by employees belonging to an industry, region or even the entire country. We have seen such strikes on a country-wide scenario also. So since these strikes are organized on a mass basis, they create a huge

impact and often it generally puts in a lot of pressure. So the pressure with general strikes is quite high when it comes to the massive manifestation of these strikes across a region.

So the mass basis is very critical. So a few examples of such general strikes in India are the nationwide strikes of November 1991. It happened in again June 92, September 93, 94. Even September 98 was a general strike we had. Now, the fourth variety of strike or the type of strike is sit-in strikes.

So, other names for sit-in strikes, you must have heard them. Pen down strikes, tools down strikes or stay-in strikes. So, these are all different manifestations of sit-in strikes. I repeat, pen down, tools down, stay-in, etc. So, in these strikes, what happens is that the employees report for work.

But they do not work. Now, this is a very interesting type of strike. They come in, but they don't work. So these strikes may sometimes be planned and other times spontaneous. So depending on the happenings and the urgency of the particular situation, the demand of the situation.

So in these forms of strikes, employees peacefully enter their place of work without indicating specifically their intention. But after entering the workplace, they do not do their work. If let's say the blue-collared workmen do not do their work, it may be sometimes a tool down strike. If white-collared workmen do not work, just make a guess, it would be the pen down strike. So something like a pen down or tool down strike.

All these strikes are certainly coming under the ambit of sit-in strikes. So, in all these cases, workers hold strikes at the workplace and none of the workers stay absent from duty. But they all refuse to work till the demands are fulfilled. In an old case, 1963, Punjab National Bank Limited versus its workmen. The court held that a pen-down strike...

falls within the definition of strike under the Industrial Disputes Act 1947 and it is not per se illegal. So that gave some legal sanctity to the sit-in strikes. So what happens in this case is that the employees of the Appellant Bank commenced a pen-down strike followed by a general strike during the pendency of arbitration proceedings. the strike was

categorically very peaceful and non-violent, of course, the court held that the pen-down strike did not disentitle the employees to reinstatement. So that was very critical to note from that particular case of Punjab National Bank Limited versus its workmen 1963 case.

The fifth type of strike would be the slow-down strike. Now this is also interesting. It means... Workers or unions don't refuse to work, but they put pressure on industries to get their demand by reducing or restricting the output of the production industry. So slowdown can happen as a go slow or work to rule strikes.

They are all forms of these types of strikes where an employee's work, but not up to their usual capacity or level. So the capacity or level with which they can otherwise work, They do not work till that level and that is what makes the slowdown strike interesting. They reduce their output intentionally by working below the usual benchmark they had previously set to show the protest to the employer. So in this type of strike, you see the employee's revenue is badly affected.

Even though the employees continue to get their wages, so the employee strictly follows the rules and categorically refuses to particularly deviate from them. If you look into the case of Bharat Sugar Mills Limited versus J. Singh 1961. The court held that, you know, going slow is a deliberate delay of production by workmen pretending to be engaged in the factory. So it would not be wrong to look at it and call it dishonest. This was the verdict of the court, delaying production and eventually reducing the output the workers claimed to have remained employed.

Being in a position to be entitled to full wages. So go slow is likely to be much more harmful than to a certain extent total cessation of work if you think about it. So go slow actually hurts the management more because they are using up the resources but they are not giving the essential output in the first place. case where they were actually going for total cessation the things were quite different they were actually not eating up the resources which had the held management in a better picture but here they are also taking up the resources but not giving the required output which otherwise they can So during the go slow, the machinery is kept going at a reduced speed if it's a machine related job, which is often extremely damaging to machinery parts also.

So that is again, when it comes to the mechanical parts, that can also be very critical. Another interesting type of strike and very much common within the industrial disputes realm is the hunger strike. It's one of the most painful strikes, if you ask me, by the strikers where workers go on strike without having food or water to redress their grievances. If you look into the case of the employees of Kingfisher Airlines, went on a hunger strike for salaried use for several months. So the employees undertake fasting by abstaining from both food and work as means of protest in a hunger strike.

So since there is cessation of work due to employees' typical participation in the fast, it is viewed as a strike. So the purpose of such a hunger strike is generally to put across the grievance to the employers and get the attention of the government and the general public to the cause of the strike. So again, please note that it is non-violent and not strictly a strike under the Industrial Disputes Act. So this is again one of the most interesting aspects when it comes to the hunger strike.

So in a hunger strike, there is not necessarily a cessation of work, but when a hunger strike usually results in the cessation or suspension of work, then it would actually constitute a particular strike. So to take an example, you can look into the PIPRIAC Sugar Mills Limited versus PIPRIAC Sugar Mills Mazdur. 1956 case, the Supreme Court held that a hunger strike amounted to a strike where workmen who held key positions in the factory went on a hunger strike and the result that the other workmen who came to work would not work. So the seventh type of strike is the wildcat strike. So wildcat strike is again an interesting strike.

It happens by the workers or it is done by the workers without the consent of the union and authority. That is why the term wildcat. In 2004, advocates went on for a wildcat strike at civil courts in Bangalore. to protest the remarks allegedly made by an assistant commissioner. So there is no consent, formal consent actually going in from the union or the authority.

So if you look into the history of the strikes generally, it is found that the strikes mostly occur due to issues related to wages by the employers to the workers. The eighth type of

strike which I would like to explain today would be the legal strike. A strike is legal. It may create a little bit confusion when you actually bring in the word legal.

A strike is legal if it does not violate any provisions of the statute now this is what is making it the legal strike so the right to strike is not expressly recognized as a legal right under the industrial disputes act strikes not resorted to in contravention of the provisions of section 22 and 23 of the said act are also considered as legal particularly with respect to the legal strike So that would be the legal strike and finally the last one would be particular strike. Now particular strikes are very limited in scope. They are usually confined to a single region or a plant or a few plants or even to a maximum of a single trade or occupation. whatever the form or method may be it is a strike within the meaning of the act provided it fulfills the requirement of section 2 sub clause q of the industrial disputes act 1947 so these are some of the typical strikes that we see within the entire ambit of the industrial disputes specifically so when you look into the types of strikes

We also have to understand what are the common reasons for strike. Anything that ranging from working hours to, let's say, a retrenchment of workmen. Right. That would actually bring in concern to the individuals and people going for strike. If you look into situations like, let's say, all the welfare measures or the labor relations are specifically associated with.

to certain factors which includes but not limited to one working hours if the working hours is you know drastically increased there are possibilities of you know uh so people going to strike working conditions you know are not good uh you do not have a hygienic safe environment then there are issues that are concerned with respect to the it will emanate as a reason for the strike salary incentive obviously that's the whole point why individuals come for work in the first place if that is the case then again people will resort to strike that we need some some increase in the salary etc timely payment of wages is an extension of that particular reason because sometimes the management does so in a very critical phase of the period let's say they will not pay it regularly or the payment uh does not happen on a regular basis then it will have its own issues its own trouble will come in reduction in salary sometimes they give a rationale that the organization is not performing well or let's say the the economy is not in a good shape or maybe we are having supplier

side constraints all these reasons should not be a reason to reduce the salary of individuals. So if that is done, then this again could be an important reason for strike. We look into issues of minimum wages.

There is a prescribed law that states that this should be the minimum wage. If those laws are not held up, those laws are not abided by, then there is a possibility of people resorting to strikes and this again could be one of the reasons for strike. If you look into the leaves, holidays, you know, dissatisfaction among the company policies. Let's say some forced policies, some coercive policy measures, which actually creates a certain level of disharmony in the organization or within the workplace. That will also actually lead to strike.

And not to mention, finally, the retrenchment. People do not want to lose a job because they have made certain plans. They are working well. The family is going well. Everything is settled.

A sudden disruption will actually create disruption. A lot of entropy, a lot of chaos and people generally do not want that. And that is the reason or that could be one of the critical reasons when it comes to strike. Now let's look into something very interesting again.

Illegal strike. We have seen what legal strike is. Illegal strike is under the following situation given under section 22 on the grounds that strikes may be considered illegal. One is without giving to employer notice of strike within six weeks. Before striking, please note that will be a legal strike. Within 14 days of giving such notice, that could be a legal strike.

Before the expiry of the date of the strike specified in any such notice as aforesaid. Or even during the pendency of any conciliation proceeding before a conciliation officer. And 7 days after the conclusions of such proceedings would actually lead to illegal strike. So when you are talking about legal strikes, you also have to be aware of the illegal strikes specifically, where there are certain situations that have been given under what could be legal and what could be illegal. Now let's quickly look into the penalty associated with the illegal strikes, illegal lockouts, instigation, etc.

So when you look into the illegal strikes, imprisonment for a term which may extend to one month or with a fine which may extend to 50 rupees or both. So, particularly if there is any illegal strike that is coming up or that is being made, that will be the punishment that would be given. Illegal lockouts also warrant imprisonment for a term which may extend to one month or with fine which may extend to 1000 rupees or with both. And finally, the instigation up to six months in prison, a fine of up to one thousand rupees or both. So these are some of the critical penalty that is associated or punishment that is associated with the legal acts.

What are the common reasons for strikes? Very quickly, we'll understand this as different factors. The first one, economic causes. If you look into economic causes, they include the question pertaining to wages. No doubt about it.

It's almost synonymous to dispute. So we'll go quickly here. Bonuses and allowances could be a factor. Retrenchment of employees could be a factor. Faulty retrenchment system in the first place could be a factor.

Leave could be a factor. Low wages irrespective of rising prices. It's a demand for a rise in DA. Even working conditions, intolerable living conditions, issues pertaining to the critical hours of work. All economic causes associated which we have discussed in detail with respect to dispute.

Also the same goes with some of the common reasons for strike. The second one, again, the manageable causes which we have seen, it could be anything with respect to the problems associated with abuse of power, where people generally come up and they do not recognize the trade union or maybe there is resistance to misconduct. by officers or there may be some issues even defective recruitment which we have seen in the previous lecture and worker development policies that come up associated to that or sometimes to put it blunt insufficient and defective leadership could also be a cause When you look into the political causes, please note that various political parties in India fight with each other to gain the sympathy and support of the workers, as I've already mentioned. And this could be one of the significant reasons why strikes come up in a larger space, whereby they actually can bring in a particular issue.

So when you look into the effects of strike, you have effects on employer, effects on employee, effects on society, which we have already seen in the previous lecture with respect to the dispute. The positive effects could be growth in worker unity. People could come together. There could be issues of improvement in work condition. This is where I would like to end.

There could be situations where progress of labor unions can happen. So all these aspects actually critically bring in a certain important meaning to the strike. And this will make the whole concept of the strike a little more interesting. We'll look into that in greater detail in the coming lectures about more about disputes, etc. Till then, take care.

Bye bye. Amen.