

CHAPTER-I

INTRODUCTION

Introduction

Bangladesh is a land of great homogeneity of geography, language, culture, religion, and ethnic grouping.¹ The country, liberated from Pakistan rule in the late 1971, had earlier become independent from British rule within the framework of United Pakistan in 1947. Bangladesh is basically an agricultural country. About 64% of the total civilian labour force of the country are agricultural unorganised labour,² while agriculture sector contributed nearly 33% of the gross domestic product (GDP) in 1994-95.³ The manufacturing industrial sector contributed around 9.6% only of the total GDP over the same period (large scale industries contributed 6.2% and small scale industries 3.4%).⁴ Out of the 54.6 million employed labour force in 1995-96, those engaged in industry of all sizes - large, medium and small, accounted for only 4.09 million (7.5% of the total employed labour force).⁵ A study showed that, the employment in the manufacturing industrial sector were 4.8 million in 1990, of which 2.1 million in medium and large scale, 1.0 million in handloom industry, 1.1 million in cottage and 0.6 million in small-scale industry.⁶ Indeed Bangladesh is one of the least industrially developed country of the world.

Industrialisation is now universally accepted as a powerful catalyst for economic growth irrespective of the political, social and economic systems prevailing in a country.⁷ This equally applies to Bangladesh as well. The strong arguments for industrialisation in Bangladesh are: import substitution, domestic availability of raw materials, absorption of surplus labour from agriculture and attempts to minimise adverse effects arising from instability of international demand for primary goods.⁸

The industrial sector in Bangladesh has become a sector of disputes, strikes and lockouts and workers involved in it have increased conspicuously. During the past 23 years (1972-94), there have been on an average about 42 industrial disputes involving around 85,125 workers and resulting in a loss of 3,97,319 man-days per year.⁹ Due to strikes and lockouts during the last 12 years (1980-91) on an average, the annual wage and production loss were TK. 29.37 million and TK 105.58 million respectively.¹⁰ The pace of industrial development largely depends upon the degree of success that the country could achieve in reducing the number of industrial disputes as well as industrial unrest.¹¹

Labour management relations involve dynamic socio-economic and psychological process. It has two faces like a coin - cooperation and conflict. With the rapid industrialisation of the world this problem has multiplied. Harmonious relations in every sphere of human activity are prerequisites for socio-economic progress.¹² Establishing and maintaining smooth and cordial relations between labour and management, is of utmost importance in Bangladesh which, however, occupies a low position in the national industrial scenario. A large number of disputes can probably be avoided if a sound machinery of disputes settlement is developed. The Government of Bangladesh took several measures including development of legal framework to resolve industrial disputes. Various disputes settlement machineries like collective bargaining, conciliation, arbitration and adjudication has been adopted here. Having recognised the inevitability of the industrial disputes, an indepth investigation on the effectiveness of existing disputes settlement machineries becomes imperative.

1.1 Industrialisation in Bangladesh and Role of Industrial Sector in the Economy

Before we go into a detailed discussion on role of industrial sector in the Bangladesh economy, the evolution of modern industries in Bangladesh should be viewed in terms of a historical perspective. Bangladesh, like many other countries in the third world has experienced a slow growth of industrialisation. It might be worthwhile to attempt a brief review of industrial policies and their impact on industrial relations in Bangladesh since British colonial days.

(a) British Period:

During the colonial period, British companies monopolized trade and industry in Bengal. Only 3.7% of British capital in India was invested in commercial and industrial undertakings.¹³ The Indian manufacturers were not allowed to grow from the very beginning of British rule. British capital was mainly invested in those areas of the Indian economy which did not come into conflict with metropolitan industrial interests, and was confined to such enterprise as railways, coal mines, jute mills, tea, coffee and sugar plantation industries related to the production and export of raw materials.¹⁴ As a consequence of this policy the base of modern industry as it is understood today, started rather late. Even, the few industrial enterprises that grew during British rule, fell in the areas outside Bangladesh. In 1947, when the East Pakistan (now Bangladesh) came into being, she had virtually no industrial base except for three medium-size cotton textile mills and three small sugar mills.¹⁵ Thus, at the time of partition in 1947, East Pakistan started with a very poor industrial base.

(b) Pre-liberation Period:

After the emergence of Pakistan in 1947, a great number of Bangalee Hindus and Marwaries industrialist migrated to India and created an enormous vacuum in the industrial field. This gap was subsequently filled up by West Pakistanis. East Pakistan became a captive market of industrial goods for West Pakistan by making this region

to remain a cheap source of industrial raw materials. A survey¹⁶ on Pakistani entrepreneurs showed that in 1956, only 3% of the total industrial assets were controlled by Bangalee Muslims, 2% by Marwaries, 8.5% by Bangalee Hindus and the remaining 86.5% by the West Pakistanis. The Industrial Policy of the Pakistan Government also acted heavily in favour of concentration of industrial assets in the hands of a few non-Bangalee instead of creating a broad base of industrial ownership of the country. This might have acted as a inhibiting factor in the process of industrialisation in East Pakistan in the Pakistan period.

In contrast to the pre 1947 days i.e. days of British India, a good number of industries were developed during the 50's and 60's. Measured in terms of factor cost obtained during 1964-65, the manufacturing sector in 1969-70, contributed to 2128 million rupees to a total gross domestic product of 24,536 million rupees.¹⁷ The number of registered factories at the time of liberation (1971) was 3130.¹⁸ During the Pakistan period industrial growth in East Pakistan was quite good, but in terms of the requirements of the country and in comparison with the extent of industrial growth that took place in West Pakistan, it was rather a very poor show and this was one very important reason for the growth of separatist movement in the then East Pakistan which later on led to the birth of Bangladesh.¹⁹

(c) Post-liberation Period:

After the independence of Bangladesh, the new government nationalised all industries, including those abandoned by the West Pakistani entrepreneurs or owned by Bangladeshis with fixed assets exceeding TK. 1.5 million.²⁰ In 1972, the public sector's share in the fixed assets of the modern industrial sector went up to 92% and 8% was in the private sector.²¹ Sobhan and Ahmed²² observed that out of a total 3051 modern units, 2659 units (87%) remained in the private sector; but all of these private sector units together accounted for only 8% of the value of fixed assets. All of these

were small scale units. The fact, however, remains that the private sector enterprises were all small and cottage type.

The first industrial policy announced in January 1973, virtually left no scope for the private sector except to engage in small and cottage industries with a maximum investment ceiling of TK. 2.5 million. The New Industrial Policy (NIP), 1982 which significantly reversed the earlier policies. It provided for a determined push towards privatization and a major role was assigned to the private sector for industrial development and restricted the exclusive role of the public sector to a limited number of industrial activities.²³ In 1986, the NIP, 1982 was revised and the Revised Industrial Policy (RIP), 1986 made further relaxation and changes by dint of which all industries except seven strategic industries²⁴ of the reserve list was opened for private sector. The latest industrial policy announced in July 1991 which reiterated the objectives of the NIP, 1982 and the RIP, 1986, in achieving a rapid expansion of the private sector and for its transformation into a more competitive market economy. To promote and protect foreign investment the "Foreign Private Investment Act" was passed in 1980 and at the same time Export Processing Zones (EPZ) were established both in Dhaka and Chittagong ensuring special fiscal incentives and other infrastructural facilities.²⁵ Thus, privatisation in investment policy got implanted deep in Bangladesh in a situation which was similar to that of pre-liberation period.

The contribution of manufacturing industries to Gross Domestic Product (GDP) in 1994 -95 recorded 9.6% of which large scale units contributed 6.2%. Manufacturing sector experienced rather low rate of growth (2.7%) in value added during 1980, in 1994 -95 this rate stood at 8.6% of which large scale units 11.2 percent.²⁶ Measuring at constant prices in 1984-85, the manufacturing industry contributed TK. 69165 million to a total GDP TK. 595288 million in 1994 - 95.²⁷

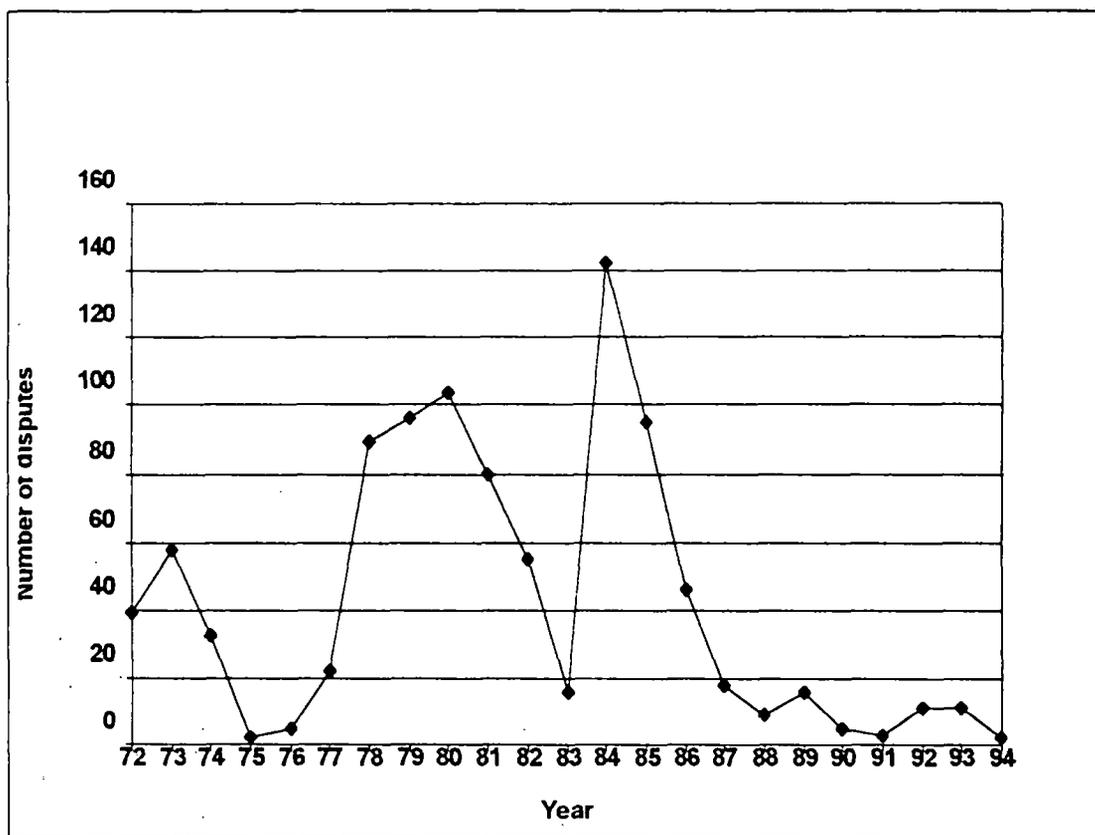
1.2 Present State of Industrial Relations in Bangladesh

The industrial sector play a very significant role in the national economy of Bangladesh. The efficient operation of the industries is, therefore, highly desirable. One very important pre-requisite, among others, for the smooth operation of these industries is the harmonious relationship between workers and management which, in turn, depends on good industrial relations.²⁸ This section attempts to review the state of industrial relations now prevailing in these industries. One important way to measures the quality of industrial relations may be the extent of conflict between the concerned parties. The less the conflict, the better the industrial relations and vice versa. But the problem is, there are many ways of conflict manifestation, viz. low morale, absenteeism, overtime ban, non-cooperation, work to rule, formal and informal negotiations, strikes etc. most of which are not directly measurable and where measurable, adequate records are not available. Because of the unavailability of required information on the other manifestation, strikes and lock-outs may be taken as an indicator of industrial conflict and of the state of industrial relations.

Post-liberation Bangladesh experienced increasing trends of disputes. Industrial unrest mounted with a resultant loss in man-days. Workers suffered financial loss in terms of loss of wages and the economy suffered in terms of loss of productivity.²⁹ One of the factors responsible for low level of labour productivity in some of the large scale industries was the upward tendency of industrial disputes.³⁰ Table 3.4 (chapter III) shows data on industrial disputes involving stoppages of work in Bangladesh during the period 1972-94. The number of industrial disputes during 1972-94, shown in Figure 1.1, indicate an increasing trend immediately after liberation (1972-73), then a declining trend during 1974-75 and again an increasing trend from 1976. A very small number of disputes in 1975 and 1976 was the consequence of a strict strike ban imposed by the national emergency declared by the Awami League Government in the later half of 1974, and by the Martial Law in mid 1975. The number of disputes reached its highest peak in 1984, with 142 disputes being registered, followed by 1980

with 104 disputes. The period (1978-81) of Bangladesh Nationalist Party (BNP) experienced the highest number of strikes over the last 23 year period of industrial relations history of Bangladesh. Due to the strike ban imposed by the second Martial law in March 1982, by the then president H.M. Ershad, frequency of strike again came down in that year. In 1984 the number of disputes reached further its highest peak. From 1986, frequency of disputes again came down and now industrial disputes in Bangladesh shows a declining trend.

Figure 1.1: Trends of Industrial Disputes Involving Stoppage of Works in Bangladesh, 1972-94



Source: Table 3.4

Figure 1.2: Workers involved in industrial disputes in Bangladesh, 1972-94

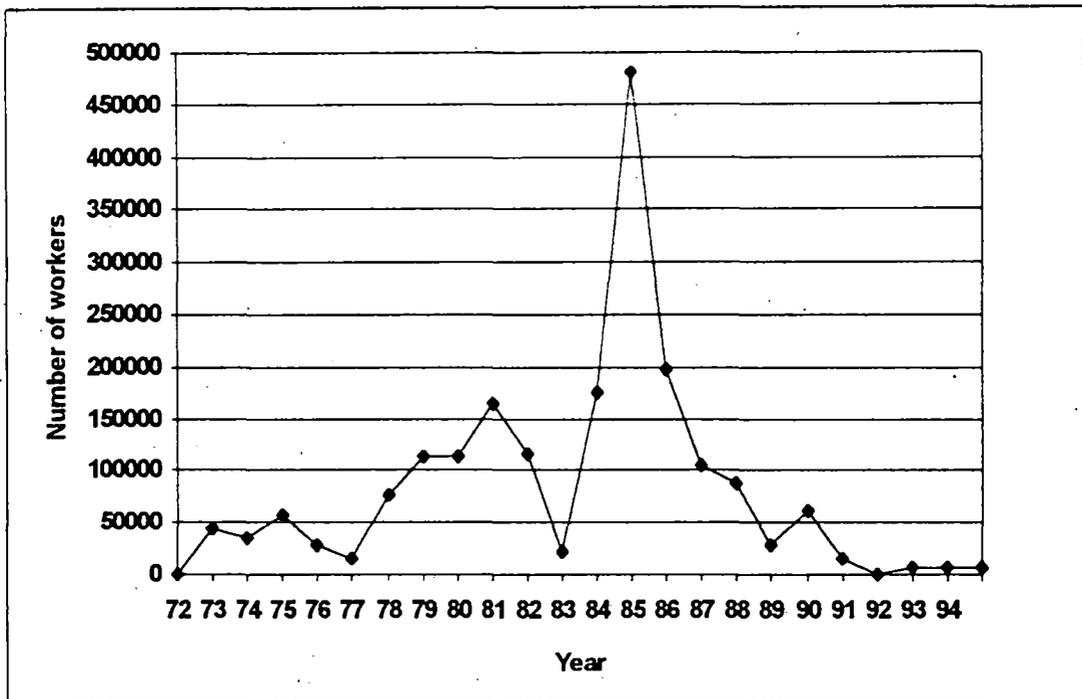
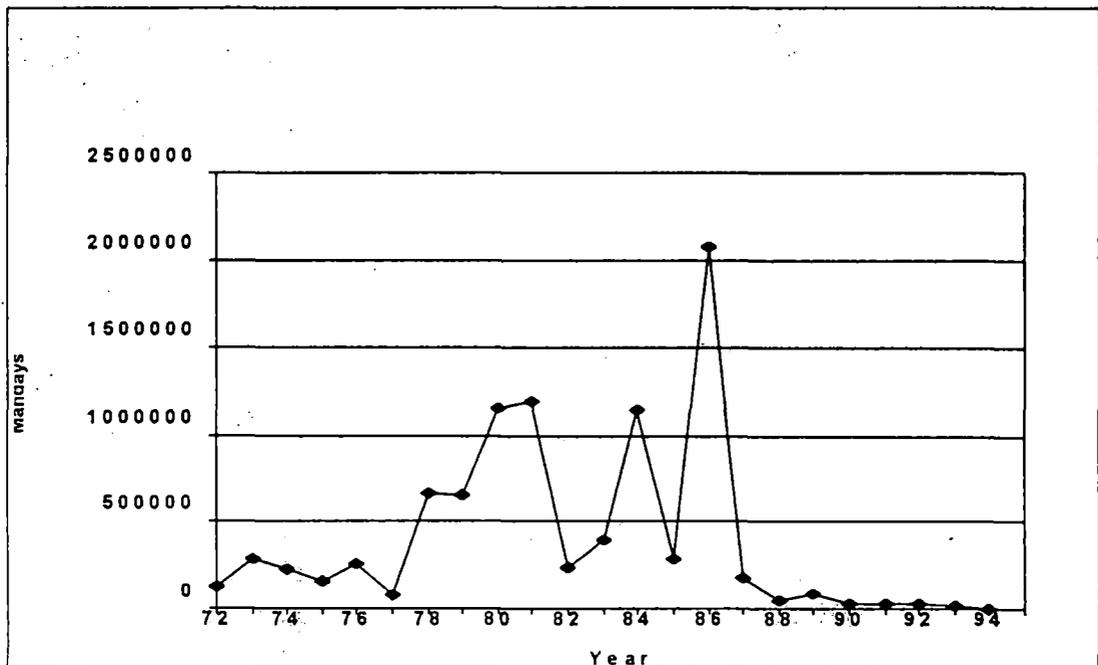


Figure 1.3: Mandays lost in industrial disputes in Bangladesh, 1972-94



Source: Table 3.4

The absolute number of disputes depicts only one dimension of industrial conflict and does not tell the whole story.³¹ The number of workers involved and man-days lost due to disputes are other dimensions. Workers involved and man-days lost are shown in Figure 1.2 and 1.3 respectively. Figure 1.2 indicates that during 1972--94, the lowest number of workers involved in 1991 and highest in 1984. It is evident from the figure that after 1989 workers involved in disputes gradually declined. Figure.1.3 also indicates a similar increasing and decreasing trend with only a few variations from the other two figures. All these figures depict the quality of industrial relations in Bangladesh during the period of 23 years (1972-94).

1.3 Significance of the Study

Since the emergence of Bangladesh the industrial sector has become a sector of disputes. Man-days lost due to disputes grow year after year excluding a few years. The effect of these work stoppage on the workers in terms of the loss of wage and on the economy in terms of the loss of productivity is appealing.³² The indirect cost of disputes is psychological and motivational. A disputes could linger on with incalculable damage to labour management relationships and the morale of both. This would have its effect on poor operating performance, slow-down in work and increase in wastage, or spoiled work. Indiscipline among workers and too many work stoppages lead to industrial and economic stagnation in Bangladesh. None of these effects could be reflected in figures for number of disputes, workers involved in disputes and man-days lost, but would manifest themselves in decline in output per man-hour. The loss attributable directly to poor industrial relations can unfortunately not be quantified, so that the specific impact of deteriorating relations goes unrecorded.³³

There are two aspects of industrial conflict - normal and abnormal, whereas abnormal conflict is undesirable, normal conflict has a functional value. Walton terms this functional aspect as the productivity of confrontation. It arises from the fact that

conflict leads to change, change leads to adaptation, and adaptation leads to survival.³⁴ Disputes if properly managed, may even have a positive contribution to productivity. A large number of disputes can probably be avoided if sound machineries of disputes settlement is developed and properly operated. But proper handling of disputes depend not only on the settlement machineries, but also on a proper diagnosis of the nature of the conflicts, an identification of the practical problem standing in the way of their effective settlement and appropriate solution of the problems.

What factors are responsible for the disharmonic industrial relations in Bangladesh, what are the causes of disputes and how are the disputes resolved? What are the limitation and problems of the disputes settlement machineries? How can their operational effectiveness be improved? A study covering all these issues become imperative and expected to be very significant both from the practical and the academic view points.

1.3.1 Review of the Existing Studies

The discipline of industrial relations has been a fascinating field of research for scholar, particularly during the past three decades. There have been quite a good number of research studies, invariably dealing with different aspects of industrial relations. But, unfortunately the number of studies on industrial disputes and their settlement procedure is not many. A brief summary of the major studies which are particularly relevant to the industrial disputes and the disputes settlement machineries is presented here.

Chowdhury's study on "Industrial Conflict in Bangladesh 1947-75: A preliminary Analysis"³⁵ highlights the historical trend of the magnitude of industrial relations in Bangladesh during the period 1947-75. In his paper on "Industrial Relations in Bangladesh", **Islam**³⁶ has concluded on the basis of his observation of some secondary

sources and informal personal interview with some labour leaders, that most of the problems at the labour front emanated from the government, which is both the law-maker and the largest industrial employers in the country. **Taher**³⁷ mentioned that the absence of a big industrial workers class and of a united platform of trade union members, the balance of power in industry usually remain tilted towards the employers. This make collective bargaining difficult and conciliation a fruitless exercise. He added that any amount of state intervention in industrial disputes may strain the relationship between the workers and employers permanently. **Khan's** study on "Industrial Relations in Bangladesh: A Study in Trade Unionism"³⁸ deals with industrial relations and trade unionism in Bangladesh during 1971-84 and the two colonial periods - British and Pakistan period constitute its background. He also deals with freedom of association with special reference of trade union, the relations between the employer and the employees in industrial activities and the machinery of settlement of industrial disputes. **Nurullah**³⁹ examines the size, concentration, type, management, leadership etc. of trade unions, and their relations to other trade unions. He also attempts to focus on the legal aspects of a trade union organisation.

Alam's "Collective Bargaining in Jute Industry of Bangladesh"⁴⁰ is a critical review and appraisal of the first institutional method of dispute resolution i.e. collective bargaining in the jute industry only. Thus, the study is not representative of the whole industrial sector, on the one hand, and does not give a total picture of the entire disputes settlement process, on the other. **Bhattacharjee et.al.**, describes the legal framework of disputes settlement in general and examine the operations of subsequent bodies of the disputes settlement process, on the basis of some data published by the Department of Labour of the Bangladesh Government. They could not examine the bipartite negotiations process in the absence of any enterprise level empirical data. Without doing a systematic field study, they could not examine the practical problem of the various disputes settlement machineries.⁴¹ With a systematic field study and cases analysis in his study **Khan**⁴² examine the practical problem of the various disputes settlement machineries in some selected public enterprise in Bangladesh. His study

concentrated only on the problem of public sector enterprise not for private enterprises. In his another study **Khan**⁴³ shows that due to conflicting spirit of the Industrial Relations Ordinance, 1969 and the State-owned Manufacturing Industries Workers (Terms and Conditions of Service) Act, 1974, the two principal laws governing the industrial relations systems of the public sector, the role of collective bargaining in such industries seem to be very confusing and cumbersome. He added that, industrial disputes in the public sector are ultimately settled in concerned corporation head offices and ministries with direct state involvement.

In his study **Taher**⁴⁴ state that undoubtedly the conciliation machinery plays very effective role in the settlement of industrial disputes in Bangladesh, but the role of conciliation machinery in disputes settlement appears to be rather ineffective and in some cases, political factors seems to have a significant bearing working of conciliation machinery in this country. **Bhattacharjee** in his study "The Industrial Disputes Settlement System and its Operational Effectiveness in Bangladesh"⁴⁵ discussed that promotion of industrial peace, largely depends upon the operational effectiveness of the disputes settlement system in a country.

On voluntary arbitration, no important study in the context of Bangladesh is available because of its limited use in this country. **Chatterjee**⁴⁶ and **De**⁴⁷ identified the skill required by an arbitrator and the part he could play in building healthy industrial relations. Like conciliation, arbitration has also been severely criticised for its poor performance. **Bhattacharjee**⁴⁸ indicate that in Bangladesh under the provision of law, an award of the arbitrator is final and as such in binding on both the parties and the failure to implement such award is made punishable, so, there has been hardly any cases which was referred to arbitration. **Giri**⁴⁹ remarked on industrial adjudication that provision of compulsory adjudication as a process which has "cut at the roots of the trade union organisation". He added, compulsion may be inevitable during war or as time of emergency, but inappropriate in peace. Similarly, **Saini**⁵⁰ finds that the compulsory adjudication promotes negative industrial relations which, with its working

class frustration, proves antithetical to any strategy of human resources development. **Mamkoottam**⁵¹ points out that, free collective bargaining between labour and management is the exception in rather than the government rule, where compulsory adjudication and arbitration under government auspices constitute the cornerstone of industrial relations. **Gani**⁵² observed, thereats to industrial peace by industrial unrest are threats to the creation and maximisation of national wealth and can easily be transcribed as threats to the welfare of the people.

From the above review it can then be observed that though, some efforts have been made to study some vital parts of disputes settlement machineries, until now no comprehensive study has been undertaken on the effectiveness of industrial disputes machineries covering the nature and causes of disputes in the industrial sector of Bangladesh. The present study on the operational effectiveness of disputes settlement macheneries in Bangladesh covering all these aspects may fulfill the existing gap in this field.

1.3.2 Objectives of the Study:

This study in the context of Bangladesh intends to examine the operational effectiveness of industrial disputes settlement machineries - voluntary or agreed method, administrative, quasi-judicial, judicial which have been established to settle, arbitrate or adjudicate all kinds of industrial disputes. Attempts have also been made to identify the loop-holes in the machineries and to find out the way of overcoming them.

The study has the following specific objectives:

1. To review the industrial relations scenario in Bangladesh;
2. To examine the general trend, extent and manifestation of industrial disputes and their associated factors;

3. To evaluate the function of the existing disputes settlement machineries and their operational effectiveness;
4. To find out the factors constraining effective operation of disputes settlement machineries and their tentative solution; and finally
5. To suggest remedial measures for improving the efficacy of the dispute settlement machineries so as to foster industrial peace in Bangladesh;

1.4 Plan of the Study

The study is divided into eight chapters. The first chapter describes the background and rationale of the study and the industrial relations scenario of Bangladesh. A brief review of the past study in connection with disputes and dispute settlement machineries showing the justification of the academic validity of the study is also given in this chapter. Chapter II presents the research design and method of data collection and analysis with some hypothesis about the operation and effectiveness of disputes settlement machineries. Chapter III analyses the present industrial relations environment in Bangladesh, with specific focusses on trends of disputes, Government policies for dispute settlement, legal framework and trade unionism. Chapter IV to VII analyses the operation of the institutional machineries of the disputes resolution process and hence constitute the core of the study. Each chapter deals with a specific institutional machinery (Chapter IV with the collective bargaining, V deals with conciliation, VI with voluntary arbitration and VII with the adjudication). Chapter VIII summarises the results of the study and offers specific suggestions for improvement of the industrial relations scenario in Bangladesh.

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