

CHAPTER – X

Conclusion and suggestions

Work for the glory of your country and countrymen speaking different dialects.

Give due respect to the faiths and aspirations of the people.

Countless are the resources of Mother Earth, from whom flow the rivers of wealth in hundreds of streams,

Worship mother land as you worship God.

From time eternal, the Mother Earth is giving life to her children-you owe debt to Her.

.....Atharva Veda. 12.1.45.

Ginsburg defines society as “an association of a group of social beings related to one another by the fact that they possess or have instituted in common an organization with a view to securing a specific end or ends”. Society comes into existence for the general wellbeing of the individuals. The duty of individual towards society was for the first time explained in Vedas. Interest of the individual is next to the interest of the society (i.e. general public) only. Formation of association or union can be seen even before the Vedic period. “Dharmo Rakshati Rakshitaha” the famous Hindu mythological concept still holds good. It means “protect Darma, it will Protect you”. It is both religious

and legal sanction as well. In ancient times whether it is law or science was explained in the form of religious sanctions. 'Dharma' which denotes a 'religious duty' or sanction is primarily intended to impose or explain an obligation upon an individual. During Vedic period the society was 'duty oriented' rather than rights. The State (king of head of the panchayat etc.) can take action against any one who fails in discharging his duties. Hence, if a person discharges his duties (Dharma) properly, the duty (Dharma) will protect him (which is equivalent to providing 'statutory protection to the persons who bona-fidely discharge their duties). Hence every body was 'duty oriented either because of fear from the God, or the King rather than rights. The ultimate result was development of the society. The same principle was barrowed by the other kingdoms. Even during medieval period also same principles were followed in India. Hence, the society is older than association. Society is natural, whereas association is artificial. In India much importance was given to the welfare of the public throughout. During British rule in India though the foreign companies exploited both natural and human resources, British Crown pass several laws protecting the interest of the public at large. By taking all these factors into consideration the framers of the Constitution of India gave priority to the interest of the society compared to the interest of a particular class or group.

The industry whether agriculture or otherwise always dominated the economy of the society. Whether it is King or Government in a Constitutional set up, gave priority to the then prevailing industries. From fourteenth Century AD mechanisation started and totally changed the scenario of the world economy. It not only exhausted the natural resources but also changed the family setup. The persons started concentrating (where every one is stranger to the other) in and around areas where factories are established. Under these circumstances the concept of 'social security' changed its face. In colonial countries position of the 'ruled class' is much worse than the 'ruling class'. In industries disputes are bound to rose between the employer and employee for

profits and benefits. The employee who is weak in all the ways started uniting together for fighting collectively against the employer who is strong from all the corners. It is not known exactly when for the first time the strike was declared. The activity of protest (strike) can be seen even during the Vedic period (3000-1000 BC). Even during the period of construction of Cheops Pyramid the slaves refused to take meal without garlic. Ultimately their demands were considered by the King and the food with garlic was supplied to them. This incident clearly shows that even the genuine 'protest' of the slave was considered. After industrial revolution the protest of the workers was called in the name of "strike". It took different shapes from time to time depending upon the needs and circumstances.

The word "Strike" has been defined by different authors and judges from time to time including United Nation Organisation and International Labour Organisation. The definition of Strike given in different Statutes is also explained including the definition under section 2(q) of the Industrial Disputes Act, 1947. The essentials of "Strikes" as per the definition given in section 2(q) are explained with comments at relevant places. The act of 'strike' which is a concerted withdrawal of workmen from the place of work in order to pressurise, the employer to accept their (employees') demands. Later on like democracy the concept of strike also lost its' original shape and the employees and politicians and political parties started adopting countless methods of activities which they call as 'strike'. Though in the beginning strikes were intended to pressurise the employer, later the employees also started using the same activity for creating economic pressure upon the Government as well. For this purpose the employees started organising together in big groups. The workers also started identifying the need and importance of organisations and unions and started claiming their legitimate rights. The activity of strike was not only used by the employees against the employer to bring pressure upon them, it was also thoroughly used by some employers to remove the economic burden

of payment of salary to their employees during the period of un-season in case of seasonal undertakings.

Not only the employees and trade union leaders but also the employers and political leaders are taking advantage of the defects of the outdated definition of strike as mentioned under section 2(q) of the Industrial Disputes Act, 1947. They are neither allowing the dispute to die nor allowing it to live. The Chief Minister of West Bengal saying that “they (IT employees) can call a strike by giving the management a formal notice” indicates the importance of the “notice” not only in the minds of the trade unions but also the Government [The Telegraph, (Siliguri edition) p,1]. In order to overcome this problem the following suggestions may be taken into consideration.

- Section 2 (q) of the Industrial Disputes Act, 1947 must be amended by adding the following provisions:
 - (i) The workers must have done any act or omission in the form of ‘protest’,
 - (ii) Withdrawal of work by even by a single workman also amounts to strike.
 - (iii) Cessation of work is immaterial,
 - (iv) Persons ceasing to work may not be acting in combination’,
 - (v) Circumstantial evidence is sufficient to establish concerted refusal or refusal under common understanding’,
 - (vi) Period of cessation or protest is immaterial.

Though definition of the term “Industry” was amended in 1982 date of effect is still awaited. If this amendment is brought in to effect essential services like ‘hospitals, educational institutions, any activity of the Government relating to sovereign functions of the Government will automatically come out of the purview of the definition “Industry” and the activity of ‘strike will be automatically restricted at least in essential services. Date of effect must be

given to the 1982 amendment made to the definition of "Industry" at the earliest (at least for the purpose of the 'strike).

Under unavoidable circumstances strikes may be allowed subject to the following conditions:

- (i) A maximum of 50% of the staff may be allowed to go on strike.
- (ii) Staff having special skill or knowledge shall not be allowed to go on strike.
- (iii) Employees who are going to strike (names and other details), along with dates on which they will attend the duties must be submitted to the Government.
- (iv) Name(s) of the employees who will discharge duties during the period of strike must be submitted to the Government.

Judgments of the courts must be implemented both in letter and spirit. During the period of "strike" or "bandhs" strict action should be taken against all persons who violate the 'statutory norms' and/or 'directions of the court' irrespective of political affiliation. The courts must either order for punishment against the erring officials who are responsible for declaration or conducting or supporting (directly or indirectly) strike(s) or bandh(s) or direct the government to take appropriate action. Follow up action must be taken by the Government after every settlement. Permanent steps must be taken to settle the disputes between the labour and management. Recognition of the Political Parties who declare, participate, conduct or support strike or bandh must be cancelled by the Election Commission. The cadres (including the persons against whom charge sheet has been prepared) of the political parties must not be allowed to contest any elections (at least for next 5 years from the date of commission of the act) who declare, participate or conduct strike or bandh or who violated the court directions with regard to strike or bandh. Union leaders shall not be given any exemption from regular work. In "Collective Bargaining" the method of proportional representation must be implemented. Periodical declaration of

“Assets and liabilities of the union leaders and his family members” must be made compulsory for restricting corruption in trade union bureaucracy. Routine matters like increments and time - bound promotions must be given in time without involvement of the employee. Proper protection must be given by the government to the workmen who want to attend duty on the day(s) of strike. Proper planning of the administration should be made in consultation with the employees and unions. Any person who is either MLA or MP or holding any Political Post or affiliated to political party shall not be allowed to contest the trade union elections or appointed for any post of the trade union. Matters of importance may be (which require quick disposal) may be referred to “Fast Track Courts”.

Employers and the Government in order to protect their interests (economic), from the beginning are using strike breaking techniques and are trying to break the unity of workmen. The employers also started using Unfair Labour Practices as a mean to break the unity of the workmen and to restrict the activity of strike. The Government who is the largest employer for protecting the interest of its subject enacted several laws imposing restrictions upon its employees from participating in strikes.

The activity of strike which was primarily intended for ventilating the grievances of the workmen travelled unimaginable distance and lost its way somewhere behind. Trade unionism now became a profession by itself and has become a boon to the politicians and their off-springs. It is a common phenomenon that every person wants to give his profession or trade to his/her son/daughter which is easy and convenient for him. Leadership which this scholar feels to be an in-born character may be rarely an inherent character. The trade union leaders who tasted the union bureaucracy started dumping their legal representatives into the trade union by force with a clear intention to make them the future office bearers of the trade union and if possible they (legal representatives) may rise to state or country level politics. Types of trade

union leaders and their dealing with unions and members made it clear that young and imposed leaders are causing more harm than good, because of lack of experience and proper guidance from the senior leaders. They want to control the union and its members in each and every matter. Types of trade union leaders are explained along with their way of thinking and its impact upon the members and unions.

Work-culture on the part of the employee is the only alternative throughout the ages that kept the out-put (both in quality and quantity) at its height. This in turn improves the economy of the country so that it can compete in the global market. The importance and effect of work culture can be experienced from the economic growth of Japan which is a symbol of work-culture. The reasons for out-break of strike also proves the nature and cause for out break of strikes. It also made it clear that how small disputes relating to petty matters are leading to major disputes and ultimately for out break of strikes. Failure on the part of both employer and Government to take permanent measures with regard to the disputes is allowing the dispute to live long with out any heal.

Study of development of right to strikes in different countries gives a comparative position of United Kingdom, United States of America and Russia, the well developed economies. Though the foreign rulers came to India for the reason of occupying kingdom(s), the latent reason was for exploiting its wealth. The East India Company which is purely a business concern came to India to have business with Indian business organisations. By taking the advantage of innocence of the Indian kings, they have started occupying the small kingdoms one after the other by applying the principle of "divide and rule". Ultimately the administration went in to the hands of the company and in turn to the British Crown, and the sub-continent of independent India became a colony of British Kingdom. The position of the Indian workers in the factories owned by the British employers is 'secondary citizens' which was no less than

slaves. In order to elevate their position, social workers in the beginning and the political leaders later took the cause and started protesting the attitude of the employers and the Government (The Crown). There arose the activity of strike in the present form in India. Though the concept of strike (in the present form) started in India some time in and around 1800s, it got its roots in England near about 1600s. Though, the trade union movement in United States of America cannot be equated with that of United Kingdom, still it is earlier to Indian Trade Union movement. History and Development of trade union movement in United Kingdom, United States of America and India is self explanatory with regard to the evolution of the right to strike. The main reason for, USA being the most developed economy in the world can be found from the history of the trade union movement also and the steps taken by the employer and the Government in preventing, restricting or controlling the activity of strike. The fact of observing "May Day" which falls on 1st May of every year, sometime in September of that year indicates the importance given by the employers, Government and workmen to the work-culture and their disregard for holidays. From time to time both employers and Government took several steps to find out the ways and means to control the activity of strike by the workmen. These means includes introduction of 'Contract employment, employment-at-will' etc.

The trade union movement in Russia (former USSR) though not much older, it was developed primarily as a bi-product of revolution. Later on the historical development shows that Marxism overpowered the trade unionism and uncontrolled activities by the unions gave much freedom to the workers community. History and development of trade unions in Russia gave an image for the development and collapse of the Russian economy.

Likewise, different steps taken by the employer and Government of Great Britain also made it clear that they have vehemently and ruthlessly controlled the activity of strike in the interest of their Country. The trade unions

of the workmen of United Kingdom, which is one of the well organised and well developed trade unions in the world, from the beginning was claiming the strike as their legal and fundamental right. Though some times both Government and courts of Great Britain accepted it as a legal right, but they refused to accept it as a 'fundamental right' of the workers. The history and development of right to strike in United Kingdom makes it clear that how the strike took its origin and how it developed. The study categorically proved that the strike is a legal right of the workmen, but it is not a fundamental or constitutional right. In India also, though the employees were treating Indian workers as secondary citizens (during British India regime), the crown appointed several commissions to inquire and recommend the steps to be taken for the improvement of living conditions of labour. After receiving the reports from the commissions, the sovereign implemented some of its recommendations. After independence Indian legislature passed several welfare Acts in the interest of the working community. Courts took very lenient view with regard to strike by the workmen in the beginning (after independence) by taking the economic position of the employees into consideration. However, Indian judiciary doesn't hesitate to restrict the activity of strike whenever it is required. Though, sometimes it is lenient with regard to the activity of strike by the workmen, the task performed by the judiciary in India is appreciable particularly in a developing country like India (It is submitted that India is a developing country when compared to the developed countries and developed among the developing nations) where they have pass judgements after taking into consideration of the employees those who are living below poverty line to those receiving luxury wages together.

Constitution is Grundnorm. It is a basic document which highlights the aims and objectives of the citizens who adopted it. Constitution of India is the largest of the world constitutions that was drafted and adopted by the independent citizens of the country. The framers of our constitution took all precautionary steps to safeguard the interest of the public at large from the

arbitrary acts of an individual or a class. At the same time the framers also gave priority for safeguarding the basic human rights of the citizens and named them as fundamental rights and imposed the duty upon the government to safeguard them. Freedom of association or union which is a basic human needs and rights is declared as a fundamental right under Article 19(1)(c). Immediately after independence both government(s) (State and Central) and court(s) took a lenient view upon the activity (strike) of the workmen. But this attitude of the Government and Court was miserably misused by the workmen and trade unions (particularly trade unions of Public Sector Undertakings). The political leaders for their vested interests supported the activity of the workmen (strike) from time to time irrespective of its legality or justifiability. The political parties, who supported the cause of the workmen when not in power, started criticising the same when they came to power. However, the courts from time to time by interpreting the statutory provisions relating to strike in the light of the provisions of Article 19 of the Constitution of India and held that it is a 'right' of the workmen like lock-out which is the right of the employer. The decisions given by the Hon'ble Labour Appellate Tribunals, High Courts and Supreme Court of India made it clear that the activity of strike is a 'legal right' but not a 'fundamental right'. It is submitted that in some cases though strike was totally covered by illegalities, the courts granted the benefit of payment of wages to the workmen who went on strike on one or the other pretext (which it is submitted is purely a sympathetic action). The sympathy shown by the Government, Court and some political parties did more harm than good not only to the trade unions but also to the Society at large.

Law is the will of the general public. The will of the workmen to express their protest when the employer or the Government fails or refuses to accept their demands, if not controlled may result in lawlessness in the society. The statutory provisions which are related to the strike indicates the intention of the legislature that it is an implied right that can be exercised under certain circumstances after following certain statutory condition, failing which the

workmen may be penalised. By respecting the will of the employees the legislature incorporated some provisions in the Industrial Disputes Act, 1947 and some other statutes. Sections 22, 23 and 24 of the Industrial Disputes Act, 1947 deals with the conditions to be fulfilled by the workmen before going on strike and the consequences for its failure. Though, notice need be given by the workmen before going on strike, several decisions of the courts indicate that it may be dispensed with under some unavoidable circumstances (non-payment of benefits in spite of direction by the Hon'ble Supreme Court etc). In Public Sector Undertakings generally trade unions are declaring strike some time before elections, either for local bodies or for Assembly or Parliament. This practice proved to be very successful. The political parties running the Government for protecting their political interests accepted some of the demands of the unions immediately. This practice proved beneficial for the unions to achieve their demands with less effort. In order to avoid this complicated situation necessary amendment should be made to sections 22 and 23. Strikes shall not be allowed to declare at least within six months (one Year in case of Public Sector Undertakings) before the due date of elections for either legislative assembly or Parliament or local bodies. Though there is a provision for constitution of "works committee" (under section 3 of The Industrial Disputes Act, 1947) in the industrial establishments for "promoting measures for securing and preserving amity and good relations between the employer and workmen, and to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matter" it was not implemented by any establishment. Trade unions did not allow for formation of 'works committees' for the fear that if established they (Works Committees) may reduce their importance. If these committees are formed and allowed to work properly, majority disputes of small in nature will be solved. Hence, constitution of 'works committees must be made compulsory with a bounden duty to implement its recommendations. The Trade union Act, 1926 is the only Act which provided immunity to the trade unions. Though the Act does not require

the union to be registered compulsorily, it extends immunities only to the trade union registered under this Act. The provisions of the Trade Union Act which are related to strike indicates that the immunity provided can be availed by the registered trade union, its office bearers and its members. The provisions of the Trade Union Act and relevant rules must be amended for providing periodical discussions/meetings between workmen and employees compulsory, with regard to the 'service conditions' of the workmen. Individual 'face to face' consultation (regular formal interviews between a worker and his/her immediate supervisor/manager) will enhance the effects of functional flexibility, and also has a stronger positive impact on employment levels than other forms of consultation. Growth is more likely to be associated with highly innovative workplaces which consult with their employees (rather than delegate responsibilities), have a fair amount of contract flexibility and practice numerical flexibility to a moderate extent. In case of Unfair Labour Practice by the management or managerial staff, strict action should be taken within six months. Efficient and cultured workmen must be 'encouraged' by providing financial and other benefits to them (like increments, out of turn promotions and gifts).

Value education must be imparted to the workmen from time to time. The activities of the young and imposed leaders must be checked and if necessary they should be sacked. Minimum educational qualifications must be fixed for contesting the union executive. Persons like Chief Minister saying that "educating the citizens as a mean to curb the innocent following of the hooligans" indicates the importance of education in the industrial establishments. Union members shall not be allowed to contest for executive posts unless years have elapsed. Instead of rigid working conditions method of flexible working conditions should be introduced. In Public Sector Undertakings strike shall not be allowed to continue for more than a week. By making necessary amendment to the Trade Union Act, 1926 the number of unions per undertaking should be restricted to two. To reduce the involvement

of politicians, political affiliation of the trade unions must be abolished. Political leaders shall not be appointed as office bearers of the Trade Unions. In technical matters Union leaders who don't possess technical knowledge must not be allowed to participate. "Responsibility and accountability" of the union leaders must be fixed. Hair split technology must not be allowed to be used by either employer or employee in labour disputes. Any political leader if supports or assures any trade union or workers organisation directly or indirectly (with a view to have political favour) be given a chance to fulfil it within a prescribed period. If he fails in fulfilling the assurances, he shall not be allowed to contest in any election for next 5 years. Any employer who is involved in any Unfair Labour Practice(s) shall not be allowed to do business for next two years. At least 40% of the workers working in that undertaking must be members of the trade union in order to allow the union to contest in election. Name and all details of the staff who wants to go on strike shall be submitted to the Government.

Evil effect of the activity strike on the general public is beyond imagination. Non-implementation of the provisions of the statutes in order to achieve the Constitutional goals is resulting in loosing faith in both legislative and executive. Another reason is unimaginable gap between legislation and implementation. This gap should be reduced by taking necessary steps. Involvement of politicians in executive matters must be prohibited in letter and spirit. Statutory provisions must be implemented without any fear or favour.

"To every action there is an equal and opposite reaction" (Newton's third law of motion.). The activity of strike is not an exception to it. The incidents and the case law clearly explained the evil effects of strike on different persons (Employer, employee, Government, and general public). The strike declared by the workmen not only effects the employer, Government, but also the general public. The study of effect of strikes on employer, employee, Government, and general public evidenced the adverse effects of strikes. It is

employees who occasionally declare and conduct strikes can only understand its adverse effects upon them. During the period of strikes the employees generally will be undergoing mental tension as they are much worried about the result. The strike more continues much towards the next pay day the tension of the employees and their family members will be increasing further. The employees if not paid the salary by next pay day, the employees has to borrow loans on heavy interest which may some times go upto 10% per month. For discharging the debts incurred during the strike period it may take some months to years for the employees. During the period of strike workers/leaders who actively participate in strike are also loosing their life or limb. If timely action is taken against the misconducted employees, and the dispute is settled within with in six months, the effect of strikes on the employees may be reduced to a considerable extent. Judgement of the courts must be implemented without any delay. The employees shall not be allowed to participate in the strikes or bandhs called on by the political parties which is politically motivated. Employees or trade union leaders must not allowed to have political links. Workers must be educated by employers, trade unions and Government. They should conduct periodical class to equip them with latest knowledge and or technology. Once workmen become excess either due to technology or otherwise, they should be trained to meet the new situation instead of retaining them till retirement (as an economic dead weight) or giving "Golden Handshake". Responsibility and accountability of the employees must be fixed without any exemption. Unions are formed for protecting the common interests of the members. Hence, unions should not protect/defend the members in case of intentional illegal acts committed by its members.

The effect of strike primarily is on the employer, as the production will be disrupted as a consequence. Now the employers are no less than the employees. They won't hesitate to break the strike by any means. Engaging strike breakers by the employees is not confined only to the developed countries like United States of America or United Kingdom. It can be seen

even in countries like India also. They are also adopting unfair labour practices. Its effects can be seen till final settlement of the dispute either by the employees or in courts. The employers for the protecting their business interest has continuously adopting the strike breaking techniques from times immemorial. The activity of strike not only benefited the employees but also the employers. Corrupt union leaders turned to be a boon for the employers particularly for employers doing seasonal business. Near the end of the season the employer through the union leaders are succeeding in declaring strike. When the strike is declared immediately they declare lock-out and will continue it till next season. By one or the other reason the strike will be brought to an end when the season is started. If employer is the government, the activity of the trade union is comparatively high. Lack of accountability and responsibility of the employees and government in public sector undertakings forced to privatise them in different phases. The effect of strikes on Public Sector Undertakings clearly explains how the strike is a cause for their privatisation.

General strikes changed the Governments also in the form of revolution. The strikes or bandhs will be sponsored by political leaders who are (directly or indirectly) connected with or against the Government. The clinging situation of the Government in between the employees (voters) and the employers (tax payers) is something definitely in a state of imbroglio. The Government has to act in a way which shall satisfy both, who declare strike and the persons effected by it. In some states like West Bengal where the rate of activity of strikes and bandhs are very high the Government will be definitely has to take extensive care for safeguarding the person and property of public and employer. But the financial constraints do not allow it to do so. The Hon'ble High Courts and Supreme Court suggested taking the assistance of the elderly (responsible) persons of the locality to overcome the problem of shortage of manpower. Having failed in its entire attempt to overcome the problem of strikes and bandhs instead of controlling their own party cadres started

criticising the verdicts of the courts. The political leaders who declare strike started saying that they are answerable to the people only. The propitiatory orders issued by the court are violated on flimsy grounds. When questioned by the media or others they (e.g. Ms. Mamata Banerjee, Persident, Trinamool Congress) started replying that "I will be happy to go to jail for calling bandh". The political parties who criticise the strike or bandh called by one party are declaring and observing or supporting the same in other states or in the same state. The Congress (I) that criticised the bandh called by BJP and Siva Sena in Bombay called the bandh in West Bengal called bandh in 123 municipalities of West Bengal against the discriminatory attitude of the Government. The Hon'ble Chief Minister of West Bengal Sri Buddhadeb Bhattacharjee saying that "outsiders will not be allowed to force strikes in IT sector" indicates the role being played by the outsiders in trade union activities. The political parties went to the extent of waging war (indirectly) against the judiciary. Having failed in the entire attempt to control its own cadres and affiliated unions, the political parties went to the extent of threatening the judges with constitution of Judicial Vigilance Commission for checking the corruption in the judiciary.

The employer or public any one who is aggrieved by the activity of strike may go to court seeking prohibitory orders. The courts in the interest of public have delivered several judgements which went against the interest of the concerned Government. The judiciary not only pass strictures against the officials who fail to take proper steps during the period of strikes, but also against the political parties and the governments. Having aggrieved by the verdicts the executive openly criticised the judiciary. After passing the judgment in T.N. Rangarajan case all political parties particularly CPI and CPI (M) called for nationwide bandh against the verdict of the court which was partially successful. Failure on the part of the Government to take necessary steps for preventing the bandh was severely criticised by the public. Same political parties who criticised the verdict of the court in T.N. Rangarajan case, after few years openly criticising the activity of strike and initiated steps to ban

strike in some areas like Special Economic Zone, which specifically shows that the verdict of the Supreme Court is perfectly correct in the interest of the general public. Heads of the educational institutions requesting the political parties to keep educational institutions outside the purview of strikes and bandhs and some port employees requesting the government to categorise them as essential service indicates that even major sections of the society are also against the activities of strikes and bandhs.

The ultimate effected one is general public. Because of strikes in Public Sector Undertakings the prices of certain commodities will be increased, increasing the economic burden upon the general public. During the period of strikes and bandhs the prices of the commodities will be increased due to short supply of goods (may be artificial shortage). Necessary steps must be taken by the Government to establish "Labour Adalats" for speedy disposal of service matters of utmost urgency. Time limit must be provided for settlement of labour disputes. Persons once elected to the Constitutional posts like minister, Chief Minister, Speaker etc, must not have political affiliation of any kind. They should not participate in any political meetings either of their own party or others. During period of 'strikes' or 'bandhs' strict action must be taken against all irrespective of position in political party or the Government. The courts must either order for punishment against the erring officials who are responsible for declaration or conducting strike(s) or bandh(s) or direct the government to take appropriate action. The cadres of the political parties must not be allowed to contest any elections who declare, participate or conduct strike or bandh or who violated the court directions with regard to strike or bandh. Union leaders shall not be given any exemption from regular work. Any person who "criticises or makes any statement which may go against the verdict of any court or tribunal (directly or indirectly), either for serving the political needs or otherwise must be removed immediately from the post which he was holding as on the date of making such comment, irrespective of his post or position. In "Collective Bargaining" the method of proportional

representation must be implemented for increasing the involvement of all the unions. This practice may not only remove the dissatisfaction of the small unions but also increases the morals of all the workmen. Growth is more likely to be associated with highly innovative workplaces which consult with their employees (rather than delegate responsibilities), have a fair amount of contract flexibility and practice numerical flexibility to a moderate extent.

The opinions expressed by the employees of the Andhra Pradesh State road Transport Corporation (a nationalised public transport undertaking), and Sigareni Collieries (Coal mines), Kotha Gudem, Andhra Pradesh reveals that the employees who are mainly responsible for the origin of disputes are only 2% to 5%, but neither the trade unions nor managerial staff or the employer are in a position to control them as they are closer to the union leaders (they active participants in militant activities). The opinions also reveal that the employees are not in favour frequent strikes and also for each and every small issue. They also want that, the disputes shall be settled by compulsory mediation and in a time bound manner.

On the basis of the above material the question of "right to strike" is discussed. The other factors like social needs, technology, status etc, are also taken in to consideration for deciding the hot burn problem of strike. It is submitted that on the basis of the available material it can be said that the activity of 'strike' is a legal right and it will continue in future also in one or the other form. After deciding the strike as a legal right, the work is proceeded to decide the question whether it is a fundamental right or not? The 'fundamental rights are not determined but which determine other rights'. On the basis of this principle it can be decided that the 'right to strike' is not a "fundamental right" it is only a "legal right". The right to strike does not determine any other right(s). The right to strike itself is determined by the fundamental right to form associations or unions guaranteed under Article 19(1)(c). Therefore the 'right to strike' is not a 'fundamental right' but it is

only a 'legal right' which is a "natural human right". Both employer and Government shall take necessary steps for cultivating the work-culture among the employees and time bound settlement of disputes are only alternatives for the strike. The workers once adopts the work-culture, automatically their attention will be diverted towards their duties from rights. Once the subjects (workmen) convert themselves to duty oriented from rights, the society will be developed in no time and the sub-continent of India will regain its' ancient glory once again.
