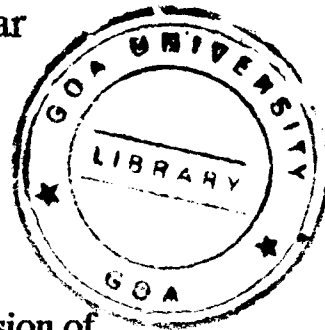


**CONSEQUENCES OF VIOLENCE : AN EXPLORATORY
STUDY ON THE INDUSTRIES OF GOA**

**DISSERTATION SUBMITTED FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
IN MANAGEMENT**

By
Vinay Raykar



**Under the Supervision of
Shri A Sreekumar
Professor and Head
Department of Management Studies**

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DECLARATION

I, Vinay Raykar, do hereby declare that this dissertation titled "Consequences of Violence: An Exploratory Study on the Industries of Goa" is a bonafide record of research work done by me under the supervision of Shri A. Sreekumar, Professor and Head, Department of Management Studies, Goa University.

I also declare that this dissertation or part thereof, has not been submitted by me for the award of any Degree, Title or Recognition before.

April 29, 1997




Vinay Raykar

A. Sreekumar
B.Sc (Engg), MBA, Fellow (IIMA).

Professor and Head,
Department of
Management Studies,
Goa University.

CERTIFICATE

This is to certify that Mr. Vinay Raykar has completed the dissertation on "Consequences of Violence: An Exploratory Study on the Industries of Goa" under my supervision.

I am fully satisfied with the work. He has therefore, my permission to submit the dissertation for evaluation for the award of the Degree of PhD.

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APRIL 29, 1997


A. SREEKUMAR

Dedicated
To
my parents
and Asha, my wife
for a wonderful Life

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The thesis is the culmination of patience, sacrifice and impeccable support of mainly two individuals, Mr A Sreekumar, my guide and Asha, my wife. I owe my gratitude to them.

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Vinay Raykar

Consequences of Violence: An Exploratory Study
on the Industries of Goa

ABSTRACT

This abstract presents in brief, the contribution of the present study to knowledge in the area of industrial violence.

The results indicate that industrial violence is a rare phenomenon in Goa in the present day context. The degree of violence is of a minor nature. Fatalities tend to occur in large industries. Larger firms tend to have more violence. Violent incidents are associated with number of unions, number of industrial disputes, density of population, and the prevailing industrial relations climate.

Age of the firm does not seem to have a significant bearing on occurrence of violence even though violence seems to be on the decrease as the firm ages. Those who involve in violence need not necessarily be employees. Colleagues form the dominant target of violence.

Attributed causes for violence are varied in nature, however, most of the violent incidents in one way or the other are related to strikes and lock outs. More importantly, lack of unity amongst employees is one of the most important attributed causes in comparison to even the intensity of conflicts with the management of the firm.

Majority of the firms do initiate action against employees who involve in violence. However, smaller firms, may be because of lack of expertise, find it difficult to initiate actions. Employers, mostly take action under labour law. In majority of the cases in which employees were charge sheeted, they lost their jobs as a punishment for involving in violence. Younger employees seem to be prone to involvement in violence.

While no one took actions under Civil Law, actions under Criminal Law also were not as prevalent as actions under Labour Law. No one seems to be getting convicted/punished for involving in violence under Criminal Law. Most of the employees who lost their employment were able to rehabilitate themselves by being self employed.

The most important insights from this study are the reluctance of violence to arise between those who are familiar to each other, the motivation for violence being located in a feeling of hurt^{due} to disunity amongst employees and the consequences of violence being relatively more favourable to the powerful amongst the players viz the large organisations and the aggressors vis-a-vis the smaller organisations and the victims.

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Chapter I

Introduction

Nations in their agenda for economic growth, accord top priority to 'industrialisation'. "Industrialisation refers to a process of change in the technology used to produce goods and services" (Ramaswamy and Ramaswamy, 1981). Development of a nation mainly depends on the extent of industrialisation it has achieved. This statement holds true not only in case of developed nations but also countries like South Korea and China in Asia.

The policy makers in our country, realising probably from the experience of other nations opened flood gates after 1991, inviting foreign investments for industrialisation. From an economic angle, industrialisation generates employment, skill and technology. Employment leads to improved standard of living of the individuals. The nation as such is benefited directly by the revenues it earns (which in turn spends on the welfare of its citizens). However, it is not that, as a thumb rule, industrialisation brings prosperity at all times.

1.1 Industrial Relations

As per Johri (1984) "Welfare and social order in an industrial setting depends on productivity, development and modern techniques, forces of labour market, degree of effective organisation of workers as trade unions, their respective consciousness and understanding and the striking of their balance between the economic power of the employer and manpower of the labour having the sanction respectively of lock-outs and strikes".

Thus meeting the respective objectives is a balancing act by basically the employer and his/her employees or unions.

1.2 Expectations of Industrialists and Unions

The industrialist is usually better placed economically than employees. In the balancing effort, he may have an upper hand. However according to Johri (1984), the "Money force is counter balanced by the manpower of the trade unions". In his opinion "All investment goes waste and profits turn into losses if the manpower refuses to move the industrial giant to proceed towards production". Thus trade unions and their power

may not yield to the pressure towards maximising profits unless their interests are also protected. There are bound to be some conflicts, as the objectives of the employer and the employed do not always meet. According to Sarma(1984), "Conflict between labour and management is bound to arise in a developing economy because of their divergent interests".

1.3 Conflicts

Conflicting interests are not uncommon. It dates back to the Industrial Revolution itself. According to Ramaswamy and Ramaswamy (1981), "Conflict is endemic to industrial society", and "In fact, conflict is commonly equated with strikes". In their opinion, "The other indicators of conflict are far more elusive and practically impossible to quantify. The expressions that conflict can find are limitless. Bargaining, grievance handling, boycott, restriction of output, absenteeism, turnover in the labour force, sabotage, intentional wastage of time or material, autocratic suspensions and dismissals, indiscriminate lay-offs, excessive discipline, fixing of unofficial speeds whether by management or labour, and the lock-out are all manifestations of conflict". According to them, "It is important to remember that the strike is merely the most dramatic expression of conflict, the

proverbial tip of the iceberg".

1.4 Industrial Relations Related Violence/Militancy.

The unresolved conflicts, very often, manifest in aggressive expressions, including those in the form of violence. Violence or at least militancy in industrial relations is not a recent phenomenon. In India, it seems to be in existence at least since 80 years. According to Chowdhury (1990), "From 1880 to 1924, there were 112 direct labour actions lasting over three weeks". Further according to him, "Ten major strikes during this period not only shook the entire country, but changed the very ethos of the Indian labour class. The present militant trend of trade unions owes its origin to these historic labour strikes".

He states further that, "With a chain of serious conflicts arising between the labour and management in Calcutta, Bombay, Ahmedabad, Dhanabad, the Raniganj coal belt, Pune, Solapur, Madras, Bangalore, Delhi, Bhopal, Hyderabad and Kanpur during 1918-24 Indian workers suddenly turned militant". He opines that militancy grew rapidly after 1926. (According to Oxford

Dictionary (1995), militant means combative or aggressively active).

The use of word the 'militancy' or 'militant' seems to have been replaced by 'violence' in recent times. Mathur (1968) states that "A dangerous manifestation in industrial relations became prominent since 1966 with frequent use of violence and intimidation in settling labour controversies". He further states that "Violence in labour disputes increased appreciably after the 1967 General Elections. Strikes and lock-outs have been frequently marked with assault on loyal workers, abuse, intimidation and threat to life and person of managerial staff, damage to property of employers and wrongful confinement of senior officers". He also says that "Violence was of greater severity and more frequent in strikes and lock outs of those non-Congress governed states where Communists had an effective say in administration... Physical violence, indulgence in unlawful activities and disorders were mostly instigated and led by outsiders attached to political parties".

1.4.1 Violence in Industries at the National Level.

In recent years, it is not uncommon to find reporting of violence in industries in daily news papers, magazines, etc. For example, it was reported that Maruti Udyog Limited was contemplating lock-out following violent incidents (The Economic Times, 1990).

It was reported that the relative calm in industrial relations in the Bombay Thane area has been broken with incidents of violence and lock-outs in some units; an officer of the Top Syringe factory lost his eye and another was stabbed in the stomach at Dahisar (The Times of India, 1990).

"The workers were not willing to accept the management's offer and resorted to severe acts of violence such as beating the supervisors and engineers, burning their vehicles, destroying managerial cabins on the shop floor and canteen equipment"(Kher, 1989).

1.4.2 Violence in the Industries of Goa.

Goa also had its share of industrial violence. For example, "The press note issued by the GSL stated that section of workmen numbering around 200 suddenly resorted to violence, and damaged property and also assaulted two of the officers yesterday" (The Navhind Times, 1992).

1.4.3 Occurrence of Violence in Developed Nations.

There seems to be ample evidence of industrial violence in developed countries commonly termed as work-place violence. "Homicide is now second only to motor vehicle accidents as the leading cause of on-the-job death. According to one recent study, one in four US workers was subjected to workplace violence" (Corporate Cashflow Magazine, 1994).

Studies have been conducted to identify causes of workplace violence. "One out of four U.S. workers was attacked, threatened.. on the job last year, according to study conducted by Northwestern National Life Insurance Co., Minneapolis. ...Violent acts in the

workplace have more than doubled in the past decade,...Staff cutbacks often are blamed for raising homicide to the second leading cause of death at work, after motor vehicle accidents. Laid-off workers may retaliate if they feel they have been treated unjustly... for example, a laid-off technician killed two executives at the Elgar Corp.'s San Diego facility.. Burnout affects productivity and health care costs and is linked with incidence of violence.. Highly stressed workers experienced twice the rate of violence... The Occupational Safety and Health Administration now insists, under its general duty clause, that an employer's obligation to provide a safe working environment extends to preventing work-place violence" (Corporate Report, 1993).

"Corporate America is now turning its attention to violence in the workplace policies after its preoccupation with compelling workers to show better performance ... It would seem that managers are developing more policies on work site violence because they fear that layoffs and firings make them likely targets for disgruntled workers"(Communication World, 1994).

The specialised agencies seem to have gone to the extent of conducting workshops, covering preventing and managing violence in work-place.

"The American Society for Industrial Security (ASIS) is sponsoring a two-day workshop on workplace violence in Washington, DC, on Oct.3-Nov.1, 1994... The sessions will include discussion of successful corporate violence prevention plans, as well as signs of potentially violent employees and concrete steps to take to prevent and manage work-place violence" (Security Management, 1994).

The above indicates, that violence in workplaces is of serious concern in the United States Of America. Chowdhury (1990), states that "While Indian workers have the highest degree of militancy, the industrial workers of Poland, Canada, England, Brazil, the U.S., Burma, France, and South Africa, also are quite organized and militant. Till 1959, the British workers were the most militant in the world followed by the U.S., France, Canada, and India" (The Times of India, 1990).

Thus violence in industries is prevalent all over and is of concern to all.

1.4.4 Violence and Industrial Disputes: The Cause Effect Relationship.

Violence was recognised as a cause for strikes as per Indian Labour statistics. Ramaswamy and Ramaswamy (1981) state that "Indian Labour statistics classify strikes by five causes: wages, bonus, personnel, leave and hours of work and 'others'. Lately, a sixth cause - violence and indiscipline- has been added to the list".

Ramaswamy and Ramaswamy (1981) further state that "...indiscipline and violence are a result rather than a cause of disputes". According to them employees turn violent on issues such as wages, bonus or retrenchment while the number of disputes shown as having been caused by violence has been steadily on the increase according to India Labour statistics".

1.4.5 Consequences of violence.

There are few writings on the consequences of violence. Kher (1990) analysed the labour militancy in Telco and opined that militancy can turn an industry sick.

Few judicial courts lately seem to be viewing violence in industries seriously. The seriousness of courts is evident from the recent judgments. "The Bombay high court for the first time has imposed a staggeringly heavy fine of Rs 31 lakhs on 31 workers who indulged in acts of violence by causing loss to government property by burning a police wireless van, damaging police vehicle and equipment" (The Times of India, 1993).

While the above passages show occurrence of violence and the consequences thereof, there is also concern about prevention of violence. "A lasting solution to curb intimidation, violence, gherao and other unlawful activities has to be found early. They are inimical to the interests of all the three, viz., employers, trade unions and society. Violence in any form will destroy the very basis of peaceful industrial relations, severely dislocate production, lead to

closure of industrial establishments and bring the country's economy to utter ruin" (Mathur, 1968).

Despite the concern and importance felt, the phenomenon of industrial violence is a relatively under researched area in the disciplines of Human Resource Management, Industrial Relations and Organisational Studies in India as well as abroad.

There has hardly been any empirical study looking into the causes and consequences of industrial violence. One reason could be the difficulty in collecting primary data on a sensitive area such as violence. This, in turn is probably due to anxieties over the consequences of articulating opinions on incidents of violence in which one was directly or indirectly involved.

A study probing the nature, causes and consequences of industrial violence would help the industries to predict, contain and prevent violence. An understanding of the post violence consequences helps in freshly looking at the strategies and options by unions, workmen, organisations and the larger society

including the Government. It also helps the society to be better prepared to receive and rehabilitate both aggressors and victims of violence.

In the present study, we make an attempt to explore the relationship between violence in industries and industry related characteristics, organisational responses to violence and the consequences on individuals, viz, the aggressors as well as victims.

1.5 An Outline of the Study

In Chapter II, we cover literature survey on the subject, the scope of the study, objectives and methodology adopted.

In Chapter III, we give cross sectional and longitudinal analysis of data on industrial violence and explore relationship between violence and industry characteristics. In chapter IV, we discuss the consequences of violence in industries in terms of the organisational responses and the consequences on the aggressors and victims.

In Chapter V, we deal with the conclusions and implications of the study.

Chapter II

Literature Survey, Scope, Objectives and Methodology

2.1 Literature Survey

There is a dearth of academic literature on industrial violence as well as on the consequences of industrial violence such as organizational responses and the consequences on the aggressors and victims. While they do get discussed to some extent in academic and popular business literature, the task of understanding is made difficult due to the constructs used in those writings and due to lack of their generalisability. Verma and Kumar (1993) show that violence is one of the causes for industrial disputes. As both organisations and unions are involved in disputes, managerial responses as such could not be separated and understood from their study. Vasuki (1990) reports an incident which led to a lock out and resulted in invoking of TADA (Terrorist and Disruptive Activities Prevention Act). Another news item (Times Of India, 1990) again indicated lock out as response to an incident of violence. Since, one cannot rule out the possibility of organisational responses such as lockouts attracting higher media attention, one cannot generalise based on media reports.

While, O'Leary-Kelly, Griffin & Glew (1996) opine that "Despite the astounding ... and magnitude of potential costs, organisational violence has received very limited attention by researchers in the field of management. In fact, most of the information currently available on this topic is found in trade outlets, such as business periodicals and news papers. Although a few empirical studies have considered aggressive behavior at work (e.g., Chen & Spector, 1992; Day & Hamblin, 1969; Perlow & Latham, 1993; Spector, 1975, 1978; Storms & Spector, 1987), such behavior has not been systematically examined... Currently, the management field has neither clear definitions nor any models or theories to structure and guide research on organisational violence".

The above observations highlight the dearth of empirical studies on industrial violence.

2.1.1 Nature of Violence

The core nature of violence, irrespective of situations, would remain same. As stated by Domenach (1981) "...violence must be recognised as a specifically human phenomenon in as much as it consists

of the freedom (real or assumed) of one person to encroach upon the freedom of another... Violence is horrifying yet fascinating in that it enables the strong to establish profitable relations with those who are weaker... However, the caricature has a special appeal because it achieves easily and rapidly, what individuals or groups despair of accomplishing through the channels of persuasion, debate and negotiation... If recourse to violence were dictated only by the principle of economy, men would not have found it so powerful nor so attractive. This supposedly economic instrument ultimately proves, in fact, to be costly one, and the benefits it secures are short lived and fragile. It therefore must be possible, through persuasion, critical analysis of results and extrapolation, to deter individuals and peoples from resorting to violence... It is significant, that both in the case of delinquent and in the case of a group setting out to battle, violence is decided upon almost invariably on the spur of moment, without regard for the foreseeable consequences: punishment, physical injury and material damage".

In nutshell, violence consists of an encroachment upon the freedom of another and it enables the strong to establish profitable relations with those who are weak. Achievement by violence is rapid and violence is

decided upon the spur of moment without regard to the consequences. However, the benefits of violence are short lived.

2.1.2 Towards a Definition of Violence

Oxford Dictionary (1995) defines violence as "the unlawful exercise of physical force". According to Ball-Rokeach (1972), "'violence' typically refers to illegitimate or undesirable forms of activity".

According to Moyer (1983), "Violence is a general term referring to all types of behavior, either threatened or actual, that result in or are intended to result in the damage or destruction of property or the injury or death of an individual".

Mackenzie (1975) defines violence as "the exercise of physical force as to inflict injury on or cause damage to persons or property; action or conduct characterized by this; treatment or usage tending to cause bodily injury or forcibly interfering with personal freedom'.

Ball-Rokeach (1972) further defines violence as "the threat or exertion of physical force which could cause bodily injury".

The above definitions tend to see violence as undesirable, as an illegitimate behavior interfering with personal freedom, using physical force, resulting in injury and damage to property.

In this study, by 'industrial violence' we mean any form of such violence occurring in industry.

Moyer (1983) classifies violence into four categories. They are as under.

1. "Emotional and Instrumental violence... involves the emotional component of the aggressive act. Several emotions (anger and fear in certain situations) increase the probability that an individual will engage in some form of violent behavior. Another type of violent behavior, frequently referred to as instrumental violence, has little or no emotional component. The violence resulting from instrumental behavior can be, and frequently is,

far more devastating than emotional kind. Instrumental violence is the result of learning. If an individual behaves in a violent manner and if that behavior is followed by a reward, there is an increased probability that a violent response will recur in the same or a similar situation, and emotion need not be involved at all".

In other words, violence could be emotional or learnt followed by rewards.

2. "Random Violence. Whether emotional or instrumental, violence is in general goal-directed. There is however, a particularly virulent form of emotional violence that has no goal and seeks no end. This is the random violence caused by emotional explosion. Such violence may be devastating, and although it represents a relatively small portion of the total spectrum of violent behavior...".

Random violence has only emotional component and is without goals or objectives.

3. "Collective violence. Collective violence that involves groups of persons or individuals who are working together toward a group goal".
4. "Terrorism. Terrorism is criminal violence used to induce members of the political hierarchy to accede to the demands of the terrorist, whose tools are the threat and practice of systematic murder and destruction".

Mertens (1981) adds two more classifications viz., economic violence and intellectual violence.

The above categories, except the second and the fourth, seem to be relevant to our study. The violent incidents studied do indicate an emotional component. There were also many incidents of collective violence.

2.1.3 Legitimation of Violence

Persons affecting the freedom of others and damaging property do face consequences. Such persons might be well aware that by involving in violence they would be liable for someone's anger in return and also legal

action, and punishment. Hence, one has to explore as to why people get involved in violence?

Ball-Rokeach (1972) defines legitimacy as " a collective judgment that attributes the qualities of 'goodness' or 'morality' or 'righteousness' to behavior". She opines that "Persons engaged in legitimated violent behavior are rewarded by others with praise, acceptance, status, etc". She further states that "... when a person or group participates in legitimated violent behavior, no social forces are precipitated which would lead them to question why they behaved violently, or even to label the behavior as 'violent'"

Which violent act is legitimate and which is not?. Ball-Rokeach (1972) states "However, there are probably only a few situations in which an act of violence is clearly legitimate in the eyes of all concerned. Legitimacy is a complex social product which reflects people's subjective states- attitudes, values, needs- as well as their objective states- structural position, rank, etc. Variations in the evaluation of the legitimacy of violent acts can be expected whenever people vary greatly in terms of such

subjective and objective variables. Thus, evaluations of the legitimacy of any specific act of violence will be the product of salient subjective and objective characteristics of the evaluators and the perceived subjective and objective characteristics of the assailant and victim"

Thus, a violent act becomes legitimate when it is considered as legitimate by all concerned. It could be that employees initiate and involve in violence feeling (possibly in the short run) that it is legitimate.

Ball-Rokeach (1972) gives "common modes of justification of violence" as under. She however states that "They are probably not mutually exclusive, nor are they likely to be exhaustive".

"Justification refers to an explanation or rationalisation of behavior. Justifications for violent actions are not inherently properties of events, but develop as part of events in progress. When legitimacy of violent incident is clear and unquestioned, evaluation in the form of justification is 'built in' to the event.

Three common types of justification of violence are evident from an informal examination of historical and current events.

1. Violence as a means to desired ends.

Values play a primary role in justification of violence. Terminal values, or preferred states of existence, are frequently the ends for which violence is employed. Several sub-types of this mode can be identified:

- A. Security and survival (e.g. Israeli bombings of Egypt, or an individual who kills to defend himself).
- B. Social control and law and order (e.g. parent spanking a disobedient child, Police clubbing unruly demonstrators, or capital punishment).
- C. Social change (e.g., French, American and Russian Revolutions)
- D. Progress and growth (e.g., treatment of the Indians and Mexicans in the westward expansions)
- E. Winning or Success (e.g., football games or boxing)
- F. Entertainment (e.g., gladiator matches, or television watching).
- G. Education (e.g. instilling and enforcing

societal values via violent means. Such as corporal punishment)

2. Duty and obedience.

Throughout man's history, obedience to the commands of a supernatural being has been employed as a justification for violence. Responsibility for making certain ends mandatory or desirable is attributed to forces beyond man's control. The Crusades and the Salem witch burnings are examples of violence justified in the context of obedience to a supernatural being.

Similar justifications are offered by persons who disclaim responsibility for their violent actions on the ground that they were simply obeying orders. subordinates in a hierarchical command structure, such as the military, have referred to their values of duty and obedience to justify their participation in violence. This mode of justification was typical at the Nuremberg War Crimes trials, and may be heard once again in the trials of soldiers allegedly involved in the My Lai massacre.

3. Extenuating circumstances.

A third mode of justification emphasizes the loss of personal control over one's behavior. In such cases, participants in violence may justify their behavior by reference to 'extenuating circumstances' such as fear, exhaustion, temporary insanity, demon possession, or the influence of drugs or alcohol".

In the present study, one encounters instances in which violence is used to achieve certain objectives. There are also instances when office bearers of unions involve in violence as a duty towards their fellow members. Members of unions also show their obedience by involving in violence specially during strikes. There were also incidents in which due to extenuating circumstances, the employee acted violently.

2.2 Scope of the Study

Data on factories/firms in Goa were collected from various sources and the number of such factories/firms were more than 20,000 units as on January 1992.

Smaller industries or units which have very low level of manpower are mostly self employment in nature where occurrence of violence could be rare. To enable generalisation to a well defined population, it was decided to limit the scope of the study to firms for which a formal code of conduct exists.

Hence, we limited our study to those firms which come under The Industrial Employment (Standing Orders) Act, 1946, the object of which is to 'regulate with precision the conditions of recruitment, discharge, disciplinary action, holiday, leave etc. of the workers employed in the industrial establishment' (Puri, 1994).

It is understood that this Act, in Goa is made applicable to all industrial establishments wherein 20 or more workmen are /were employed on any day in preceding twelve months. It is also understood that these industrial establishments are also registered as 'factory' under The Factories Act, 1948. The scope of this study is therefore limited to all industrial establishments viz factories registered in the State of Goa by the office of the Chief Inspectorate of Factories and Boilers. Daman and Diu were part of Goa as Union territory before Goa

attained 'Statehood'. For the sake of convenience, the firms from Daman and Diu were not considered for this study.

Further the scope is also limited by the time frame of the study. It is doubtful whether firms would be maintaining detailed documents on violence occurred. It is also doubtful whether individuals involved in violence would also remember the details. It was also kept in mind while deciding the time frame that there is turnover of employees in industry. Thus the time frame should be such that in case of absence of documentary data it should be possible to gather data out of the memory of individuals. It was therefore decided to study violent incidents which took place during the immediately preceding eleven years. Hence, the study covered violent incidents which occurred in factories of Goa from beginning of January 1981 to end of December 1991.

2.3 Objectives of the Study

The broad objectives of the study were to understand industrial violence, its relationship to various characteristics of industries and consequences thereof.

The consequences include organisational responses apart from consequences on individuals. The responses usually are actions which fall under criminal, civil or labour law. Hence the actions under each law, the relation between the characteristics of industries and actions initiated and the relation between certain aspects of the incidents of violence and actions initiated were also areas of inquiry. An important part of the study is on the consequences on individual employees on his job and his livelihood.

2.4 Research Methods

The sample frame consisted of firms with factories located within the State of Goa and also registered in the State of Goa by the Office of the Chief Inspectorate of Factories and Boilers. This defines the scope of the study in terms of its generalisability across firms as already explained under section 2.2.

A firm consisting of more than one unit in the same premises or outside was taken as one firm for the purpose of the study. This is justifiable as the phenomenon under study is more likely to be a firm wide phenomenon than a unit (factory) wide phenomenon.

The data collected pertain to the period 1981 to 1991. A period as long as eleven years was selected as violence is a rare phenomenon in the history of a firm. At the same time, the period was limited to eleven years to avoid the effects of memory losses and perceptual distortions.

Questionnaires were mailed to two hundred and fifty firms. One hundred and forty eight (148) firms finally responded, resulting in a response rate of 59%. In between, reminders were sent and follow up was done.

The sensitive nature of the data could be a source of error. To partially overcome this, data were also collected from police records on cognizable offences.

The study suffers from the following limitations:

- 1 The data did not include information on the incidents which were reported as non-cognizable offences and which occurred

in those factories from which questionnaires were not received back.

- ii Similarly, they did not include information on the incidents which were not mentioned in the questionnaire responses, but which were reported as only non cognizable offences.

Chapter III

VIOLENCE IN THE INDUSTRIES OF GOA : AN ANALYSIS

3.0. Introduction

In this Chapter, we present data on the occurrence of violence in the industries of Goa and explore its possible relationship with various characteristics of the firms in those industries. Specifically, relationships between violence and characteristics such as manpower, number of unions, population etc., and the pattern of violence across years are explored. While the focus of the thesis is on the post violence phenomenon, an understanding of the association of violence with other industry related characteristics/variables will contribute to a better understanding of the consequences of violence. The latter would be explicitly explored in later chapters.

3.1 Occurrence of Violence in the Industries of Goa.

The data collected for the study comprise of details on the violent incidents as disclosed by the respective firms and also the details on those violent incidents which were not disclosed by the firms but were obtained from the 'Crimes Register' maintained by police stations in Goa. We give in Table 3.1 the data on occurrence of violent incidents year wise.

Table 3.1
NUMBER OF VIOLENT INCIDENTS DURING THE
YEARS 1981 TO 1991

Year	No of violent incidents	Year	No of violent incidents
1981	10	1987	37
1982	14	1988	9
1983	11	1989	20
1984	5	1990	21
1985	12	1991	16
1986	33		
		Total =	188

Source: Data collected through questionnaire and interviews and from the Crimes Register of Police Stations of Goa.

In the period of eleven years, as per the above Table 3.1, 188 violent incidents took place in the industries. The number of incidents however, could have been higher than 188. The apprehension is due to the

following reasons:

- i There is a possibility that some incidents might have been forgotten by the respondents.

- ii The police stations might have registered the violent incidents as 'chapter' cases. (A violent incident, depending on the gravity of damage or injury, may get registered either as a cognizable or as non-cognizable offence. The non-cognizable offences are generally known as 'chapter' cases). The cases registered under this category are innumerable, whereas the incidents or offenses, which are registered as cognizable, are documented scrupulously by the police stations in the 'Crimes Registers'.

The data for this study are from the 'Crimes Register' and therefore, the incidents registered under 'chapter' category do not get reflected in the above table.

- iii The data on incidents documented in the Crimes Register, against which no firm's name was mentioned, were not collected

assuming that possibly they did not belong to the category of industrial violence. (As stated by the police authorities, cases are registered in the name of individuals and it is not mandatory to document the name of the firms).

The data from Table 3.1 imply definite occurrence of violence in the industries of Goa. The data also indicate a pattern of ups and downs across the years, in terms of number of incidents.

The above data were subjected to two broad categories of analysis. They were :

- i a cross sectional analysis of the incidents,
and
- ii a longitudinal analysis across the years
1981 to 1991.

3.2. Cross Sectional Analysis of Violent Incidents in the Industries of Goa.

The cross sectional analysis and the conclusions are given below.

The objective of these analyses was to find possible explanations for the occurrence of industrial violence (or violence in industry).

The analyses were done against the following propositions.

3.2.1 The Propositions.

- P1 : Violence in industries is a rare phenomenon.
- P2 : Lesser the manpower, lesser the number of incidents; more the manpower more the number of incidents.
- P3 : Populated places are more prone to violence.
- P4 : Violence takes place in firms old or new.
- P5 : Those who indulge in violence are more likely to be the employees (and not outsiders).
- P6 : Most of the incidents of violence are related to strikes and/or lock-outs.
- P7 : Minor causes or provocations are sufficient to trigger violence in public undertakings.
- P8 : The reasons attributed for violence are related to the size of the firms.

3.3. Analysis

In sections 3.3.1 to 3.3.8, we look into the data to explore each of the propositions given above.

3.3.1 P1 : Violence in industries is a rare phenomenon.

This can be probed based on the figures in Tables 3.2, 3.3 and 3.4.

Out of 156 firms, only 47 or 30% had violent incidents. Majority of the firms did not have violence. To check whether violence was rare amongst the firms which faced violence, we look at Table 3.4 below.

It is seen from Table 3.4 that even amongst those firms in which violence took place, in 42% of the firms, or in 20 out of 47, it was a one time occurrence and therefore, violence was rather a rare phenomenon in industries.

TABLE 3.2

MANPOWER OF FIRMS IN WHICH VIOLENCE DID NOT
TAKE PLACE DURING 1981-91

Sr. No.	Firm Code	Manpower	Sr. No.	Firm Code	Manpower	Sr. No.	Firm Code	Manpower
1	X1	125	38	X38	73	75	X75	80
2	X2	42	39	X39	100	76	X76	28
3	X3	16	40	X40	35	77	X77	120
4	X4	4	41	X41	46	78	X78	47
5	X5	6	42	X42	10	79	X79	17
6	X6	40	43	X43	120	80	X80	50
7	X7	28	44	X44	7	81	X81	220
8	X8	283	45	X45	20	82	X82	55
9	X9	85	46	X46	5	83	X83	61
10	X10	25	47	X47	31	84	X84	15
11	X11	10	48	X48	14	85	X85	168
12	X12	300	49	X49	20	86	X86	34
13	X13	9	50	X50	80	87	X87	9
14	X14	28	51	X51	22	88	X88	95
15	X15	39	52	X52	22	89	X89	50
16	X16	63	53	X53	37	90	X90	15
17	X17	35	54	X54	10	91	X91	16
18	X18	24	55	X55	16	92	X92	155
19	X19	5	56	X56	9	93	X93	120
20	X20	54	57	X57	7	94	X94	7
21	X21	18	58	X58	23	95	X95	50
22	X22	50	59	X59	100	96	X96	15
23	X23	140	60	X60	280	97	X97	8
24	X24	14	61	X61	30	98	X98	35
25	X25	120	62	X62	16	99	X99	30
26	X26	9	63	X63	20	100	X100	20
27	X27	9	64	X64	50	101	X101	23
28	X28	50	65	X65	26	102	X102	15
29	X29	165	66	X66	1960	103	X103	25
30	X30	40	67	X67	196	104	X104	22
31	X31	25	68	X68	127	105	X105	17
32	X32	40	69	X69	356	106	X106	30
33	X33	150	70	X70	98	107	X107	13
34	X34	18	71	X71	150	108	X108	54
35	X35	120	72	X72	15	109	X109	80
36	X36	25	73	X73	16			
37	X37	20	74	X74	155			
								Average 76.46

Note : Manpower as on 31st. December 1992.

Source: Office of Chief Inspector of Factories & Boilers, Goa.

Table 3.3

MANPOWER OF FIRMS IN WHICH VIOLENCE TOOK PLACE
DURING 1981-91

Sr. No.	Firm Code	Manpower	Sr. No.	Firm Code	Manpower
1	Y1	20	25	Y25	50
2	Y2	184	26	Y26	4
3	Y3	30	27	Y27	20
4	Y4	70	28	Y28	5
5	Y5	211	29	Y29	50
6	Y6	10	30	Y30	50
7	Y7	30	31	Y31	250
8	Y8	28	32	Y32	984
9	Y9	170	33	Y33	150
10	Y10	70	34	Y34	575
11	Y11	26	35	Y35	250
12	Y12	27	36	Y36	100
13	Y13	288	37	Y37	750
14	Y14	115	38	Y38	80
15	Y15	20	39	Y39	100
16	Y16	70	40	Y40	500
17	Y17	70	41	Y41	294
18	Y18	50	42	Y42	4000
19	Y19	150	43	Y43	2400
20	Y20	20	44	Y44	170
21	Y21	28	45	Y45	2400
22	Y22	83	46	Y46	900
23	Y23	18	47	Y47	300
24	Y24	100			-
Average =					346

Note : Manpower as on 31st. December 1992.

Source: Office of Chief Inspector of Factories & Boilers, Goa.

TABLE 3.4

NUMBER OF VIOLENT INCIDENTS IN FIRMS WHERE VIOLENCE
TOOK PLACE DURING 1981 - 91

Sr. No,	Firm Code	Violent Incidents	Sr. No.	Firm Code	Violent Incidents
1	Y1	1	25	Y25	3
2	Y2	1	26	Y26	2
3	Y3	1	27	Y27	2
4	Y4	1	28	Y28	2
5	Y5	1	29	Y29	4
6	Y6	1	30	Y30	3
7	Y7	1	31	Y31	2
8	Y8	1	32	Y32	3
9	Y9	1	33	Y33	2
10	Y10	1	34	Y34	5
11	Y11	1	35	Y35	2
12	Y12	1	36	Y36	3
13	Y13	1	37	Y37	3
14	Y14	1	38	Y38	2
15	Y15	1	39	Y39	3
16	Y16	1	40	Y40	2
17	Y17	1	41	Y41	6
18	Y18	1	42	Y42	15
19	Y19	1	43	Y43	12
20	Y20	1	44	Y44	15
21	Y21	2	45	Y45	34
22	Y22	3	46	Y46	12
23	Y23	3	47	Y47	14
24	Y24	3			-
Total =					182*
Average number of incidents per firm :					3.8

* The above data do not include two incidents which were reported by the Goa Daman & Diu Industrial Development Corporation (GDDIDC) and four incidents registered by the Police themselves. The firms' names could not be identified in these cases.

Source: Data collected through questionnaire and interviews and from the Crimes Register of Police Stations of Goa.

TABLE 3.5

FREQUENCY DISTRIBUTION OF NUMBER OF INCIDENTS IN FIRMS
WHERE VIOLENCE TOOK PLACE

No. of Incidents	No. of Firms	% of Firms
1	20	42.55
2	9	19.14
3	9	19.14
4	1	02.12
5	1	02.12
6	1	02.12
>6	6	12.76
Total = 47		99.95

By and large, firms or employees of firms like to be in a state of stability and peace. It is only under compelling circumstances, one tends to become violent. Secondly, in industries, individuals are subject to certain codes of conduct established by practices or by statutes. Every employee, irrespective of the level at which he is in the organisation, is bound by these codes of conduct/norms. Do's and dont's (behavioral restraints) are more or less clear. One does know, that by indulging in violence, one not only gets hurt but also becomes susceptible to punishment.

The firms also have in built preventive mechanisms such as grievance handling systems, Standing Orders etc., which control individuals from exhibiting extreme behavior. The control, apprehension of punishment and the normal predilections of human beings make violence a rare phenomenon.

We can see from Table 3.2 that the average manpower of firms where there was no violence is 76, whereas, the average manpower of firms where violence took place is 346. The manpower in firms where violence took place is more than three times that of firms where violence did not take place. It could therefore be inferred that violence takes place in relatively larger firms.

This leads us to our second proposition relating manpower and number of violent incidents.

3.3.2 P2 : Lesser the manpower, lesser the number of violent incidents; more the manpower more the number of violent incidents.

The data on manpower and number of violent incidents are given in Table 3.6

Correlation between manpower employed and number of violent incidents was 0.697. Hence, it indicates positive relationship between manpower employed in firms and number of violent incidents.

The manpower in industries comprises of individuals differing in class, skill, education, culture, temperament, aspirations, expectations etc. The work groups therefore, are heterogeneous and hence, would have little consensus in approaches, understanding and decisions. Larger the group, more likely the degree of heterogeneity. This probably generates conflicts which could lead to violence.

Apart from heterogeneity, there could be reasons such as relative anonymity provided by larger manpower, perception of support from relatively larger number of employees for those who indulge in violence, sheer increase in probability of occurrence of violence (assuming equal probability for each individual), etc. Alternatively, there could be intermediary variables such as multiplicity of unions, increased alienation, etc. This leads to another question as to whether the population density around the firms has any relationship with the number of violent incidents

similar to manpower within the firms and its relationship to the number of violent incidents.

TABLE 3.6

MANPOWER OF FIRMS IN WHICH VIOLENCE TOOK PLACE

Sr. No.	Firm Code	Manpower	Violent Incidents	Sr. No.	Firm Code	Manpower	Violent Incidents
1	Y1	20	1	25	Y25	50	3
2	Y2	184	1	26	Y26	4	2
3	Y3	30	1	27	Y27	20	2
4	Y4	70	1	28	Y28	5	2
5	Y5	211	1	29	Y29	50	4
6	Y6	10	1	30	Y30	50	3
7	Y7	30	1	31	Y31	250	2
8	Y8	28	1	32	Y32	984	3
9	Y9	170	1	33	Y33	150	2
10	Y10	70	1	34	Y34	575	5
11	Y11	26	1	35	Y35	250	2
12	Y12	27	1	36	Y36	100	3
13	Y13	288	1	37	Y37	750	3
14	Y14	115	1	38	Y38	80	2
15	Y15	20	1	39	Y39	100	3
16	Y16	70	1	40	Y40	500	2
17	Y17	70	1	41	Y41	294	6
18	Y18	50	1	42	Y42	4000	15
19	Y19	150	1	43	Y43	2400	12
20	Y20	20	1	44	Y44	170	15
21	Y21	28	2	45	Y45	2400	34
22	Y22	83	3	46	Y46	900	12
23	Y23	18	3	47	Y47	300	14
24	Y24	100	3				
Total =						16270	182*

* The above data do not include two incidents which were reported by the Goa Daman & Diu Industrial Development Corporation (GDDIDC) and four incidents registered by the Police themselves. The firms' names could not be identified.

Note : Manpower as on 31st. December 1992.
Source: Data collected through questionnaire and interviews and from the Crimes Register of Police Stations of Goa.

3.3.3 P3 : Populated places are more prone to violence.

We see from Table 3.7 that denser the population in a given geographical area, more the number of violent incidents.

TABLE 3.7
NUMBER OF VIOLENT INCIDENTS AND DENSITY OF POPULATION

District	Number of Firms	Number of firms which had violence	Number of violent incidents	Density of population per Sq Km*
North Goa	148	25	123	331
South Goa	86	22	65	226
Total	234	47	188	

* 1981 figures.

Source: Statistical Pocket Book Of Goa 1989-91, Directorate of Planning, Statistics & Evaluation, Government of Goa, 1992, page 3.

Goa is comparatively small, with 3,702 Sq. kms. in area; and a population of 11,68,622 (Statistical Pocket Book Of Goa 1989-91, 1992). The State has only two districts. Sixty eight percentage of the Goan population is in North Goa and the density is higher at 331 per Sq. km. Hence, not only manpower within the

firm, but also around the firm has an impact on violence. "There is evidence from previous research that factors such as crowding, uncomfortable temperatures, poor air quality, and noise can play a role in an aggressive action "(O'Leary-Kelly, Griffin, and Glew, 1996).

3.3.4 P4 : Violence takes place in any firm, old or new.

Table 3.8

FREQUENCY DISTRIBUTION

Year of operation of the firm	Number of firms	Number of incidents	Number of incidents per firm
1st	95	13	0.13
2nd	90	6	0.06
3rd	82	4	0.04
4th	74	8	0.10
5th	67	0	0.00
6th	59	12	0.20
7th	54	2	0.03
8th	45	3	0.06
9th	38	0	0.00
10th	17	0	0.00
11th	7	0	0.00

From the above data we are unable to conclude as to whether violence is related to age of the firm in the formative years of firms. However, number of incidents seems to taper off beyond the first six years in the life of a firm. Whether a firm had violence or not in

its initial stages, the data seem to indicate a trend towards industrial peace as the firm ages.

- 3.3.5 P5 : Those who indulge in violence are more likely to be the employees (and not outsiders).

When violence occurs inside the premises of a firm, the persons indulging in violent incidents are likely to be the employees of the firm. However, the data indicate that in certain incidents, persons who are not employees, also indulged in violence. Adopting the commonly used term, we call them 'outsiders'.

Since the Crimes Register of Police Stations does not clearly document whether those involved were employees or not, the analysis is done based on data provided by the firms. Thus the analysis is on 64 incidents of violence.

The data from Table 3.9 indicate that in 22% of the incidents, there was indulgence by outsiders.

TABLE 3.9

OUTSIDER INVOLVEMENT IN THE INCIDENTS

Total number of violent incidents	Number of violent incidents in which outsiders were involved
64	11

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include those noted from the Crimes Register.

Source : Questionnaire and Interviews.

We examine some further questions over here.

- i Is outsider involvement peculiar to certain geographical locations?
- ii Are there common attributed causes which are associated with outsider involvement?
- iii Is there a relationship between size of manpower of firms and involvement of outsiders?
- iv Do employees and outsiders jointly get involved in the incidents?

These questions are discussed below.

1 Is outsiders' involvement peculiar to certain geographical locations?

Data from Table 3.10 shows that the Taluka of Marmugao had the maximum number of incidents of violence in which outsiders were involved. This taluka has two of the largest public sector undertakings of Goa. In addition, there is an industrial estate and also a medium sized manufacturing firm. All these organisations have a large number of migrant labour engaged by contractors. It seems that due to violence, many small firms have either closed down or have become sick.

TABLE 3.10

GEOGRAPHICAL DISTRIBUTION OF OUTSIDER INVOLVEMENT

District	Taluka	Number of firms in which violent incidents occurred	Violent incidents	Number of incidents in which outsiders were involved
North Goa	Tiswadi	3	6	3
	Bardez	2	2	2
	Pernem	-	-	-
	Bicholim	-	-	-
	Sattari	2	11	-
	Ponda	4	20	-
South Goa	Sanguem	-	-	-
	Canacona	-	-	-
	Quepem	-	-	-
	Salcette	1	1	-
	Marmugao	10	24	6
Total		22	64	11

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include those from the Crimes Register.

Source: Questionnaire and Interviews.

- ii Are there common attributed causes associated with outsider involvement?

The data from Table 3.11 and Table 3.12 seem to indicate that outsiders dominantly indulge in strike related violence (in 5 out of 11 incidents, viz, i to iv and vi of the Table 3.12), while it is not something peculiar to outsider involvement.

TABLE 3.11

STATED CAUSES BEHIND VIOLENT INCIDENTS IN WHICH
OUTSIDERS WERE NOT INVOLVED

Cause Code	Attributed Causes	Number of Incidents
i	Supervisor/staff working during strike.	10
ii	Rivalry between members of Union.	9
iii	Some employees did not join the strike	7
iv	Retrenchment or termination of colleague.	1
v	Trader/transporter delivering goods.	3
viii	On suspicion of providing information	2
ix	Officer of the firm helping during strike.	2
x	Firm's refusal to withdraw "Suspension".	1
xi	Security stopping workers at the gate.	1
xii	Disappointment due to not arranging payment.	2
xiii	Discontinuation of casual labour.	2
xiv	Enmity of personal nature.	2
xv	For not paying salary for strike period.	1
xvi	Fellow employee working on 'over-time'.	1
xvii	Certain members splitting the Union.	1
xviii	Suddenly employee got agitated.	1
xix	Apprehension of delay in interim relief.	1
xxi	Insisting firm to absorb contract security staff.	1
xxii	Ire of employees against superior.	1
xxiii	Failure of personal secretary.	1
xxiv	Individual's irritating nature.	1
	Total	53

Note: The attributed causes above are narrated in brief. For details, Table 3.14 may be referred.

TABLE 3.12

STATED CAUSES BEHIND VIOLENT INCIDENTS IN WHICH
OUTSIDERS WERE INVOLVED

Cause Code	Attributed Causes	Number of Incidents
i	Supervisor/staff working during strike.	1
ii	Rivalry between members of Union.	1
iii	Some employees did not join the strike	1
iv	Retrenchment or termination of colleague.	3
vi	Restrained by Police while supporting strike in a neighboring firm.	2
x	Firms' refusal to withdraw "suspension".	1
xi	Security stopping workers at the gate.	1
xx	Supervisor questioning employee's work.	1
		Total 11

Source: Questionnaire and Interviews.

- iii Is there a relationship between size of manpower of the firms and involvement of outsiders?

It could be seen from Table 3.13 that the outsider involvement is in smaller firms. The average manpower of these firms is 62, with firms having as low a figure as 5.

TABLE 3.13

**MANPOWER OF FIRMS IN WHICH VIOLENCE OCCURRED:
WITH OR WITHOUT OUTSIDERS' INDULGENCE**

Firms in which outsiders were not involved			Firms in which outsiders were involved			
Firm code	Man power	Number of violent incidents	Firm code	Man power	Number of violent incidents	Number of incidents in which outsiders were involved
Y1	20	1	Y3	30	1	1
Y2	184	1	Y4	70	1	1
Y5	211	1	Y6	10	1	1
Y7	30	1	Y21	30	1	1
Y8	28	1	Y23	18	1	1
Y22	83	2	Y24	100	3	2
Y26	4	2	Y25	50	2	1
Y42	4000	5	Y27	20	2	1
Y43	2400	9	Y28	5	1	1
Y44	170	6	Y41	294	1	1
Y45	2400	11				
Y46	900	10				
Total=10430		50	627		14	11
Average: 869 employees per firm			62 employees per firm			

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include those from the Crimes Register.

Source : Questionnaire and Interviews.

In smaller organisations, employees might feel that they would individually become the victims of the wrath of their employers. They may also lack leadership qualities amongst themselves as the manpower source is rather small. Further, due to the small size of their

organisations, the relations between the employers and employees are likely to be one to one. This leads to closer interpersonal relations, making it difficult for the employees to act tough with their employers. In such situations, outsiders would help by being proxies for the employees, thereby giving the feeling that there is no betrayal in the relationships.

- iv Do employees and outsiders jointly get involved in the incidents?

TABLE 3.14

INCIDENTS IN WHICH OUTSIDERS AND EMPLOYEES WERE TOGETHER INVOLVED

Number of incidents in which outsiders were involved	Incidents in which both outsiders and employees were involved
11	6

Source : Questionnaire and Interviews.

In majority of the incidents, the employees were involved together with outsiders. Hence, it seems that the participation of outsiders serves the function of giving strength to the employees rather than merely ensuring anonymity to them.

3.3.6 P6 : Most of the incidents of violence are related to strikes and/or lock-outs.

Since the 'Crimes Register' does not attribute causes, the analysis is based on information provided by the firms. The analysis therefore is based on 64 incidents of violence in 22 firms. The causes mentioned below are the ones attributed/stated by the respondent firms.

TABLE 3.15

ATTRIBUTED CAUSES OF INCIDENTS

Cause Code	Attributed Causes Behind Violence	Number of Incidents
i	The staff and supervisory category employees continue to work while there is continuing strike/lockout/agitation by the blue collar employees.	11
ii	Rivalry between members of the same union or between members of different unions of the same firm.	10

iii	As some employees did not join the strike.	8
iv	Retrenchment or termination of employment of their colleague.	4
v	A trader or transporter delivering goods by vehicle while there is ongoing strike by the employees of the firm.	3
vi	Restrained by Police, while the employees went to show their support to an ongoing strike at a neighboring firm.	2
vii	On suspicion that the employee was trying to induce other employees not to continue to support the ongoing strike thus trying to break the unity among workmen.	2
viii	On suspicion that the employee was providing information to the management on the happenings among the employees who are on strike.	2
ix	Being an officer helping the firm during the ongoing strike, detrimental to the interests of the striking employees.	2
x	The firm's refusal to withdraw the order of "suspension" issued to the employees.	2
xi	Security personnel physically stopping the employees at the entrance of the firm.	2
xii	Disappointment due to not arranging the payment of arrears or interim relief due to them.	2
xiii	Discontinuation of casual labour by the firm.	2
xiv	Arising out of conflicts between employees due to enmity of a personal nature.	2
xv	For not paying the salary for the days on which the employees were on strike.	1

xvi	A fellow employee continuing to work on over-time by defying specific instructions of the union.	1
xvii	Certain members of the union splitting the union and forming a splinter group.	1
xviii	Suddenly got agitated on the supervisor's refusal to grant leave.	1
xix	Apprehension of the employees regarding delay in receiving interim relief due to the employees.	1
xx	Offended at being questioned by superior on matters concerning the employee's work.	1
xxi	Insisting on the firm to absorb the security guards as regular employees.	1
xxii	Ire of the employees against the superior, who they thought was instrumental in changing the work processes resulting in increased work load.	1
xxiii	Failure of the personal secretary of the Managing Director to fix an immediate appointment with him for the agitated union members.	1
xxiv	Due to individual's own irritating behavior.	1
	Total	64

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include those noted from the Crimes Register.

Source: Questionnaire and Interviews.

The above data indicate that 48% (cause code i, iii, v, vi, vii, viii, ix, and xiv, total 31 incidents) of violent incidents are related to strikes and or lock-outs.

Strike is a concerted action of work stoppage by a group of employees. Ramaswamy and Ramaswamy (1981) state "Strike is the most dramatic manifestation of industrial conflict. Industrial conflict may manifest itself actively in the strike or go slow, which are calculated attempts to apply pressure so as to alter the situation... The strike may be used for a variety of purposes... Its aim may be to demonstrate worker resentment or wage a sustained battle against management. It may be the result of a calculated strategy or a spontaneous outburst on the shop floor... Strike may be aimed at the management, Government or even the trade union". According to them, "The strike is a weapon against all forms of oppression, and the oppressor might just as likely be the union".

Kher, (1991) states "Strike is an economic weapon used in conflict over interests by those in employment against their employees. It is deemed to be economic because of the inherent implication that by withdrawing labour, the manufacturing operations will come to a standstill thereby inflicting losses on the employer so that the latter should concede to its demands"

Mertens (1981) states, "...while the right to strike forms the standard legal remedy for institutional economic violence- and we know how fierce a struggle was needed to obtain recognition of this right- a growing number of workers today consider it neither adequate nor always capable of obtaining a satisfactory response to every claim arising within its field of action. The new remedies employed as a result are of questionable legality: 'wildcat' strikes, unauthorized production, the occupation of factory premises, forcible detention of managers, etc."

On the consequences of strike, Kher, (1991) states, "As a consequence of strike, when the business is in jeopardy, the legal remedy available to an employer is lock-out. Conventionally, therefore, strike and lock-out are believed to be antithetical to each other...strike is weapon resorted to offensively, often as a sudden outburst of unrest leading to violence. It is also used as a calculated move in the collective bargaining process. A lock-out, on the other hand, is not an unilateral initiative, but a counter action taken by the employer as a defensive measure of protection of life and property not only of himself but also of non-striking employees in various cadres".

The success of strike depends on how long the employees remain away 'together' and paralyse the normal operations so that the firm succumbs to their requirements.

It is not that all employees go on strike along with others willingly. There are bound to be differences of opinion among employees on the justification or continuation of strike.

However, for the satisfaction of colleagues, few employees, though unwilling, still participate in strike by physically being present. After a lapse of time some may like to get out of the stressful situation caused by strike and try to resume their work. It could be out of attachment to job or boredom of being idle or could be because of economic reasons. The employees who are on strike are not paid for the days on strike. At times, it may be even difficult to receive the wages of previous months from the employer. During the strike or lock-out, one has to sustain on one's own savings. All these eventualities may compel few employees to give second thoughts on abstaining from work.

The moment some employees start reporting for work, the unity starts diluting and the strike does not remain to be a 'concerted' action and therefore frustration may set in. The employees who still intend to be on strike may not tolerate this move and may make all the efforts to thwart it. This may spark violence.

While explaining the methods used in violence, Kher (1991) states, "...these vary from throwing chilly powder into eyes, to stripping, man handling and stabbing. What is beyond comprehension is that these methods were used not only against the managerial personnel but also against the fellow workmen who had not wholeheartedly supported the union's stand or had maintained a dual membership of two rival unions. What is more, even the family members of these workers were not spared. There were instances of threatening them and of stone throwing at their houses".

Whenever there is strike or lock-out, the supervisory and clerical staff (popularly known as white collar employees) are traditionally thought to be on the firm's side, supporting the organisation, may be because of their educational background or out of fear

of loosing jobs since legally their jobs are not as secure as that of blue collar employees. The support of white collar employees helps the firm to keep some of its operations 'going' even with skeletal staff. This is another reason for violence during strike/lock-outs. There are reasons as to why the firm tries to maintain its operations even at the risk of violence. One of them could be that in a competitive market, disappearance of a product even temporarily may give its competitor an opportunity to increase market share and establish itself. The other reason could be to express systematically its strength to withstand the strike.

3.3.7 P7 : Minor causes or provocations are sufficient to trigger violence in public undertakings.

In public undertakings, five types of causes were attributed for violence. However, out of these, three are peculiar. They are :

- i Disappointment due to not arranging the payment of arrears or interim relief due to the employees.

- ii Apprehension of the employees fearing delay in receiving interim relief due to them.
- iii Failure of the personal secretary of the Managing Director to fix an immediate appointment with him for the agitated union members.

The attributed causes are a reflection of the bureaucratic delays peculiar to public undertakings as well as the hierarchical and autocratic style of management the undertakings generally adopt.

3.3.8 P8 : The attributed reasons for violence are related to the size of firms.

- i Two attributed causes, causes i & iii viz., 'Staff/supervisory' category employees continue to work while there is continuing strike/lockout/ agitation by the blue collar employees' and 'As some employees did not join the strike' are independent of the size of the organisation. Probably, as mentioned elsewhere, any activity which threatens the unity is resisted,

irrespective of the size of the firm.

TABLE 3.16

ATTRIBUTED CAUSES OF VIOLENT INCIDENTS
IN SMALL, MEDIUM AND LARGE FIRMS

	Large firms: More than 1000 employees	Medium size firms: More than 100 to 1000 employees	Small firms: Less than 100 employees
Cause code	Number of incidents	Number of incidents	Number of incidents
i	3	7	1
ii	8	0	2
iii	3	4	1
iv	0	1	3
v	0	3	0
vi	0	2	0
vii	1	1	0
viii	2	0	0
ix	2	0	0
x	0	1	1
xi	1	0	1
xii	2	0	0
xiii	0	0	2
xiv	0	1	1
xv	0	0	1
xvi	0	0	1
xvii	0	0	1
xviii	0	1	0
xix	1	0	0
xx	0	1	0
xxi	0	1	0
xxii	1	0	0
xxiii	1	0	0
xxiv	0	0	1
Total=	25	23	16

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include those noted from the Crimes Register.

Source: Questionnaire and Interviews.

ii Understandably, "Union rivalry", (cause code ii) has lead to violence dominantly in large firms.

Dominant attributed causes for medium size firms are 'some employees not joining the strike' and 'staff and supervisory category employees continue to work'. While union rivalries in the case of large firms do not arise out of an expectation of unity but out of an acknowledgement of disunity, the attributed causes in the case of medium size firms arise out of an expectation of unity and the subsequent betrayal of it. Probably, as size increases, the expectation disappears and the reality of disunity gets accepted.

Lack of sufficient data prevents one from arriving at any such statements about smaller firms.

3.3.9 Summary of Findings

The cross sectional analysis has lead to the following tentative conclusions.

- i Violence is a rare phenomenon in industries of Goa.
- ii The size of manpower of a firm is positively related to the number of violent incidents in the firm or in other words, more the manpower, more the number of violent incidents.
- iii The density of population of an area is positively related to the number of violent incidents in the area.
- iv Outsider involvement in violence is more in smaller firms and in areas where migrant labour is dominant.
- v Most of the violent incidents were related to strikes and/ or lock-outs.
- vi Attributed causes of violence in public undertakings were related to the structure and authority relations peculiar to them.
- vii While union rivalry was an attributed cause in larger firms, perception of disunity

was an attributed cause in medium size firms.

3.4. Longitudinal Analysis of Violent Incidents in the Industries of Goa.

For the purpose of ready reference, Table 3.1 is reproduced below as Table 3.17.

Table 3.17
NUMBER OF VIOLENT INCIDENTS DURING
THE YEARS 1981 TO 1991

Year	No. of violent incidents	Year	No. of violent incidents
1981	10	1987	37
1982	14	1988	9
1983	11	1989	20
1984	5	1990	21
1985	12	1991	16
1986	33		
		Total	188

Source: Data collected through questionnaire and interviews and from the Crimes Register of Police Stations of Goa.

The data indicate that the number of violent incidents varies widely across years from a low figure of 5 in 1984 to a high figure of 37 in 1987. It is quite likely that these variations are associated with other related phenomenon of industries.

A study of these associated variations can give insights towards a better understanding of the phenomenon of violent incidents in the industries of Goa. Towards this direction, we put forward the following propositions, which are probed further in the remaining part of this chapter.

The Propositions

- P9 : Violence and number of industrial disputes are related.
- P10 : More the number of trade unions, more the violence.
- P11 : Violence and number of days lost are related.
- P12 : Violence is related to the nature of the industrial relations climate prevailing.

We now take each proposition and probe into the relationships.

3.4.1 P9 : Violence and number of industrial disputes are related.

The data on number of industrial disputes were obtained from the Office of the Commissioner, Labour, Government of Goa. The data on number of violent incidents consist of the violent incidents disclosed by the firms and those obtained from the entries of the Crimes Register. The term 'industrial dispute' is used here as it is defined in the Industrial Disputes Act 1947 and is as follows.

"Industrial Dispute" means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.

TABLE 3.18

NUMBER OF VIOLENT INCIDENTS AND INDUSTRIAL DISPUTES

Year	No. of Violent Incidents	No. of Industrial Disputes	Year	No. of Violent Incidents	No. of Industrial Disputes
1981	10	289	1987	37	456
1982	14	282	1988	9	440
1983	11	306	1989	19	429
1984	5	388	1990	21	464
1985	12	244	1991	17	500
1986	33	358			
			Total	188	4156

Source: Data collected through questionnaire and interviews, from the Crimes Register of Police Stations of Goa and from the Office of Commissioner, Labour, Government of Goa.

The correlation coefficient between number of violent incidents and number of industrial disputes is + 0.354 and indicates a positive relationship between the two variables. We do not know whether industrial disputes are the cause or the result of violent incidents. Assuming violence is resorted to as the last weapon, it is possible that when disputes get accumulated, they lead to violence and not the other way.

3.4.2 P10 : More the number of trade unions, more the violence.

The data on number of trade unions were obtained from the Office of the Commissioner, Labour, Government of Goa. The data on number of violent incidents consist of the violent incidents disclosed by the firms and those documented in the Crimes Register.

TABLE 3.19

NUMBER OF TRADE UNIONS AND VIOLENT INCIDENTS

Year	Violent Incidents	Registered Unions	Year	Violent Incidents	Registered Unions
1981	10	73	1987	37	107
1982	14	72	1988	9	121
1983	11	78	1989	19	140
1984	5	84	1990	21	147
1985	12	99			
1986	33	111		171	1032

Note : The data on registered unions for 1991 were not available.

Source: Data collected through questionnaire and interviews, from the Crimes Register of Police Stations of Goa and from the Office of Commissioner, Labour, Government of Goa.

The correlation between number of violent incidents and number of trade unions is + 0.395 and indicates a positive relationship between the variables.

Multiplicity of unions leads to increase in conflicts and hence increase in violence. It is also possible that the number of disputes is an intermediary variable between number of unions and number of violent incidents.

3.4.3 P11 : Violence and number of days lost are related.

The data on man days lost were obtained from the Office of the Commissioner, Labour, Government of Goa.

TABLE 3.20

NUMBER OF VIOLENT INCIDENTS AND MAN DAYS LOST

Year	No of Violent Incidents	No of Man days Lost*	Year	No of Violent Incidents	No of Man days Lost*
1981	10	278	1987	37	67
1982	14	47	1988	9	37
1983	11	59	1989	19	258
1984	5	93	1990	21	186
1985	12	71	1991	17	38
1986	33	254			
			Total	188	1388

* Figures in thousands

Source: Data collected through questionnaire and interviews and from the Office of Commissioner, Labour, Government of Goa.

The correlation between number of violent incidents and number of mandays lost is + 0.247. Reasons for man days lost could be many such as strikes and/or lock-outs. Strikes and lock-outs are extreme legal weapons used by the concerned parties. When these fail, frustration may set in and violence may take place.

- 3.4.4 P12 : Violence is related to the nature of the industrial relations climate prevailing.

From Table 3.15, given earlier, it can be seen that the years 1986 and 1987 had the highest number of violent incidents. Some of the related events of that period are discussed below.

Selected portions of a statement issued some time in January 1986, by Shri Christopher Fonseca, Secretary, Goa Trade Unions & Traditional Worker's Coordination Committee (Pamphlet titled "STATEMENT of Shri Christopher Fonseca, Secretary, 'Goa Trade Unions & Traditional Workers 'Co-ordination Committee Explaining his STAND on the issues of the INDEFINITE 'HUNGER STRIKE' resorted to by him w.e.f. 24th Jan.

1986.") is given below. The full text is in Annexure 4.

- 1 "The Chief Minister Of Goa,... tried his utmost to curb every genuine working-class struggles that took place in Goa since the 80's."
- 2 "...The Police, the Courts, the administration, the intelligensia, the proffessions, and the jails have been used extensively to thwart every form of a struggle in Goa."
- 3 "...Over 60,000 working-men & women, fishermen, Toddy-Tappers, Miners, Professionals & Government-servants in Goa have come under the banner of the "Co-ordination Committee" which has undauntingly 'Co-ordinated', guided and strengthened all those just struggles that have been waged by the toiling-people in Goa from time to time."
- 4 "...Of late, the strikes, the Lock-outs, the Lay-offs, the innumerable Closures, and retrenchments and the 'golden-handshakes; have become order of the day; as they are a direct outcome of this systematic drive of the ...

Government to demolish the "Co-ordination Committee", which is an A-political entity (not affiliated to any political party)."

- 5a "The 6-Months-old Strike by the workmen at ... Vasco Goa;"
- b "The 3-Months-old Strike by the workmwn at the ... Onda, Sattari, Goa;"
- c "The 12-Month-old Strike by the 39 workmen employed at ... Corlim, Goa."
- d "The TWO-YEARS-OLD unresolved demands of the employees employed by the ... in Goa;"
- e "The unresolved ONE-POINT DEMAND of those employed in ... to be accorded status and salaries/allowances akin to the Government servants in Goa;"

(The above text is reproduced in the same manner as that of the original pamphlet and no grammatical corrections were made).

For further details, Annexure 4 could be referred. It appears that the copy of this pamphlet was sent to various officials and dignitaries, including The Prime Minister of India.

Against this pamphlet, another pamphlet (Pamphlet titled "Appeal To Fellows And Workers") was issued supposedly by a group of workers calling themselves as "Few Alert Workers". Some of the related events of that period discussed in that pamphlet are quoted below.

"For last two years the goonda elements have come on the labourfront. In the name of Christopher Fonseca, there exists not a man of blood and flesh, but a tendency which sucks the blood and daily bread from the mouth of workers in the disguise of labour unions; His this goonda attitude has brought down the shutters of more than 50% industries in this little territory of GOA;"

"The following list may ... give ... an idea of ... method of working for the benefit of workers:

Name of Unit	Strike Period	Benefit
1. Crunet Soda	24 months	Closure
2.		
...		

(The above text is reproduced in the same manner as that of the original pamphlet and no grammatical

corrections were made).

For further details, Annexure 5 could be referred.

The two pamphlets read together indicate the volatile industrial relations climate of the period and the intensity of conflicts amongst the working class. The apprehensions of the management/owners of the industries can be gauged from the letter dated 30th September 1986 written by the Plant Manager of MRF Ltd. to various industrial firms in Goa (Copy of the letter is given in Annexure No. 6).

The contents reveal that their factory had come to a standstill in July 1986; there was change in union leadership and Dr Datta Samant had been selected as the President by the new office bearers; that the workers resorted to go slow; and the Company was giving call to several other firms in Goa to come together to thwart such threats against them. The letter quoted an instance of that period in which solidarity was displayed by the industries in Pune. The letter also had an appeal to generate a favourable opinion in the Government circles, amongst unions and the public, against this movement. It appraised them of the far reaching consequences on the industrial and economic

growth of the territory.

It is relevant in this context to quote from Miss Manik Kher's (1991)"From Shadows To Light".

"The 'Samant wave' was in full momentum till the early eighties. The peak of his trade union activity was the textile strike 1982 ...The entire strike period was laden with occurrences of violence like intimidation, manhandling, and stabbing...

The consequences of the textile strike are multifaceted, unprecedented and far reaching ... As it happens, in India it is the personality cult that has dominated the trade union movement from it's very beginning."

The sample of the rhetoric of the period 1986 to 1987 given earlier indicates the then prevailing and charged industrial relations atmosphere. Such rhetoric was not evident during other periods of the study. This indicates the confluence of a number of factors more qualitative in nature than those evident from the analysis of numerical data. Even though the data are

not sufficient to establish, yet one can come to the conclusion about the possibility of cycles of violence over years. It is quite possible that the frustrations and conflicts may keep accumulating to a level when they explode. In contrast to situations of economic/ethnic violence, industrial violence seems to have a post violence period of relative calmness which the parties concerned want/use to build up some compromise solutions. Possibly violence is one of the means by which the state of disequilibrium is brought back to a state of equilibrium.

3.6 Conclusions

We can conclude from our longitudinal analysis that violence in industries is not just sporadic, and the prevailing industrial relations climate has an important bearing on the ups and downs of violent incidents in the industries across years. The association of phenomenon such as the number of trade unions, number of industrial disputes, number of mandays lost and the rhetoric of the period with the phenomenon of violence corroborates this contention. Looking it in another way, it is possible to say that the climate provides relative anonymity to individual incidents of violence. During relatively calmer periods, the calmness of the period will make

individual incidents more noticeable/visible. Hence, industrial violence seems to have a tendency to hide behind large manpower, away from employee-direct superior situations, behind outsiders/strangers in small companies and also within a climate of tensions. The underlying motivation for violence stems more from a sense of betrayal by those who should have stood by the workers/employees than from employer-employee conflicts per se, even though the latter sets in the required climate for such violence. Employer-employee conflicts seem to be taken for granted, while betrayal by peers seems to be something one is not able to live with.

CHAPTER IV

CONSEQUENCES OF VIOLENCE IN INDUSTRIES

4.0 Introduction

It is essential for any organised activity or society to function under certain acceptable norms. An orderly behavior brings discipline in every aspect of life. Disciplined members of a society or employees of an industry contribute towards progress of the society and the industry. Undisciplined behavior is neither acceptable to society as a whole nor to industries specifically.

There are formal and informal codes of conduct applicable to us as citizens of society and also as employees of an industry. As per Mamoria (1993) "Employee morale and industrial peace are definitely linked with a proper maintenance of discipline. Co-ordination and control are facilitated; and these assist in the attainment of organisational goals. If the members of a group do not abide by the rules, the organisation itself may collapse".

Thus in order to ensure discipline, it is imperative for the State to punish those who cause harm to the personal freedom of an individual and so is the case with industries which are obliged to protect and prevent harm to their employees. Violent behavior or act is certainly indiscipline. According to Mathur (1968) "A lasting solution to curb intimidation, violence, gherao and other unlawful activities has to be found early. They are inimical to the interests of all the three, viz., employers, trade unions and society. Violence in any form will destroy the very basis of peaceful industrial relations. Industrial relations problems cannot be allowed to deteriorate into law and order situations...".

In this chapter, we examine the organisational responses to violent incidents and also the consequences on the individuals.

4.1 Organisational Responses

The firms for various reasons either initiate or do not initiate actions against persons or employees for involving in violence. The Executive wing of the Government is also empowered to initiate actions under

various statutes. The actions initiated by a firm against its employees are generally known as actions under labour laws. Similarly the State Government, through police department initiates actions under Criminal Law. There is also a third general law, viz. 'Civil Law' dealing with payment of compensation.

We have made an attempt to probe into the actions initiated by firms and police department against the individuals involving in violence.

By 'initiation of action' we mean the course of action taken by the firm or by the police, such as warning or allowing an employee to apologize for his involvement in violence, complaining to police or the police on its own registering a case against the individuals involved in violence, etc. Where no such steps were taken, it was considered as 'no action initiated'.

In this Section, we explore the firms' responses to violence. Some of the propositions explored are mentioned below.

- P4.1 : Majority of the firms initiate action in response to incidents of violence.
- P4.2 : Smaller firms tend not to initiate actions.
- P4.3 : Initiation of action tend to be under Labour Law than under Criminal Law or Civil Law.

The propositions are discussed below with empirical data.

- P4.1 : Majority of the firms initiate action in response to incidents of violence.

TABLE 4.1

INITIATION OF ACTION BY FIRMS

Number of violent incidents	Number of incidents in which action was initiated
64	51

Note : The data on actions initiated could be obtained only from the firms which responded to the questionnaire. The above data thus pertain to incidents in 22 firms.

The data indicate that 80 % of the firms or the majority initiated action on those who indulged in violence. By 'initiation' we mean the step taken by the firm in response to the act of violence. Initiation of action, probably is considered as a means of

achieving industrial peace in the long and short run. In the short run, it acts by way of removal of those who caused violence and in the long run it acts as a deterrent.

P4.2 : Smaller firms tend not to initiate actions.

The data in Table 4.2 indicate that the firms which initiated action had higher levels of manpower as compared to those which did not initiate action. Further, most of the firms which initiated action had more than one violent incident during the eleven years.

Unlike larger firms, smaller ones do not have the expertise and resources to initiate and follow up action under law. Secondly, smaller firms have the option of informally terminating the services of the employees. (The latter was not considered as 'initiation of action' in cases given in Table 4.2). This cannot be resorted to by larger firms in which employees are unionised and are well aware of their rights and legal protections.

TABLE 4.2

FIRMS WHICH INITIATED/DID NOT INITIATE ACTION

Firms which initiated action				Firms which did not initiate action		
Firm code	Number of incidents	Number in which actions were taken	Man Power	Firm Code	Number of incidents	Man Power
Y1	1	1	20	Y3	1	30
Y2	1	1	184	Y4	1	70
Y5	1	1	211	Y6	1	10
Y7	1	1	30	Y8	1	28
Y23	1	1	18	Y21	1	28
Y24	3	2	100	Y22	2	83
Y25	2	2	50	Y26	2	4
Y41	1	1	294	Y27	2	20
Y42	5	5	4000	Y28	1	5
Y43	9	9	2400			
Y44	6	6	170			
Y45	11	11	2400			
Y46	10	10	900			
Total	52	51	10777		12	278
Averages:	4	3.9	829		1.3	30

Note : The data pertain to those 22 firms which provided required information.

4.1.1 Actions under Criminal Law

P4.3 : Initiation of action tend to be under Labour Law than under Criminal Law or Civil Law.

In the beginning of this chapter, we had mentioned that actions initiated by firms are generally under Labour

Law. (Industrial Legislation, Labour Legislation and Labour Law are considered as synonymous in their meanings for our purpose). While explaining industrial jurisprudence, Sarma (1991) quotes "Gagliardo considers it as (Industrial Legislation) 'some customs and rules by which relationships between the employers and the employees or the master and servant are governed'". Thus, actions under Labour Law are outcomes of 'employer and employee' relations.

Sarma (1991) explaining the difference between civil and criminal justice state that "Both in civil and criminal proceedings, there is a wrong complained of. In both, justice is administered only against wrongdoers, in act or in intent... In civil justice, it amounts to a claim of right; in criminal justice, it amounts merely to an accusation of wrong... The basic objective of criminal proceedings is punishment, while the usual goal of civil proceedings is non-punitive".

The firms generally initiate a course of action depending on the 'nature' of the incident and 'gravity' of the injuries.

TABLE 4.3

FIRMS WHICH REPORTED INCIDENTS TO POLICE

Total number of firms	Number which reported the incidents to Police	Number which did not report
22	6	17

Source: Through Questionnaire and Interviews.

TABLE 4.4

FIRMS WHICH INITIATED ACTION UNDER LABOUR LAW

Total number of firms	Number which initiated action	Number which did not initiate action
22	13	9

Source: Through Questionnaire and Interviews.

The data from Table 4.3 indicate that only 27% of the firms reported the incidents to Police, whereas data from Table 4.4 indicate that 59% of the firms resorted to actions under labour law. Thus, it indicates a preference for actions under labour law in comparison to actions under criminal law.

If the employer desires to condone an employee's behavior and does not report to police, there will not be any action under criminal law. There will not be any action also if the accused and the victim mutually resolve their issues. Further, in such situations, the Police authority may not come to know of the incident and hence is not likely to take any action. This, of course is unlikely when fatalities occur.

The reasons for not initiating action under criminal law could be the following.

- i Under labour law, the employer has better control over the actions, whereas in criminal action, he has to rely on outside agencies such as the Police.
- ii Under labour law, the actions are faster and mostly within the premises of the firm.
- iii Further, registering a complaint and pursuing it under criminal law are elaborate and cumbersome as evident from the steps in FIGURE 4.1.

FIGURE 4.1

Step	Action
i	Complaint/Information received by the Police Officer.
ii	The complaint is reduced to writing.
iii	The Police Officer commences investigation, if satisfied. If the Police Officer refuses to receive the complaint one sends it by post. The concerned officer commences investigation if satisfied that a cognizable offense is committed. In case of non cognizable offenses, the substance is entered in the book and investigations are started only with orders from the Magistrate.
iv	The Police Officer can arrest the persons against whom complaint is made on a cognizable offense.
v	Conducts Panchanama.
vi	Within 24 hours, the person has to be produced before the Magistrate.
vii	After investigation is complete, the Magistrate commits the case to a particular Court.
viii	Calls to parties by the Court.
ix	Evidence by parties.
x	Arguments by parties.
xi	Judgment by the Court.
xii	Appeal to higher Court if desired by either of the parties.

Such being the procedure, and since an undue amount of time is spent on the cases the employer may get disinclined to take action against the offender under Criminal Law.

Excluding one firm, none of the remaining firms reported all the incidents which occurred to the police. It is not mandatory on the part of the

employer to report all the incidents to police and even if reported, the police may not register as they may consider them as 'trivial' or as 'chapter' cases. The researcher did not have access to data on such cases.

4.1.2 Actions under Labour Law

We now discuss below the types of action the firms took under labour law. The types of actions initiated by the firms are given in Table 4.5.

TABLE 4.5
ACTIONS TAKEN UNDER LABOUR LAW

Firm code	Man power	Number of violent incidents	<u>Number of incidents in which employees were:</u>			Action
			charge sheeted	suspended	asked to give apologies	abeyance
Y1	20	1	-	-	1	
Y2	184	1	1	-	-	
Y5	211	1	1	-	-	
Y7	30	1	-	1	-	
Y23	18	1	1	-	-	
Y24	100	3	2	-	-	1
Y25	50	2	-	-	2	
Y41	294	1	1	-	-	
Y42	4000	5	4	-	-	1
Y43	2400	9	5	4	-	
Y44	170	6	3	-	3	
Y45	2400	11	11	-	-	
Y46	900	10	10	-	-	
Total = 52			39	5	6	2

Source: Through Questionnaire and Interviews.

Explanations for the terms used in Table 4.5 are given below.

Action in abeyance : The employer, due to the best reasons known to him, chooses not to initiate action for the time being. At the same time, he would take action later at appropriate time.

Apology : Regretful acknowledgement of fault or explanation; assurance that no offense was intended.

Charge sheet : An explicit written communication to an employee who indulged in violence, charging him for the misconducts alleged against him and conveying the firm's decision to hold enquiry.

Suspension: An action of debarring an employee for the time being from holding a function or privilege.

Majority of the firms resorted to serving 'charge sheet' to the employees. Usually, firms charge sheet an employee when the charges against him/her are of a serious nature. There are two purposes behind charge sheeting an employee; one to conduct investigation and the other to meet the legal requirement of holding domestic enquiry before terminating him/her from the employment. Violence is, therefore, viewed by the firms rather seriously.

4.1.3 Action under Civil Law.

From the data, it was found that, out of the 22 firms only one firm initiated action under civil law. According to Sarma (1991) "Civil law is the law of the state or of the land... Civil justice is concerned primarily with the plaintiff and his rights... Civil proceedings, if successful, result in a judgment for damages". Thus Civil Law is concerned more with compensation.

Even the only firm which initiated action, subsequently withdrew the case after normalcy was restored. Action under civil law is expensive due to court fee for litigation. Secondly, courts do not seem to give priority to civil cases and hence judgments get delayed.

From Section 4.1, we can conclude that, smaller firms do not tend to initiate any action; the firms which initiated action had higher levels of manpower as compared to those which did not initiate action; most of the firms which initiated action had more than one violent incident during the eleven years; and firms

prefer actions under labour law in comparison to actions under criminal law. Majority of the firms, which initiated action under labour law, resorted to charge sheeting the employees.

4.2 Consequences : On Individual Employees.

We discuss in this Section the consequences of violence to individuals, viz., those allegedly got involved and the victims. As discussed earlier in this Chapter, the persons or employees who indulged in violence had to face actions from the side of the employer or the police or both.

The following discussion is on the consequences of employers' actions under Labour Law, the consequences of actions by the police and finally the consequences on the victims of violence.

4.2.1 Consequences of Employers' Actions:

It is found (Table 4.5) that out of 64 incidents, actions were initiated in 51 incidents. Out of

these 51 incidents, the employees were let off with suspension in 5 incidents, with an apology in 6 incidents and in 2 incidents, the action was kept in abeyance. At the same time, in 39 incidents, the employees were charge sheeted. We now look into the consequences of such actions as charge sheeting.

We explore the following propositions.

- P4.4 : Most of the employees, who are charge sheeted, lose their employment.
- P4.5 : Smaller firms find it difficult to terminate the services of employees.
- P4.6 : Most of the employees who lose their employment do not find it difficult to secure alternate employment.
- P4.7 : Younger employees are more prone to losing employment.
- P4.8 : There are less chances of termination associated with incidents in which outsiders were (also) involved.

We discuss the above propositions in the following pages.

- P4.4 : Most of the employees, who are charge sheeted lose their employment.

TABLE 4.6

CONSEQUENCES OF CHARGE SHEETING EMPLOYEES

Number of incidents in which employees were charge sheeted	Number in which enquiry was dropped	Number in which enquiry was in progress	Number in which charges were not proved	Number in which charges were proved
39	3	7	2	27

Source: Through Questionnaire and Interviews.

Out of the 39 incidents in the eleven years in which the employees were charge sheeted, in 27 incidents, the charges were found proved after enquiry.

In Table 4.7, we give details on subsequent actions after the charges were proved.

TABLE 4.7

PUNISHMENT AWARDED

Number of incidents in which charges were proved	<u>Number of incidents in which</u>		
	employees were warned	employee's salary was reduced	employment was terminated
27	2	2	23

Source: Through Questionnaire and Interviews.

The data from Table 4.7 indicate that in 85 percent incidents, in which charges were proved, the services of the employees were terminated.

{The term 'termination' also included cases in which the employees preferred to tender resignation (as if they were voluntarily severing their relations with the employer) when the termination became imminent possibly to avoid the stigma attached to terminations. The employees also become eligible for certain legal benefits in such cases, which otherwise could be denied}.

P4.5 : Smaller firms find it difficult to terminate the services of employees.

For the purpose of this discussion, we define small firm as those firms having less than 100 employees. In the following table (Table 4.8), we give the manpower of firms in which terminations took place.

The data in Table 4.8 indicate that it is in the case of medium or large size firms that terminations

happen.

TABLE 4.8
SIZE OF THE FIRM AND TERMINATIONS

Firms which resorted to terminations:			Firms which did not:	
Firm Code	Manpower	Number of terminations	Firm code	Manpower
Y2	184	2	Y1	20
Y41	294	3	Y3	30
Y43	2400	3	Y4	70
Y44	170	15	Y5	211
Y45	2400	44	Y6	10
Y46	900	16	Y7	30
			Y8	28
			Y21	28
			Y22	83
			Y23	18
			Y24	100
			Y25	50
			Y26	4
			Y27	20
			Y28	5
			Y42	4000
Average	1058	13.8		294.1

Note : The data pertain to those 22 firms which provided the required information. Number of terminations means number of employees terminated.

Source: Through Questionnaire and Interviews.

Even though the correlation between the number of violent incidents and the number of terminations is 0.55, indicating a positive relationship, terminations are more related to size of the firm than the number of incidents. (In those firms, where terminations were resorted to, it happened in the case of only 60.5% of

the incidents or 23 out of 38 incidents).

This may be due to the following reasons.

- i If such an action is not taken, other employees may feel insecure and the implications of such insecurity are high as the number of employees is large.
- ii If such an action is not taken, the accused and other employees who are prone to indulge in violence may take it for granted that they will be let off in such incidents. Size being large, the value of deterrence is high.
- iii Size being large, loss of few manpower may not matter.
- iv Large firms are more equipped with better infrastructure and expertise to handle terminations and consequences arising out of such terminations. They are probably strong enough to withstand Union pressure and have the capability to argue their case in a court of law in case the terminations get challenged. They are also probably financially

strong to take calculated risks to not only bear the cost of litigation but also to pay compensation or back wages in case the terminations do not get upheld by the courts.

P4.6 : Most of the employees who lose their employment do not find it difficult to secure alternate employment.

In all the 23 incidents put together, in which charges were proved, a total of 83 employees lost their jobs. The data on the status of the employees who lost their jobs were gathered from the individuals themselves. The researcher had problems in tracing these employees. Most of them had changed their residences. Tracing them with the help of their former employers was also not possible since they had not kept any contacts with them.

Secondly, whoever was traceable, was unwilling to divulge details. The possible reasons were the following.

- i They probably were suspecting that the researcher was sent by their former employer under some pretext to find out whether they were employed. If the ex-employer gets the

information that they were employed or that they were earning their livelihood, they may not get the interim relief from the court and also if the court finds that their terminations were illegal, they may not get the benefit of receiving their 'back-wages':

- ii They probably had the fear that divulging any information from their end may weaken their court cases and they may lose their cases consequently getting convicted by the court.

The only alternative was to develop contact through third persons. Accordingly, from one firm, one of the employees whose job was terminated, was contacted through a friend of his. The following commitments were sought by the person.

- i The data collected would be utilised only for academic purposes and anonymity should be maintained at all times.
- ii In no case, should the details collected reach the firm where they were working.

iii The researcher must ensure that the details collected in no way affect their legal cases.

After giving assurance on all the points above, data could be collected from employees of 5 firms. From one firm, data on eight employees were collected by directly interviewing the employees whose jobs were terminated. From three firms, the details of terminated employees were obtained through a third party. In one firm, 3 persons were reinstated on compassionate grounds.

TABLE 4.9

DATA COLLECTION ON EMPLOYEES WHOSE JOBS WERE TERMINATED

Firm code	Number of employees whose jobs were terminated	Number of employees on whom data were collected
Y2	2	2
Y41	3	3*
Y43	3	-
Y44	15	13
Y45	44	8
Y46	16	16
Total=83		42

* The terminated employees were reinstated.
Source: Through Questionnaire and Interviews.

As indicated in Table 4.9, data could be collected on 50% of employees whose jobs were terminated. The collected information is summarised in Table 4.10

TABLE 4.10
CONSEQUENCES OF TERMINATION

Number of terminations (Data collected on)	Number of employees who were reinstated	Number of employees who found alternate employment	Number of employees who remained unemployed
42	3	37	2

Source: Through Questionnaire and Interviews.

It seems that 95% of those whose jobs were terminated were able to find alternate sources for their livelihood. In other words, indulging in violence in no way affects one's potential to earn a livelihood. We could not however, for reasons mentioned earlier, find out whether their present earnings were comparable to what they would have received had they continued in their earlier employment.

The sources of their livelihood varied as given in Table 4.11. The data pertain to only those 42 individuals from whom the required information could be collected.

TABLE 4.11
SOURCES OF LIVELIHOOD

Number under self employment	Number employed with new/previous employer	Number unemployed	Total
27*	13*	2	42

*Total of 2nd and 3rd column of Table 4.10.
Source: Through Questionnaire and Interviews.

The data indicate that 65% or a majority of the employees whose jobs were terminated have gone in for self employment. Possibly, majority of these employees were unable to find a job under a new employer. Alternatively, they did not want to create a record that they were employed or have been able to earn their livelihood as it might affect their case for reinstatement and/or back wages.

P4.7 : Younger employees are more prone to losing employment.

The data on age of the employees at the time of termination were available in 29 cases. The age distribution is given in Table 4.12.

TABLE 4.12
AGE DISTRIBUTION AT THE TIME OF TERMINATION

Age	Number of persons
20	1
21	1
23	4
24	5
25	3
26	3
27	4
29	2
32	2
33	1
34	1
40	2
Total	29

Source: Through Questionnaire and Interviews.

The most vulnerable age group seems to be between 23 to 27 years. Or in other words, since violence is associated with youth more than the aged, the consequences significantly impact the major part of their lives.

P4.8 : There are less chances of termination associated with incidents in which outsiders were (also) involved.

TABLE 4.13

TERMINATIONS AND OUTSIDER INVOLVEMENT

Firms in which outsiders were not involved			Firms in which outsiders were involved		
Firm Number	code of incidents	Whether termination occurred or not	Firm Number	code of incidents	Whether termination occurred or not
Y1	1	No	Y3	1	No
Y2	1	No	Y4	1	No
Y5	1	No	Y6	1	No
Y7	1	Yes	Y21	1	No
Y8	1	No	Y23	1	No
Y22	2	No	Y24	3	No
Y26	2	No	Y25	2	No
Y42	5	No	Y27	2	No
Y43	9	Yes	Y28	1	No
Y44	6	Yes	Y41	1	No*
Y45	11	Yes			
Y46	10	Yes			

* Reinstated later

Source: Through Questionnaire and Interviews.

Wherever outsiders were involved, no termination took place. The employers probably did not want to face the wrath of the outsiders on whom they have very little control, by taking severe actions against their employees, even in cases where actions were initiated. We had seen earlier that it is the smaller firm which is prone to outsider involvement in violence. Hence the

smaller the firm, the firm is in a doubly disadvantageous position due to the type of people involved and due to its incapacity to react, which again is partly due to the type of people involved.

4.2.2 Consequences of Actions Initiated by Firms under Civil Law.

Only one firm initiated action under Civil Law. However, it withdrew the case later based on a settlement. This was the only firm which initiated action under all three laws viz. Criminal, Civil, and Labour. (For possible reasons, see Section 4.1.3)

4.2.3 Consequences of Actions Taken by Police under Criminal Law.

The action under Criminal Law may be initiated by the employer or by an employee affected by violence or the police themselves can initiate on their own.

P4.9 :Under Criminal Law, the accused in incidents of violence in industries seldom get convicted/punished.

The data in Table 4.14 pertain to those firms which volunteered information.

It is obvious from Table 4.14 that none of the accused was convicted/punished by the courts for alleged indulgence in violence. (The data were obtained through questionnaire/interviews).

Out of a total of 188 incidents of violence, 143 were reported to Police ie., 45 incidents were not reported to Police. The data in Table 4.15 are based on the Crimes Register. The 19 incidents reported (by the firms) in Table 4.14 are included in the 143 incidents of Table 4.15.

TABLE 4.14

INCIDENTS REPORTED TO POLICE AND CONSEQUENCE
OF THE REPORTING

Firm code	Number of incidents	Number reported to police	Results of Reporting:		
			No. in which the accused were convicted /punished	No. in which the accused were not convicted /punished	No. in which the case is still pending
Y41	1	1	Dropped	0	Nil
Y42	5	2	Nil	1	1
Y43	9	2	Nil	1	1
Y44	6	3	Nil	1	2
Y45	11	2	Nil	Nil	2
Y46	10	9	Nil	7	2
Total:					
	42	19*	0*	11*	8*

* As on date of data collection.

Note : The data pertain to 6 firms which reported some of the violent incidents to Police (19 from column 2). These 19 incidents were checked with the Crimes Register to find out the status of the cases.

Source: Crimes Register of Police and Interviews.

TABLE 4.15
CONSEQUENCES OF REPORTING TO POLICE

Number of Incidents Reported to Police	Convicted/ Punished	Not Convicted/ Punished	Cases Pending
143	0	95	48

*as on date of data collection.
Source: Crimes Register of Police.

Out of 143 violent incidents reported to police, 95 were disposed off and none of the accused was convicted/punished. In 48 incidents the verdict was still awaited as on the date of data collection. The data on cases which were pending are as given in Table 4.16.

The data from Table 4.16 indicate that judgments were yet to be passed in cases which were even 10 years old. The Police Officers, Public Prosecutors and Judges of Sessions Court and High Court were interviewed to find out the causes for delay.

TABLE 4.16
INCIDENTS YEAR WISE AND THEIR STATUS

Year in which the incident was reported	Number pending	Year in which the incident was reported	Number pending
1981	1	1987	8
1982	5	1988	2
1983	6	1989	3
1984	2	1990	4
1985	2	1991	5
1986	10		
		Total =	48

Source: Crimes Register of Police.

The causes as attributed by them are as follows.

- i There could be vested interests of the police and of the accused which take advantage of the system causing delays. For example, in case the Police Officer does not file the Charge Sheet on the accused in 60 days time, the accused gets automatic bail.

- ii The Courts are saddled with too many cases. The heavy work does not allow them to dispose of the cases in time. The witnesses, due to lapse of time, many times are not able to recall the incidents vividly. This goes in favor of the accused.

iii The labour from industries is highly mobile. The summons are issued almost 8 to 10 months after the incidents. In the mean time, the persons on whom the summons are to be served are not found at the address. Many change their residences.

iv In day to day working the Police Department gives priority to cases involving fatalities. Labour cases are not viewed as that serious. There is also no pressure on them as there is very little follow up.

v Courts also seem to be giving priority to cases concerned with matters like 'bails', 'stay', detention, rape, etc. Labour cases do not seem to be getting priority.

As explained earlier, the accused seldom gets convicted/punished. Certain Police Officers and Judges, both at Sessions and High Court were interviewed informally to find out why accused in industrial violence seldom gets convicted/punished.

The reasons attributed are as follows.

i Problem of 'identification'.

Usually in violent incidents in industries, large number of persons get involved. While investigating as to who indulged in violence, the Police personnel have to rely on the managements to identify the persons, if the violence took place before the arrival of the police. Most of the times, the managements provide names without application of mind or deliberately involve the names of employees whom they dislike.

ii The managements often do not provide exact addresses of the employees who indulged in violence and this makes the investigation difficult.

iii The Police personnel have to rely or depend on the management personnel whenever arrests are to be effected or summons are to be served. In such situations, the management staff do not whole heartedly cooperate with the police.

iv Many accused change their residences and the summons remain not served. A case becomes weak

when summons are not served.

v Problems concerned with "Panchanama"

Panchanama is a system provided in the law, the purpose of which is to inspect and document the facts and evidence and they have to be supported by two independent witnesses. They are known as 'panchas'. Usually no one comes forward to volunteer to become 'pancha', as:

- 1 probably they do not want to get involved in a matter which does not concern them, or
- 2 in case they are summoned at the court, they will have to spare considerable personal time to attend the courts, and/or
- 3 attending court is also expensive even though Government reimburses certain expenses.

Since it is imperative on the part of police to complete the formality of conducting panchanama with at least two witnesses, the type of persons they usually get as Panchas provide very weak evidence.

- vi The Police felt that the judges seem to exhibit lack of faith in the witnesses produced by police.
- vii On many occasions, there will be pressure from the Government or the politicians to drop the cases.
- viii It requires certain degree of knowledge, expertise in law and also availability of infrastructure for registering a complaint, leading evidence, etc. Not every one in the Police Department seem to be competent to do this.
- ix In cases of 'unlawful' assembly and assault, judges find it very difficult to assign roles to each person.
- x Usually in 'group violence' cases, witnesses to the incidents are brought by the Police. The courts seem to be looking at these witnesses suspiciously.

The researcher was closely involved in one of the violent incidents which took place in the firm in which he was working. In one of the incidents, the firm had provided infrastructure support right from identifying the accused to filing of charge sheets. The firm had also hired a lawyer to assist the Public Prosecutor and deputed its Personnel Officer, while the case was being heard, to prepare the witnesses. The Judge who heard the case went to the extent of stopping the examination of more witnesses stating that he is convinced of the evidence and that there was no need to examine more witnesses. He awarded 'rigorous imprisonment' to all the accused. However on appeal to the High Court, the persons were acquitted on the ground of 'benefit of doubt'. The firm could not provide that type of support while the case was being heard at the High Court.

4.2.4 Consequences on the Victims of Violence.

We now make an assessment of the damage caused by violence to the victims. The damage could be either in the form of material loss or in the form of suffering in terms of injuries. Whereas data on material loss are not available, data on injuries suffered by the victims are discussed below.

The discussion here is based on the 22 firms from whom data could be collected on victims.

TABLE 4.17
NUMBER OF INCIDENTS AND NUMBER OF VICTIMS

Number of incidents	Number of victims
64	188

Source: Through Questionnaire & Interviews.

The data in Table 4.17 indicate that the number of victims was almost three times the number of incidents, or in other words, an incident affects more than one individual.

Some of the propositions explored in relation to consequences on victims are as follows.

P4.10: Industrial violence is rarely of a severe nature.

P4.11: Colleagues tend to be the dominant target victims.

P4.12: More the manpower more the victims.

- P4.13: Injuries of victims tend to be minor in incidents of outsider involvement.
- P4.14: Fatalities tend to occur in large firms.
- P4.15: Colleagues tend to be the victims of severe injuries.

We discuss the above propositions in the following pages.

P4.10: Industrial violence is rarely of a severe nature.

The injuries suffered by the victims were categorized into four types by the researcher as given in Figure 4.2.

FIGURE 4.2

CLASSIFICATION OF INJURIES

Classification	Explanation
Minor	Presents no danger to patient's life at all
Moderate	Less violent, intense
Severe	Harsh, extreme
Fatal	Ending in death

Source: Through Questionnaire & Interviews.

Based on the above, the data on 64 incidents of violence were classified and are presented in Table 4.18.

TABLE 4.18
NATURE OF INJURY AND NUMBER OF VICTIMS

Nature of injury	Number of victims
Minor	153
Moderate	17
Severe	14
Fatal	3
Total =	*187

* Does not include one incident where only property was damaged.
Source: Through Questionnaire and Interviews.

While the data above indicate that in majority of the incidents the injuries are minor in nature, they also indicate the occurrence of fatalities. On the whole, it can be said that the severity of violence which takes place in industries is of a minor degree.

P4.11 : Colleagues tend to be the dominant target victims.

Target groups or the victims were classified into five groups as per Figure 4.3.

It can be seen from Table 4.19 that "colleagues" form the highest number of victims. The following could be the reasons.

FIGURE 4.3

CLASSIFICATION OF VICTIMS

Sr. Category no.	Explanation
1 Colleague	Fellow official or worker or employee.
2 Trade union leader/member /activist	A person who may or may not be an employee, representative of employees, plays active role in union activities.
3 Superior	An employee from whom, the persons who indulged in violence receives instructions.
4 Superior - in rank higher	An employee who by rank is higher than the person who indulged in violence, not a direct superior.
5 Staff	An employee whose nature of work is clerical/administrative.
6 Security department personnel	Employees or otherwise, given the job of protecting/safety of firms' assets including the protection of employees therein.
7 Contractors/ Suppliers	Persons who are not employees of the firm but associated with for commercial purposes, who are vendors of products or services.

TABLE 4.19
NUMBER OF VICTIMS IN VARIOUS CATEGORIES

Categories	Number of victims
Colleague	59
Security Personnel	32
Superiors by Rank	27
Union Leader	22
Superiors	21
Staff	20
Contractors/Suppliers	7
Total =	188

Source: Through Questionnaire and Interviews.

Differences overtly surface more between members of the peer group than between members of different levels of hierarchy. Unity among workers is a must to fight against threats allegedly caused by the management. An exemplary 'loyalty' for the union is expected from the members. Any member i.e., a colleague trying to split the union, or showing 'dissent', becomes a threat to the 'unity' and is therefore not tolerated. If the person does not yield to persuasive efforts, attempts are made to prevent him/her physically, thus giving room for violence. Threat to loyalty/unity at the same hierarchical level seems to be the main provocation than threat across hierarchies. Unity between different levels of hierarchy does not seem to be an expectation as much as unity within same

levels of hierarchy.

Security personnel and superiors by rank seem to be the next most probable categories of victims.

Next to threat of loyalty and unity, the possibility of anonymity of the aggressor vis-a-vis the victim seems to be the most important characteristic determining the targets of violence.

P4.12: More the manpower more the victims.

The data below in Table 4.20 (presented in three levels i.e., four, three and two digits of manpower) indicate largest number of (average 28) victims in firms in which four digit manpower is employed. Thus victims tend to be more in firms in which large manpower is employed. The relationship can partly be explained through the intermediate variable of number of incidents, while not fully. The average number of victims per incident declines when we move from large to smaller firms. Each incident affects a larger number of people in large organisations.

TABLE 4.20
MANPOWER AND VICTIMS

Firm code	Manpower	Number of incidents	Number of victims	Number of victims per incident
Y42	4000	5	14	
Y43	2400	9	14	
Y45	2400	11	56	
Average	2933	8.3	28	3.37
Y2	184	1	2	
Y5	211	1	6	
Y24	100	3	5	
Y41	294	1	5	
Y44	170	6	7	
Y46	900	10	25	
Average	309	3.6	8.3	2.31
Y1	20	1	1	
Y3	30	1	6	
Y4	70	1	1	
Y6	30	1	2	
Y7	30	1	1	
Y8	28	1	1	
Y21	28	1	1	
Y22	83	2	2	
Y23	18	1	1	
Y25	50	2	3	
Y26	4	2	31	
Y27	20	2	2	
Y28	5	1	2	
Average	32.0	1.3	4.1	1.53*

*excluding extreme data point of Y26.

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include the incidents from the Crimes Register. The data are presented in the descending order of manpower groups. The firms Y23, Y26, and Y28 have less than 20 manpower as on the date of data collection; they are still covered in this study since they had 20 or more employees in the past.

In case of Y26, the firm was about to close down, the victims were ex-employees.

Source: Questionnaire and Interviews.

P4.13: Injuries of victims tend to be minor in incidents of outsider involvement.

In Table 4.21, we indicate the incidents in which outsiders were involved/not involved and the resulting number of victims.

TABLE 4.21
OUTSIDER INVOLVEMENT AND VICTIMS

Total number of violent incidents	<u>Number of violent incidents in which outsiders were involved:</u>		
	Number of incidents	Number of victims	Number of victims per incident
64	11	24	2.18

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include those from the Crimes Register.

Source: Questionnaire and Interviews.

TABLE 4.22

NO OUTSIDER INVOLVEMENT AND VICTIMS

Total number of violent incidents	Number of incidents	Number of victims	Number of victims per incident
64	53	164	3.09

Note : The above data pertain to 22 firms in which violence took place. The incidents do not include those from the Crimes Register.

Source : Questionnaire and Interviews.

TABLE 4.23

CATEGORY OF VICTIMS AND INJURIES IN FIRMS IN WHICH OUTSIDERS WERE INVOLVED.

Victim category	Number of victims	Nature of injury:				
		Minor	Moderate	Severe	Fatal	Property
Colleagues	2	2	-	-	-	-
Trade union leaders	1	1	-	-	-	-
Superiors	15	15	-	-	-	-
Superiors in rank	4	4	-	-	-	-
Staff	1	1	-	-	-	-
Security Personnel	1	1	-	-	-	-
Contractors	-	-	-	-	-	-
Total =	24	24	-	-	-	-

Source: Through Questionnaire and Interviews.

It is obvious from tables 4.21, 4.22 and 4.23 that, the nature of violence is comparatively milder and number of victims per incident lower for incidents in which outsiders were involved. This is probably due to the possible lower intensity of affective responses of proxy aggressors in comparison to that of those directly involved in the antecedent situations.

It was seen from Table 3.13 that the outsider involvement is more in smaller firms. The culture of person to person interactions in smaller firms might be a further deterrent to more intense violence. Or may be as explained in relation to Table 3.13, participation of outsiders serves the function of merely giving strength to the employees. Hence it seems outsiders' role is merely to create fear amongst employers rather than any physical harm.

P4.14: Fatalities tend to occur in larger firms.

TABLE 4.24

MANPOWER OF FIRMS AND INJURIES DUE TO VIOLENCE

Firm code	Man power	Number of incidents	<u>Nature and number of incidents:</u>			
			Minor	Moderate	Severe	Fatal
Y1	20	1	1	-	-	-
Y2	184	1	1	-	-	-
Y3	30	1	1	-	-	-
Y4	70	1	1	-	-	-
Y5	211	1	1	-	-	-
Y6	10	1	1	-	-	-
Y7	30	1	1	-	-	-
Y8	28	1	1	-	-	-
Y21	30	2	2	-	-	-
Y22	83	2	2	-	-	-
Y23	18	1	1	-	-	-
Y24	100	3	3	-	-	-
Y25	50	1	1	-	-	-
Y26	4	2	2	-	-	-
Y27	20	2	2	-	-	-
Y28	5	1	1	-	-	-
Y41	294	1	1	1	-	-
Y42	4000	5	5	-	-	-
Y43	2400	9	5	3	-	1
Y44	170	6	3	2	1	-
Y45	2400	11*	8	-	-	2
Y46	900	10	5	4	1	-
Total = 63			47	11	2	3

* includes one incident in which only property was damaged.

Source: Through Questionnaire and Interviews.

TABLE 4.25
MANPOWER AND FATALITIES

Firm Code	Manpower	Number of Fatalities
Y43	2400	1
Y45	2400	2
Y42	4000	-

Source: Through Questionnaire and Interviews.

Two of the firms with four digit manpower account for all the 'fatalities'. The perception of possible support by large manpower behind probably gives some kind of 'momentum' to a situation increasing the intensity of violence. Or it could be that, in larger firms, what results is mob violence, which is difficult to be controlled. Alternatively, the intensity of violence is a function of the opportunity to be anonymous.

P4.15: Colleagues tend to be the victims of severe injuries.

It can be seen from Table 4.26 that colleagues not only form the dominant target of violence, but also the dominant victim group in terms of severity of injuries. Hence colleagues, apart from being merely the targets of violence, are also targets of intense forms of

violence. This indicates the significant emotional impact of disloyalty/disunity amongst workers in comparison to any other motivation for violence.

TABLE 4.26

VICTIM CATEGORY AND INJURY WISE NUMBER OF VICTIMS

Category of victims	<u>Number of victims and nature of injuries:</u>			Total	
	Minor	Moderate	Severe	Fatal	
Colleagues	46	-	13	-	59
Trade union leaders	17	4	-	1	18
Superiors	19	1	-	1	21
Superior - in rank	22	5	-	-	27
Staff	18	1	1	-	20
Security personnel	32	-	-	-	32
Contractors/Suppliers	-	6	-	1	7
Total =	154	17	14	3	188

Source: Through Questionnaire and Interviews.

4.3 Conclusions

Majority of the firms initiated action against employees involved in violence under 'Labour Law' and not under 'Criminal Law'. They do not seem to be taking any action under 'Civil Law'.

Firms which initiated action had higher levels of manpower and were having more than one violent incident over a period of eleven years. Smaller firms were in a doubly disadvantageous position due to outsider involvement in violence and due to their incapacity to react.

Majority of the firms served charge sheet on the employees for involving in violence and also in majority of the cases the charges were proved in the enquiry. Eventually, majority of those charge sheeted were awarded severe punishment of termination from employment. Terminations were related to the size of the firm rather than number of incidents.

Majority of the employees who were terminated, were able to find alternate employment, mostly self-employment; very few remained unemployed. Indulging in violence seems in no way to affect one's potential to earn a livelihood.

None of the accused were convicted/punished by the courts for alleged indulgence in violence. A significant number of cases were still pending in courts, some pending for more than 10 years.

Violence affects mostly the youth. In majority of the incidents, injuries suffered by victims were of minor nature. However, fatalities occurred in large firms. Colleagues formed the largest number of victims and were also targets of intense forms of violence.

The consequences seems to affect two groups disadvantageously, firstly, the victims (dominantly from larger organisations) who are mostly colleagues of aggressors and secondly, smaller organisations. The latter get affected due to their incapacity to effectively respond to violence and due to outsider involvement in violence. The larger organisations and their management, although in conflict with their employees, are able to effectively respond to violence and hence do not get negatively affected. The victims in these organisations tend to be the employees' colleagues themselves. The aggressors or the alleged aggressors do get affected but do survive in the end. In nutshell, the phenomenon of industrial

violence, in terms of its consequences seems to be on the side of the powerful amongst the players in the game.

Chapter V

Conclusions and Implications

5.1 Conclusions

This study was an attempt to explore the phenomenon of Industrial Violence with data related to the State of Goa, a time frame of eleven years from 1981 to 1991 and units registered under The Factories Act, 1948.

In India, violence or militancy in industries is traced as far as 80 years back (Section 1.4, Chapter I). However, industrial violence is a rare phenomenon in Goa in the present day context. The degree of violence is also of a minor nature. Larger firms seem to have more violent incidents. Fatalities also tend to occur in larger firms. Violent incidents are associated with number of unions, number of industrial disputes, density of population, and the prevailing industrial relations climate.

Age of the firm does not seem to have a significant bearing on occurrence of violence even though violence seems to be on the decrease beyond a life of five years of the firm. Those who involve in violence need not

necessarily be employees. Colleagues form the dominant target of violence.

Attributed causes for violence are varied in nature, however, most of the violent incidents in one way or the other are related to strikes and lock outs. Minor causes are sufficient to trigger violence in public sector firms. More importantly, lack of unity amongst employees is one of the most important attributed causes in comparison to even the intensity of conflicts with the management of the firm.

Majority of the firms do initiate action against employees who involve in violence. However, smaller firms, may be because of lack of expertise, find it difficult to initiate actions. Employers, mostly take action under labour law. In majority of the cases in which employees were charge sheeted, they lost their jobs as a punishment for involving in violence. Younger employees seem to be prone to involvement in violence.

While no one took actions under Civil Law, actions under Criminal Law also were not as prevalent as actions under Labour Law. No one seems to be getting

convicted/punished for involving in violence under Criminal Law.

Most of the employees who lost their employment were able to rehabilitate themselves by being self employed.

Violence in industries is rarely of a severe nature, while fatal cases are not ruled out.

While the above constitute the empirical findings of the study, the following are some of the academic insights one could derive from these findings.

The tendency of violence to prevail more in larger organisations and amongst outsiders in smaller organisations seems to indicate its reluctance to occur between those who are familiar to each other. This is further corroborated by the findings that it again does not occur as much between direct superiors and subordinates as between those of different levels belonging to different departments. While violence as such is shunned by the society, if it has to occur, it

seems to be socially acceptable only between strangers. (In a large organisation, the aggressor becomes relatively more anonymous). At a very mundane level, it can be explained that it might be happening that way in order to escape negative consequences.

Study of violence across years indicates its tendency to largely confine to time periods when the industrial relations climate and the rhetoric of the period emotionally heat up the atmosphere. In terms of the possible explanation given in the previous paragraph, such atmosphere again enables individual incidents of violence to become inconspicuous ensuring perception of relative anonymity for the aggressor.

There seems to be parallels in larger society indicative of this tendency of violence to confine to situations of perceived anonymity between aggressors and victims. Urban communities and migration seem to account for more violence in comparison to traditional village communities (exceptions would be the caste based violence in rural Bihar and similar areas).

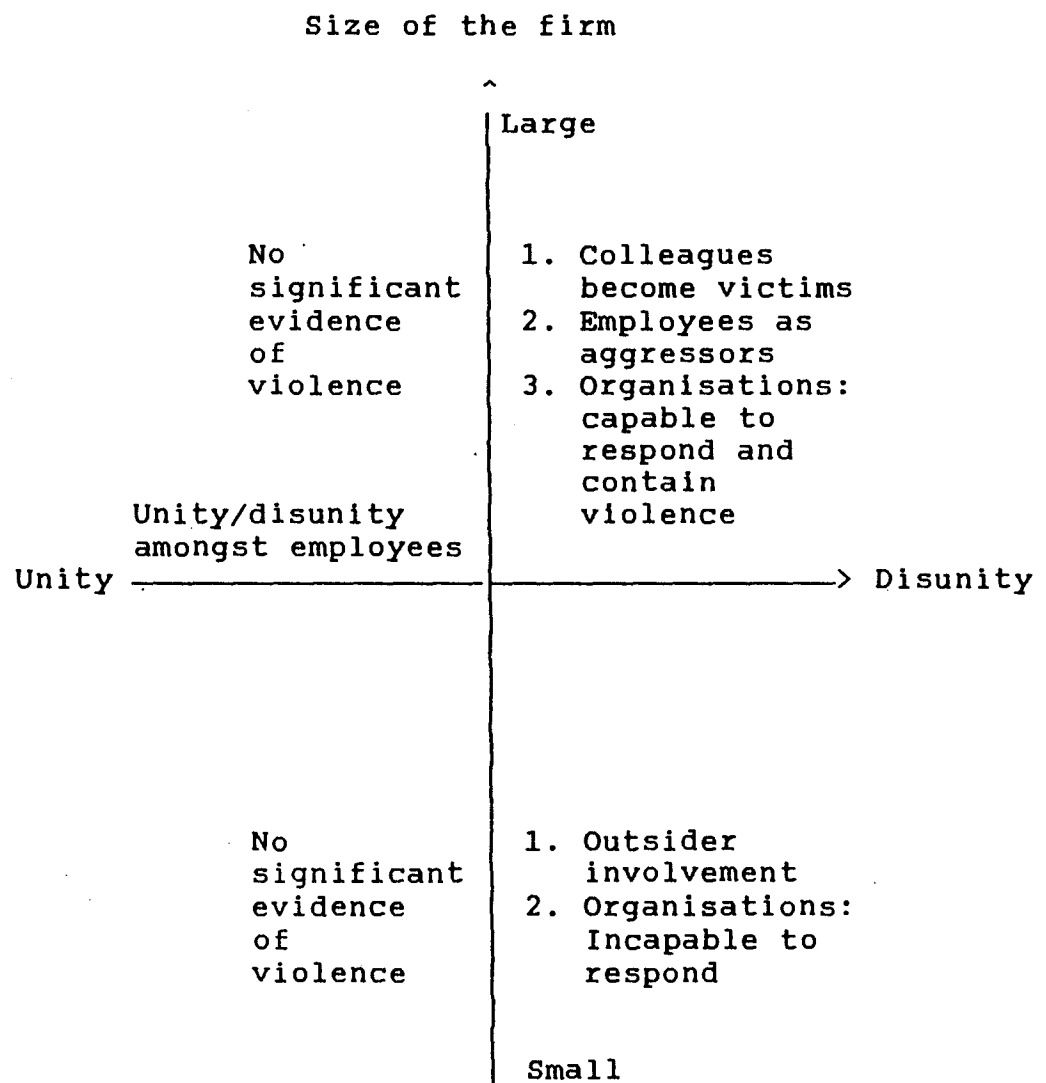
The data from the study partly challenge these notions when it comes to the question of dominant targets of violence. Colleagues form the dominant targets. The attributed causes of violence indicate that disloyalty of coworkers, betrayal etc. are the dominant motivations for violence. The lack of unity or conflict between different levels in the hierarchy seems to be taken for granted and forms only a necessary condition for violence. Unity within the same levels seems to be precious to one's heart and the disruption of the unity seems to be the dominant motivation for violence.

The above two contentions have their implications for consequences of violence. While violence is mostly confined to industrial relations situations or situations of management (or owners) employee conflicts, the aggressors and victims both strangely come from the category of employees. Secondly, while the relative anonymity within large organisations is conducive to violence, the same phenomenon also enables such organisations to take punitive actions against their employees. Smaller organisations face violence through involvement of outsiders and partly for this reason and partly due to less impersonal relationship between management and employees, they find themselves less capable of effectively responding to violence.

One way of modelling the phenomenon is as follows.

FIGURE 5.1

A DIAGRAMMATIC REPRESENTATION OF INDUSTRIAL VIOLENCE



5.2 Research Implications

This study, being more of an exploration into the phenomenon of industrial violence, opens up possibilities for more rigorous work on the propositions discussed.

Causal studies in areas such as why large firms are more prone to violence, the direction of causality between strikes and violence etc, would be able to contribute towards a deeper understanding of the phenomenon.

Research is required on noncognizable offences and differences in their characteristics and consequences, violence in non-factory organisations, relationship between ideology of the unions and involvement in violence, the degree of violence tolerated by organisations, unions' role in protecting the employees involved in violence, union rivalry and violence, etc.

Some of the insights from this study seem to be relevant even for non-industrial violence situations.

Probably these insights are already there in generic literature on violence. Hence, there is also a need for further literature based studies on nature, motivations and consequences of violence per se and the similarities and contrasts between industrial violence and non-industrial violence. Specifically two of the most important insights from this study, such as the reluctance of violence to arise between those who are familiar to each other, and the motivation for violence being located in a feeling of hurt, might have relevance to situations of non-industrial violence. The fact that the necessary conditions of violence are different from motivations for violence to occur could also be probed in situations of non-industrial violence. (In this study, the necessary condition to violence was found to be employer-employee conflict, while the motivation for violence to occur was betrayal by fellow employees).

5.3 Managerial Implications

In the introduction to Chapter I, we discussed briefly about the benefits of industrialisation and how delicate a job it is to run the industry to meet its objectives.

For example, South Korea went in for rapid industrialisation. However, recent industrial unrest among the employees in South Korea was an eye opener. The pace of change after 90's has been very drastic. The world is now a 'global village'. The information technology has broken all the human barriers. The change is all over. According to Gurr (1972), "Statistical studies of the frequency of violent outbursts in a number of nations over a period of years indicate that violence is related to rapidity of social change". Klineberg (1981) states "This may mean that such change brings with it new expectations, and as a consequence new frustrations leading to violence. It may also mean that a greater rate of change is associated with greater instability".

According to Klineberg (1981) "Gurr summarizes a large number of quantitative studies as follows: 'violent conflict is greatest in developing nations, least in modern nations, intermediate in the least developed, most "traditional" nations'".

Ours is a developing nation and if one borrows Gurr's findings, violent conflict would be at its greatest.

Probably as stated by Chowdhury (1990), "When the militancy rate in India touches 90 per cent by 1992, there will be at least 80 direct labour actions or industrial troubles per day. Therefore, there is no doubt that the country is moving towards a trade union explosion".

The managements of industrial establishments in India will therefore have to be more sensitive to violence and will have to work towards prevention of occurrence of violence.

In this study, we explored the attributed causes of violence. Since disruption of unity amongst employees seems to be a dominant attributed cause of violence, from the point of view of avoiding violence, lock-out may be an effective means. Encouragement of loyalty to management amongst a section of workers may become rather a means of ensuring violence.

The larger the size of a firm in terms of manpower, larger the need for organisational preparedness to face violence especially during industrial disputes related situations. In both larger and smaller firms, violence enters through the back door and not in

confrontations between direct superiors and subordinates. Creation of an atmosphere for expressing resentments directly to one's superiors probably can prevent the entry of violence through the back door and also prevent violence itself by avoiding pent up frustrations.

Procedures under Criminal Law seem to be ineffective in establishing acts of crime by the accused in a reasonable span of time. If criminal law has to act as a deterrent, drastic changes may have to be brought about. An alternative is to further strengthen the provisions under Labour Law which essentially is more effective as a deterrent.

While answers to mitigating industrial violence may be difficult to come forth, understanding nature, motivations and consequences of violence can lead to better preparedness on the part of the society. This study probably contributed in a little way in the journey towards this preparedness.

ANNEXURE 1

LETTER SEEKING PRELIMINARY DATA

From: Vinay Raykar,
C/o. Automobile Corporation
of Goa Ltd.,
Sujay Apartments, 5th floor,
Panjim, Goa 403 001.

Dear Shri,

I would introduce myself before I proceed further.

I have been working right from inception at Automobile Corporation of Goa Limited, a Company jointly promoted by EDC & Telco. Presently I am working as Manager (Pers & Admn) looking after Personnel & Administration matters of ACGL. I have been also associated with Goa University as contributory faculty for Master of Management Studies (MMS) in the Department of Management of Studies and also with Goa Institute of Management of Studies, Miramar Panjim.

Being in the field of Personnel Management I have always been intrigued by the violence which these days takes place in almost all the organisations. This question has inspired me to conduct a study which will also fulfill my desire of improving my academics in the form of Research Project for my PhD.

I propose to study the consequences of Industrial violence in Goa. In this context I would require your help in gathering data about your unit. May I therefore request you to send the enclosed Form duly filled in and mail it back to me. I have also enclosed self addressed stamped envelope.

Please be assured that the information will be treated strictly as confidential.

After receiving your reply I would call on you personally for further information.

I look forward for your valuable reply.

Yours sincerely,

(VINAY RAYKAR)

Encl: As above

To,

- 1) Unit's Name :
& Address.

- 2) Year of Manufacturing :
and products

- 3) No. of persons employed :

- 4) Number of violent incidents :
which took place in the past
10 years and year of occurrence

ANNEXURE 2

REMINDER

From: Vinay Raykar,
C/o. Automobile Corporation
of Goa Ltd.,
Sujay Apartments, 5th floor,
Panjim, Goa 403 001.

Dear Shri,

I hope you have received my letter dated 1st July, 1991 regarding certain information from your organisation for research purpose.

Probably, due to pre-occupation with work, you might not have been able to reply to my letter so far. I would be however, grateful if you could send the details early. I have already sent a self-addressed stamped envelop with above said letter. Your early reply would be of immense value to complete the research and I look forward for the same.

With regards,

Yours sincerely,

(VINAY RAYKAR)

To,

ANNEXURE 3

QUESTIONNAIRE

Name of the Unit:

SUMMARY DATA

Brief summary of violent incidents (from 1979 onwards)

Sr No. of inci- dent	Month/ Year of Occuran- ce	Brief description of violent act	Cause	Action

Extensive Detailed information beginning from Sr. No. 1 from the organisation (one set for each incident)

Sr 1 Exact description of violence

Who was involved/affected External person/ non-employee.

Names & Number of employees involved/affected.	Total No. of days lost .
--	--------------------------

Nature of injuries suffered by people

What was the cause behind violence.

Was there work stoppage	Yes/No
Duration of work stoppage	

Probable loss or earning of the unit per day (to quantify the loss)

What was the action taken by Company?
Warning/SCN/Suspension

Any case reported to police

Any suit filed for claiming damages in civil court

Any action of severing the employee relation i.e.
towards termination

(Probable expenditure incurred by Company on
filing and following these cases including legal
and other)

What is the outcome of these cases a, b, c

Any one criminally prosecuted ?

Any damages/loss recovered?

Any body dismissed from services ? or
voluntary terminations.

Any idea as to what the terminated are doing for
their livelihood.

Were the employees were terminated on the basis
of enquiry ?

If so, were they on job or suspended? Duration
of suspension.

Were they paid suspension allowance if suspended

Interaction from persons who lost the employment

What were the reasons for your termination ?

Were you terminated alone ?

What are you doing now - job/business/idle

What is the income now ?

and what was it at the time of termination

No. of dependents at the time of termination & now

Is the termination being challenged and what is the status ?

What is the expenditure incurred so far for legal and other expenses ?

Any compensation awarded, if so, how much.

Any criminal action taken by police/Govt. on you

Any court case pending ?

What were the legal expenses incurred to defend yourself ?

Details to be collected from persons involved/affected by violence as per part A serial.

What lead to violence.

Any physical injuries ? Any deformities ? Mandays lost.

How you got involved in the violence.

What action the Company took to attend to injuries?

What action Company took on people who originated and propagated, participated in the violence ?

STATEMENT of Shri Christopher Fonseca,
Secretary, 'Goa Trade Unions & Traditional
Workers 'Co-ordination Committee'-
Explaining his STAND on the issues of the
INDEFINITE 'HUNGER STRIKE' resorted to by
him w.e.f. 24th Jan. 1986.

My dear Comrades,

I have to make the following declaration:-

1. The Chief Minister of Goa, Mr. Pratapsing Rane, drawn as he is from a Land-lord, feudal-class of people, with an ingrained abhorrence, antipathy and contempt towards the toiling masses and the working-class; has, ever since he enjoyed the reigns-of-power, tried his utmost to curb every genuine working-class struggles that took place in Goa since the '80's.
2. Since the last six years, the attitude of the Goa Govt. and the Capitalist-class has been one of: "If you cannot crush any struggle, or kill it; then continue the misery of the oppressed struggling masses until they give-up". The Police, the Courts, the administration, the intelligensia, the professions, and the jails have been used extensively to thwart every form of a struggle in Goa.
3. The Working-class and the toiling-masses in Goa, organised under the banner of the "Goa Trade Unions & Traditional Workers' 'Co-ordination Committee', have borne the brunt of repression let-loose by the Govt. over the years. Despite all odds, the people in Goa have been continually organising themselves for greater "Liberation" from the bondage of the "Oppressor-Class", and have been systematically & Constitutionally securing for themselves their legitimate RIGHTS. Over 60,000 working-men & women, fishermen, Toddy-Tappers, Miners, Professionals & Government-servants in Goa have come under the banner of the "Co-ordination Committee" which has undauntingly 'Co-ordinated', guided and strengthened all those just struggles that have been waged by the toiling-people in Goa from time to time.

..2.

4. The Pratapsing Rane Government, unnerved at the mass-awakening and upsurge, has taken upon itself to eliminate the Trade Unions and Mass Organisations under the 'Co-ordination Committee', and has, since the last three years, launched a fierce campaign to break-to-pieces the Constitutional, democratic, patriotic, principled and a genuine Peoples'-Struggle. Of late, the Strikes, the Lock-outs, the Lay-offs, the innumerable Closures, and retrenchments and the 'golden-handshakes' have become the order of the day; as they are a direct outcome of this systematic drive of the Rane Government to demolish the "Co-ordination Committee", which is an A-political entity (not affiliated to any political party).

5. a. The 6-Months-old Strike by the workmen at the Salgaonkar Group of Hotels: Hotel Zuari, Hotel La-Paz, and Hotel Little-Chef at Vasco, Goa;
- b. The 3-Months-old Strike by the workmen at the AUTOMOBILE CORPORATION OF GOA LIMITED (ACGL), Onda, Sattari, Goa;
- c. The 12-Month-old Strike by the 39 workmen employed at M/s Hindustan Ciba-Geigy, Corlim, Goa;
- d. The TWO-YEARS-OLD unresolved demands of the employees employed by the CHURCH AUTHORITIES in Goa;
- e. The unresolved ONE-POINT DEMAND of those employed in the various Panchayats in Goa to be accorded the status and salaries/allowances akin to the Government servants in Goa;
- f. The 2 Months-old LOCK OUT by the MANAGEMENT at Hotel SILVERSANDS on the issue of recognition of the Union, Illegal termination of 7 workpersons and their Charter of Demands;
- g. The THREE MONTHS OLD strike by the workers of M/s. Caculo Nets, Tivim, Goa, on the issue of the Charter of Demands;

- h. The 9-Months Old Lock-out of the workmen at M/s. Kalanath Tile Works, Mapa, Panchwadi, Goa;
- i. The 10-Months-old Illegal LOCK OUT at M/s Crestel Marketing, Bicholim, wherein over 300 female employees are employed;
- j. The Continued Non-Employment of the workmen at M/s Crunet Aerated Waters Pvt. Ltd., Margao, Goa, since the last 4 years and the consequent Governmental inaction;
- k. The Continued Illegal Lock-Out at M/s Bandekar Alloy Steels Pvt. Ltd., Sancoale, Goa;
- l. The issue of Non-employment of the workmen by the Management of M/s Kay-Pee-Steels Pvt. Ltd., which is a successor Company to M/s Goa Metal Casters Pvt. Ltd., Usgaon, Goa;
- m. The Two-Months-Old Lock-Out at M/s Borker Printers, Margao, Goa;
- n. The One-Month-Old Lock-Out at M/s. Servex Auto, Margao, Goa;
- o. The Lock-outs at M/s. Kingdom Industries & M/s Pallatizing at Corlim, Goa;
- p. The Continued Lock-Out of M/s Super Structures Pvt. Ltd., since the last 3 years at Margao, Goa;
- q. The two-years old Strike at M/s Sterling Magnetics Pvt. Ltd., Zuarinagar, Goa;
- r. The Lock-Out at M/s Samant Shipyards, Chicalim, Goa;
- s. The Illegal Lock-Out at M/s Cordel Ice & Cold Storage at Marcela, Goa;
- t. The Illegal Non-employment of workmen at M/s Tip-Top Tiles, Ponda, Goa;
- u. The total lack of will in the Government to decree abolition of Contract-Labour in the perennial, continuous, and essential employments at M/s Zuari Agro Chemicals Ltd., Hindustan Ciba-Geigy, Goa Shipyard, the Mining & allied Industries such as Transportation

Barge-building activity etc;

ARE all a proof that the Goa Government of Mr. Pratapsing Rane & Co. and the Labour Machinery are tacitly against the interests of the working-class and the toiling-masses in Goa. Neither the presentday, nor the Rulers of yester-years in the Goan polity have taken the trouble to settle the genuine problems of the people: Neither those that were enunciated through the relentless struggle of the Traditional fishing-people in Goa, nor those of the Toddy-Tappers; nor have they safeguarded the interests of the burgeoning working-class in Goa.

6. The Present-day Government is a Government that is heavily vested in favour of the Capitalists, Land-lords, and Factory-owners. It's a Government that is decidedly against the poor people in Goa. Mr. Pratapsing Rane's Government is a tool of oppression of the poor in the hands of the Rich.
- 7.a. HOW? Mr. Pratapsing Rane is personally involved against the long-drawn struggle waged by the workers of AUTOMOBILE CORPORATION OF GOA LIMITED (ACGL). He has seen to it that the Police Inspector Chandrakant Salgaonkar posted at the Valpoi Police Station as well as the Police Department is used to the maximum to humiliate and crush the legitimate and just struggles of the workers at ACGL.
- b. Mr. Pratapsing Rane is personally involved in the torture of his political opponent and a Social Worker, Mr. Vincey Gonsalves at the Valpoi Police Lock-up by Inspector Chandrakant Salgaonkar & Co. on 2nd December, 1985.
- c. Mr. Pratapsing Rane is personally involved in the arrest of 13 striking drivers at the FOMENTO & THE SESA GOA Mines and their inhuman & humiliating torture by police on 13th January, 1986 at Valpoi Police Lock-up, once again at the hands of the same police Inspector, Chandrakant Salgaonkar & Co.
8. The Goa Government headed by Mr. Pratapsing Rane is responsible for the unbearable cost-of-living, rising prices of all essential commodities & articles of living

- and use experienced by the bonded & the Daily-Wage earners in Goa.
9. The Goa Government is solely responsible for the large scale destruction & robbing of forested-wealth in Goa under Government patronage.
 10. Mr. Pratapsing Rane is personally liable for selling the Choicest of Comunidade Lands at throw-away prices to the Industrial houses and moneyed parties, who are rushing to exploit the cheap and subservient Labour force in Goa and its natural wealth, denying the Goan people even a cent of a land for the future!
 11. The Government of Goa is responsible for the acute shortage of housing and living-space available in Goa; and the exorbitant RENTS that salaried and middle-income people are required to pay in Goa to acquire accommodation.
 12. It is this Corrupt Government headed by Mr. Pratapsing Rane which is responsible to have raked-up the language controversy in order to divide the oppressed people in Goa; and Mr. Pratapsing Rane should hold himself personally responsible for the brutal lathi-charge resorted to by the Police on protestors on 21st January, 1986 in Panjim.
 13. The Rane Government having encouraged reckless tourism in Goa - the major cities : Panjim, Margao, Mapusa and Vasco-da-Gama, as well as their suburbs, are made to reel under acute water-shortages right from the month of November last year, 1985 onwards. The inflowing Tourists are compelled to sleep on footh-paths and on themselves in the open, in gardens and on the river-banks due to lack of accommodation. While Princes, Princesses, Pope, Presidents and Prime Ministers and lesser-fry are being invited with pomp, now to the decaying Goa, once known as the "Rome of the East" !
 14. Goans have lost their "IDENTITY" and unemployment is on the increase ... Retrenchments, lay-offs, lock-outs and Closures of Industries are being allowed to be

imposed upon the toiling working-class with impunity.

15. Once upon a time, "Striking-work" by the workmen/ Unions, and "Lock-outs" of establishments by the Managements were standard tools in the armoury of Collective-bargaining. But times have changed. Managements prefer a "Closure" instead of a Lock-out, thanks to the enormous financial resources placed in the hands of the Capitalists by the "Nationalised Banks", Economic Development Corporation, MSFC, IDC, IDBI; and lucky for the abundant "Surpluses" and "Reserves" amassed by the Industrialists through ruthless exploitation of sweated-labour over the years Today, "Strikes" are not fetching the desired results. The weapon of Strike has been rendered useless; due to the extensive use of "Back-legs" as Strike-breakers drawn as they are from the ranks of the "unemployed", the impoverished and semi-starving Communities ... coupled with this is the ready-to-oblige Courts who dish out "Injunctions" at the mere wisps of a Management appointed advocate!
16. It is no wonder then, faced as they are with a dead-end (cul-de-sac), there is increasing temptation to resort to Industrial violence ! And all the while the workmen are goaded, albeit told to sit quiet and suffer humiliation and the crushing sense of defeat; while the Managements heap one form of VIOLENCE against them after another - ... As usual, as the saying goes: "The Rich Man's fart does not smell". It is that helpless Man's acts that are construed to be violent, disruptive, peace-shattering, sabotage, irreligious, sacrilegious, undemocratic, illegal call it hundred other names.
17. Goans and their village-economies are facing extinction : With the onset of indiscriminate mechanisation,

..... 7.

the traditional fishermen are facing extinction; with the setting up of capital-intensive distilleries/ breweries, the Toddy-Tapping communities and their liquor trade has turned uneconomical and spurious; Acute shortages and prohibitive pricing of raw materials such as wood, fuel-wood, flour, have destroyed the cottage industry of the Carpenters, Potters and village bakers. Prohibitive pricing of inorganic fertilisers and the frightening depletion of water resources and irrigational facilities and the seepage of mining rejects into fertile paddy fields abutting the Iron ore mines has rendered farming and agriculture uneconomical for the small-scale marginalised agriculturist in Goa. The Gulf States and European States-bound Goans return back to Goa in thousands to tell us morbid and macabre tales of ruthless exploitation and their humiliation by the powers that be over there, and they tell us of the mind-boggling Retrenchments and lay-offs suffered by them personally during their employment abroad ... The 'Foreign-bound' Goan is returning home bitter, incapacitated and helpless ... The Dhan-gars, the Velips and their flock of sheep and cattle are being systematically denied their primordial and pristine grazing-grounds due to reckless deforestation and since hundreds of acres of forested land have been bought over by Multinational Companies and Businessmen at Sattari, Sanguem, Quepen, and Canacona Talukas. The 'Kunbis' and 'Gawdas' as a community are being eased out of their age-old professions since they are being supplanted and substituted by cheap labour brought in as 'bonded labour' from outside Goa. While the masses in Goa are reeling under the heavy yoke of rising prices Communal Passions are being aroused by those in authority and the vested interests in Goa. The Masses

are being silenced in the name of religion; they are also being divided ... The people in Goa, specially the poor, and the working class have reached a desperate state. Their economic-base having been destroyed, they are at the mercy of the "Oppressors" : The Rulers, the Industrialists, the Capitalists, The Smugglers, the Land-lords, the factory owners and the neo-rich.

18. The Educational system, highly prohibitive in terms of costs, 'exclusive' in terms of opportunity; is another structure that further enslaves the new generation of young men and women.
19. The undersigned neither claims himself to be a prophet nor is he in a position to remedy all the issues outlined above. The little strength I have, I will utilize to symbolise my revolt against the ' f a s c i s t ' rule of the Government headed by Mr. Pratapsing Rane, and to seek an immediate solution to the following ISSUES:

1. IMMEDIATE SETTLEMENT of the STRIKE-ISSUES as well as the CHARTER of DEMANDS served by the Union on behalf of the workmen at the SALGAOCAR HOTEL DIVISION, Vasco; Or else take-over of the Hotels to be run by the Government.
- II) IMMEDIATE SETTLEMENT of the issues arising out of the TWO MONTH'S OLD STRIKE by the workmen at the AUTOMOBILE CORPORATION OF GOA LIMITED, Onda, Sattari, Goa.
- III) IMMEDIATE SETTLEMENT OF THE ISSUES OF THE CHARTER OF DEMANDS served by the UNION on behalf of the Church Employees upon the CHURCH AUTHORITIES IN GOA.
- IV) IMMEDIATE EMPLOYMENT to be given to the 39 employees who have been on STRIKE since the last 12 months, opposite the Hindustan-Ciba-Gate at Old Goa, demanding A JUST WAGE STRUCTURE & REGULARISATION OF EMPLOYMENT.

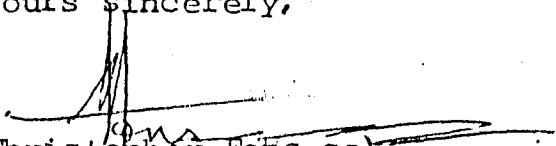
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- V) IMMEDIATE TAKE-OVER of HOTEL SILVER SANDS by the GOVERNMENT in the event the LOCK-OUT and the issues of the CHARTER OF DEMANDS remain unsettled.
- VI) IMMEDIATE SUSPENSION OF POLICE INSPECTOR CHANDRAKENT SALGAOCAR AND A HIGH POWER ENQUIRY INTO HIS ILLEGAL AND ANTI-PEOPLE AND CRIMINAL ACTIVITIES.

Voicing the above six issues, the undersigned, the Secretary of the "Goa Trade Unions & Traditional Workers' Co-ordination Committee" undertakes an INDEFINITE FAST, an INDEFINITE HUNGER-STRIKE from mid-day of 24th January, 1986.

The undersigned authorises Com. George Vaz and Subhash Naik to represent him in all forums.

Yours sincerely,


(Christopher Fonseca)
General Secretary
Goa Trade Unions & Traditional Workers'
Co-ordination Committee.

DATED : 24th January, 1986.

PLACE : Panjim, Goa.

- c.c. The Lt. Governor, Shri Gopal Singh.
- c.c. Mr. Pratapsing Rane, the Chief Minister of Goa.
- c.c. The Labour Minister, Govt. of Goa, Panjim.
- c.c. The Union Labour Minister, Govt. of India, New Delhi.
- c.c. Representative of Employees, Goa.
- c.c. The Prime Minister, Govt. of India, New Delhi.
- c.c. Representative of Trade Unions, Goa Territory.
- c.c. Members of the Goa Legislative Assembly.
- c.c. Union Home Minister, Govt. of India, New Delhi.
- c.c. All Units of the Goa Co-ordination Committees.
- c.c. Com Indrajit Gupta, M.P. AITUC, New Delhi.
- c.c. C.L.C. (C) New Delhi, R.L.C. (C), Bombay.
- c.c. The Directors, M/s VMSB, Vasco.
- c.c. The Labour Commissioner, Junta House, Panaji.
- c.c. The Archbishop Patriarch of East Indies, Panjim.
- c.c. The Chief Executive, ACGL, Onda.
- c.c. Comrade George Vaz.
- c.c. The Chief Executive, Hindustan Ciba-Geigy, Old Goa,

Appeal To Fellows And Workers

Dear fellow workers

For last two years the goonda elements have come on the labourfront. In the name of Cristopher Fonseca there exists not a man of blood and flesh, but a tendency which sucks the blood and daily bread from the mouth of workers in the disguise of labour unions.

Mr. Fonseca's main labour union activity is to provoke the poor workers to go on strike and thereby snatch away their daily earnings in the lives of many families. For simple reasons this Fonseca, who also acts in the hands of management many a times, declares strike and threatens the workers to support his call for strike, even though they are not willing to go on strike,

His, this goonda attitude has brought down the shutters of more than 50% industries in this little territory of Goa.

The following list may give you an idea of Cristopher Fonseca's method of working for the benefit of workers

Name of Unit	Strike Period	Benefit
1. Crunet Soda	24 months	Closure
2. Govind Poi Oxygen	13 months	Nil
3. Super Structures	10 months	Nil
4. London Star	6 months	Nil
5. Zuari Marine Industries	3 months	Lockout
6. Sterling Magnets	6 months	Lockout
7. Metal Industries		Closure
8. Bandekar Alloy Steel		Lockout
9. Mandovi Shipyard		Closure
10. Goa Transport		Closure
11. Mangesh Steel Foundry		Closure
12. Sainet	56 days	Nil
13. Ciba Geigy (contract labour)	59 days	Nil
14. Samant Shipyard		Closure
15. Mandovi Pallot		Closure

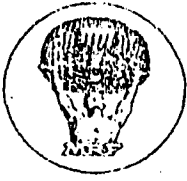
The above list is just enough to expose this money Manager Union leader. Wherever he has gone either the strike ended without gains to the workers or the Management closed down the factory. This has made poor workers to do away with the benefit which normally could have been gained.

This goonda leader on detecting his techniques of anti-workers was thrown away by the workers themselves from Arlem Breweries Ltd Christine Hodem India Pvt. Ltd. Goa Carbon & Wyeath Laboratories. From all these facts, we think that our fellow workers will realise the 'Blood sucker's activities and thrown away this anti labour so called labour union leader Mr. Cristopher Fonseca from their leadership.

It is better late than never. This blood sucker had taken the contribution of nearly more than three lakhs from all the above mention Units and brought the Workers on the road. We should not give any Chance to these elements to pay with our fortunes.

So we humbly appeal all our fellow workers in Goa to throw Cristopher Fonseca, away from their respective Unions and never give him a chance to ruin our fortunes.

Few Alert Workers



MRF

key
5/10
ANNEXURE-6

MRF Limited P B No 1 Usgao-Ponda 403 401 Goa
Phone 100/174 Grams MUSCLEMAN Telex 194-241

30th September, '86

Dear Sir,

You are probably aware by this time that our factory in Ponda, has virtually come to a standstill. We wish to appraise you of the background and incidents leading to this situation.

MRF Goa, has so far, entered into 3 settlements with our workmen in the year 1976, 1980 and 1984. As you may recall the 1980 settlement was reached after a prolonged strike of nearly six months. But the 1984 settlement was made with the same union leadership very amicably and without any coercion from either party. This settlement is in force till 1987.

In July, 1986, a change in the Union leadership took place both external and internal and Dr. Datta Samant from Bombay was selected as the President by the new Officer bearers.

Though we were well aware of Dr. Datta Samant's reputation and activities, we respected the decision and choice of the workmen and welcomed the new President. A meeting took place between the management and union and Dr. Datta Samant revealed his intentions by making a demand for what he termed as "Goodwill".

This goodwill is to consist of -

- 1 a one time lumpsum payment, and
- 2 a recurring payment by way of enhancement of wages.

..2..

Dr. Samant justified the demands in this way.

- 1 The workmen lost a huge amount since the raising of the ceiling of Bonus was effective from 1984-'85 onwards only. Therefore, this increase has to be paid for 1983-'84 also.
- 2 There is a wide disparity between the wages being paid in Bombay and that being paid in Goa.

As professional managers, we are sure, you will be able to appreciate the following points.

- 1 It is clearly a camouflaged way of breaking the existing settlement.
- 2 There is no valid justification or logic behind the demands.

The attempt to mislead the workmen becomes all the more clear by the fact that the next day Dr. Datta Samant, in a public meeting declared that he does not want to break the existing settlement and that he would honour it.

It will also be pertinent to mention here that although the raising of ceiling of Bonus to Rs.1,600/- was effective from May 1985, we paid the Bonus to the workmen at the enhanced rate from October 1984 to September, 1985, which is our financial year.

As for the disparity in wages, it will be obvious to you that one unit to another is not the only basis for wage fixation. At the moment, the wages that we pay to our workmen are well above the national average in tyre industry.

Sensing that the management's reply to their demands is likely to be negative, a section of our workmen in one department adopted "G-Slow" in that department from 15.09.'86. Their contention was that a particular operation called "blending of two stocks" was time consuming and was affecting their wages. By the II Shift of 19.09.'86, they stopped work contending that this is a new practice being introduced in the department.

In truth, this process of blending was being done by the same workmen since the inception of the factory as it is a quality and technical requirement. The same process is being carried out in two other departments of the factory.

Clearly, this is a pressure tactic to stampede the management into acceding to their demands.

..3..

with the stopping of this department, the factory production has come to a total standstill. All our attempts to convince the workmen and the union by records and reports that this is not a new practice, was met with stony resistance and the factory production continues to be at standstill.

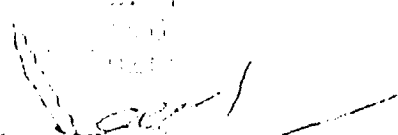
7 We have communicated to the union that we will not be a party to breaking of the existing settlement and, as such, any demand involving additional financial liability on the Company can be considered only after the present agreement has run out its course.

We are sure, as a professional manager, you will appreciate the stand taken by us. There are several instances of the industries coming together to thwart such threats against them. A recent instance would be the rare solidarity displayed by the Poona based industries under similar circumstances.

We request you to use your good offices to generate opinion in the Government circles, among the unions and the public against this movement and appraise them of the far reaching consequences it can have on the industrial and economic growth of the territory.

We trust you will appreciate the larger issues involved and act accordingly.

Yours faithfully,
for MATHAI LIMITED,


(E. B. MATHAI)
PLANT MANAGER

kkp

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