

Case Study: Maharashtra State Transport (ST) Strike (Diwali Gift) – Passengers suffer at whose fault?

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In the Month of October during Diwali festival season in 2017, the passengers - who wanted to travel across the state via State Transport - received a shock when they reached at various depot and realised that, all the ST busses were standing at depot idle. Newspapers featured a small news on the second or third page, contained in a small column, wherein The Maharashtra State, ST *Kamagar Sanghatana* (MSSKS) with the support of six other unions had declared an indefinite strike at mid-night of 16th October 2017.

The Maharashtra State Road Transport Corporation – Popularly known as MSRTC or simply ST – is established body of Maharashtra Government as per the provision in Section 3 of RTC Act 1950. Public transport in Maharashtra state had started during the 1920s. However, the Road Transport Act was established only in 1950 to offer better governance and norms of operating. Now the State transport is operated, managed and governed by the State Government of Maharashtra. With more than 19,000 buses and a workforce of more than 1 lakh, the MSRTC is the biggest transport undertaking in the country. Every day, it ferries more than 60 lakh passengers on intra-city and inter-city routes.

Diwali being one of the auspicious festivals in India, the strike was strategically declared on the eve of Diwali break. Maharashtra celebrates this holy festival at grand level. This period is almost like a mini vacation for many government & private employees, students, entrepreneurs and others. Taking the advantage of this period and to pressurise the Government this move was take. The Maharashtra State ST *Kamagar Sanghatana* (MSSKS) demanded implementation of Seventh Pay-commission and an interim hike of 25%. The Strike left thousands of long distance travellers stranded.

Sandeep Shinde, president of the Maharashtra ST Workers' Union said, "We are aware of the Diwali rush, but are left with no other option but to go on an indefinite strike, we have been rendering our services to passengers since long, but this time we need their support for our survival. on behalf of the union, I

apologise for inconvenience caused to passengers." He further added that "If our demands are met, we are ready to end our strike right now." Chief Minister, Shri Devendra Fadnavis and Transport Minister agreed to pay an interim hike of 10%, but that would effectively give a salary hike of 600-700 rupees only, per month. This was not acceptable. "We are demanding salaries under the seventh pay commission for MSRTC employees. Our salary was at par with the state government employees before 1995. But now, a majority of MSRTC employees get only Rs. 8,000/- to Rs. 9,000/- a month salary, which is very little," said Shinde, adding that that the union was supported by six other unions.

Employees of MSRTC complained and questioned that the condition of buses, cracked windshields had not been replaced for years, headlights are broken, indicators are damaged which could lead to accidents, but resources are allocated for installing Wi-Fi facility in buses, instead of raise in salaries. They questioned the intentions of the Government.

On 18th October the effects of strike had taken a serious shape, and media reported this heavily. Passengers had to wait in long queues and waste almost one full day of Diwali holidays, in trying to reach their families. Opting for cabs was expensive and not very safe. People had to wait for hours to get a bus to their destination. A bus ticket now cost 1500 instead of 500 or 800 rupees in the day time and 2000 rupees for a night journey. The reason being, during the festival, buses might go one-way fully loaded but may have to return vacant.

Meanwhile, managing director of MSRTC, Mr. Ranjit Singh Deol, transport commissioner Praveen Gedam and principal secretary (transport) Mr. Manoj Saunik held a meeting with representatives of the MSRTC workers union, but the talks didn't yield any results.

Mr. Milind Band, deputy general manager (operations), MSRTC said that "We had put up notices at all the bus depots asking the agitating staff to call off the strike and resume duty, but unfortunately they have not done so.

The administration is now seriously thinking of taking disciplinary action against them.” The transport department had temporarily allowed private vehicles, including school buses, to ferry passengers and special instructions were given to R.T.O. about not troubling these private transporters during this period. However, the alternative arrangements had failed to provide much succour to passengers travelling home for Diwali. The MSRTC officials approached to the Director General of Home Guard, requesting him to provide personnel those holding valid driving license with ‘Passenger Service Vehicle’ badge, asking them to report to nearby bus depots.

By 19th October, the ticket prices sky rocketed to 3500 (for an otherwise fare of 700). Adding to the vows, people could get into the bus, but getting a seat for not a guarantee. The authorities, groping to control the solution, cut water and electricity supply to the washrooms used by employees and members of Maharashtra State Transport *Kamgar Sanghatna*. Instead of pressurising the strikers, such antics added fuel to fire.

Government directed General managers and divisional controllers to report to and remain in their office and work full working hours. Police security was arranged at all bus stops and private players ordered to offer inter-district bus services. Uber also came up with private rides.

Chief Minister of Maharashtra, Devendra Fadnavis had discussions with state Transport Minister Diwakar Raote to defuse the situation followed by a twelve-hour-long negotiation with the unions. He proposed a hike of Rs. 4000/- to Rs. 7000/- from the administration but the unions were unhappy and the discussion failed to yield any results. MSRTC had already agreed to hike salaries of its employees as per the recommendations by the 7th Pay Commission. This would have reportedly increased MSRTC employees' salaries by Rs 4,000 to Rs 15,000 depending on their seniority and put additional burden of Rs 1,100 crore on the corporation. But the employee unions were dissatisfied with the hike. Marathon meetings between Mr. Raote and various employee unions could not yield an outcome. The discussion was finally called off, following the directive of the transport minister that discussions would continue only after the strike was called off.

Commuters, on the other hand were forced to cancel outings or had to struggle to find bookings and reservations using other modes of transport. The private buses fares just rose sharply. They were also running on full occupancy. Commuters preferred to be at home instead of going anywhere and those who wanted to go had to pay twice or thrice of the actual fair to the Private Transporters.

After the District collector ordered, in the next two days over 700 private and 100 school buses were on roads, but due to Diwali holidays, finding these many drivers was difficult. Private bus operator, Purple, CEO, Mr. Rohit Pardeshi, arranged for 40 drivers for RTO, to clear the bus depot and park buses in COEP ground, Pune.

Moreover, in order to offer full service, systems had to be up and streamlined so that people could buy tickets at the depot. Railways had to be ramped up by opening additional 28 counters, as people opted for trains in this chaos. People blamed the government for not being able to stall the strike, especially during Diwali, and not being able to arrange for alternatives.

In order to get the solution through the legal framework a Public Interest Litigation (PIL) was filed by a Mumbai based journalist Mr. Jayant Satam. On 20th October 2017, a single judge vacation bench of High Court had termed the strike “illegal” and directed the MSRTC staffers to end the strike and resume the regular services immediately. High Court had also directed the state government to form a five-member high-power committee comprising the finance secretary, transport secretary, transport commissioner, MSRTC managing director and a union representative, by Monday (October 23). The court added that the government could not remain a mute spectator on the strike. This was affecting the public at large, especially during the festive season. According to a PTI report, Justice S. K. Shinde also directed the committee to look into the employees' issues, to submit its interim report by November 15 and the final report on December 21.

Maharashtra Essential Services Maintenance Act, 2011

Under Section 2 (b) “strike” means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed,

to continue to work or to accept employment, and includes, —

- (i) Refusal to work overtime, where such work is necessary for the maintenance of any essential service;
 - (ii) Any other conduct, which is likely to result in, or results in, cessation or substantial retardation of work in any essential service
- Under section 4 Upon the issue of an order under *sub-section (1) or sub-section (3)*,
- (a) No person employed in any essential service to which the order relates shall go or remain on strike;
 - (b) Any strike declared or commenced whether before or after the issue of the order, by persons employed in any such service shall be illegal.

After long closed-door discussions following the court directives, State transport services finally resumed its operations on the morning of 21st October after the workers' body decided to withdraw the strike on its fifth day. After holding deliberations following the HC directives, joint action committee of MSRTC workers' unions issued a statement early morning on Saturday and said that considering the High Court directives to the staffers as well as to the state government, a decision to withdraw the strike had been taken. Hanumant Tate, general secretary of MSSKS, said that they would check if they could challenge the High Court's decision of holding the strike illegal in the apex court.

Post-strike, the state transport buses were back on roads but they plied empty making only a few fares out of the rounds. A day later, the bus depots saw little hustle-bustle after the strike was called off.

Speaking about the losses sustained by the corporation, Deputy General Manager (Operations) Milind Band said, the MSRTC had a daily turnover of 20 crore, which had taken a 98% hit due to the strike. Mr. Deol also said that their estimated loss because of the strike could be in the range of Rs. 80-100 crore.

Industrial dispute laws, and the high court's order declaring the strike as illegal mandates the MSRTC to take the action. Ten days after strike, apart from the four days of the strike, the corporation decided to deduct 36 days' salary. The salary was supposed to be deducted over six months. Employees were supposed to be paid for only 24 days (while they work for 30/31 days) over the next six months but Transport Minister Diwakar Raote said that, "considering the financial situation of the employees, administration has agreed to revoke the earlier Decision and deducted the

salaries of employees for the four days they staged the strike'.

For Seventh Pay – commission to happen, the bus fares would be required to be hiked by 250%. Annual income in 2017 for MSRTC is 7056 crores, expenses are 7584, which makes it a loss-making entity. With seventh pay - commission expenses would rise to 8000 crores per annum.

High Power Committee Report

The panel came up with a report, which recommended a pay revision for over one lakh drivers and conductors. MSRTC sources noted that the money will be recovered from commuters by increasing the fares. Brace for a possible 12.3% fare hikes, if implemented, will be applicable to 18,000 buses, including AC Shivneri buses.

Maharashtra ST *Kamgar Sangathana* leader Sandeep Shinde told, "Drivers get a salary of Rs. 11,045/- and the panel report has proposed a revised pay of Rs. 11,919/- This is a small hike and we do not accept it. The salary should be raised to Rs. 18,000 a month as drivers have to work hard and under strenuous conditions,". The unions were unhappy with the proposed revision and have threatened to protest again.

An MSRTC official said, "The matter is in court, so workers cannot decide to go on strike. Else, they will face stringent punishment." MSRTC had last time announced a cut in workers' salaries for joining the strike. "This time, the court could take a serious view if the unions declare a strike," the official added.

Questions to discuss

1. Analyse and Specify whether the Union was right or Wrong? Justify your answer.
2. Did Union follow right process of strike? Justify your answer with legal and illegal strike with respect to Maharashtra Essential Services Maintenance Act, 2011 Act
3. Quote your opinion on the trouble and inconvenience cause to common public at large.
4. Was the decision of Bombay high court to charge penalty to the participant, right?
5. Should the High-Power Committee decision to be challenged in supreme court?
6. What precautions both the parties of the strike should take to avoid such situation in future.?