CHAPTER VII

Development of Trade Union Movement

Having discussed some important implications of employment conditions and violent labour behaviour in Chapter VI, we shall now examine in this chapter development of trade union movement in Indian Coal fields as concomitant factor. This is likely to highlight special characteristics of industrial relations system in Indian Coal Industry. The labour movement in Coal industry in India had its origin in 1918 in the Jharia Coalfield of Bihar. In that year there was a case of assault by an Indian collier to the European Manager of Tata's Sijua Colliery as a protest against the victimization of workers resorted by the manager. Then a legal suit was instituted and continued for a prolonged period in which workers concerned were exculpated. During the course of legal proceeding workers thought in a pragmatic sense that a robust trade union organization might attain a fruitful result to get the workers united and consequently the first union of the colliery workers - the Indian Collieries Employees' Association with Shri S. B. Sen, Bar-at-Law as the President was formed in 1920. This exalted beginning of the Trade Union movement brought vast changes in the industrial relations system in the coal-belts.

The additional factors which provided an impulse to the colliers to form the Indian Collieries Employees' Association constituted the formation of International Labour Organization in 1919 and the precipitous rise in the prices of consumer goods
and lag in wages of the workers in the collieries. The trade union members, in the initial stage of movement had to face a dreadful situation which, at any moment, might stop the trade union activities. But it is worthwhile to note that the union members because of the ardent zeal and gallantry were able to overcome those hurdles. However, in order to appraise the union activities in the coalfields of West Bengal we should divert our discussion to deal with the Trade Union Organizations by phases.

Different Phases of Trade Union Movement:

Trade Union Organization is the most useful device in modern industrial relations system. In fact, it would be impossible in our highly organized and highly developed industrial system to carry on without organizations which can speak for and bind parties on both sides. Trade Union activities in the coalfields in West Bengal and other coalbelts in India first started in 1920 with the formation of Indian Collieries Employees' Association affiliated with the All India Trade Union Congress. Indian Collieries Employees' Association sustained the sole representation of colliers till the year 1931 and thereafter in 1932 a rift in Indian Collieries Employees' Association appeared and rival union - the Indian Miners' Association appeared and came into existence. However, no vital development in union activities was observable in coal belts in West Bengal.
till the formation of the Congress Ministry in 1937. But it is important to mention that the Congress Ministry elongated its outlook which facilitated the formation of some trade unions in the coalfields in India namely Rashtriya Kayla Mazdoor Sangh of Bengal, East India Coal Company Workers' Union of Bihar Coalfields, Hingir-Rampur Colliery Union of Orissa, Singareni Colliery Workers' Union, Madhyapradesh Colliery Worker's Federation and Assam Railways Collieries Union.

After the end of the Second World War trade union activities in the Coalfields increased owing to sombre economic difficulties of the colliery workers. The uprising of labour consciousness in the face of economic hardship added to the trade union activities in the collieries. The poignant political activities helped much to improve trade union movement too. The root cause behind the infiltration of political parties in the trade union organization was to widen the influence of the political leaders among the working force. The attainment of Independence brought a noticeable change in the domain of Trade union and as a result, there sprang up a considerable number of trade unions in the coalfields.

**National Federation**

All India Trade Union Congress (A.I.T.U.C.) occupied its sole place in the realm of National Federation. But after 1946 the Indian National Trade Union Congress was formed with the object
"to eliminate progressively social and political and economic exploitation of the workers and to remove inequality, the profit-motive, and the anti-social concentration of power in any form, to place industry under state ownership and control; to achieve self-government in industries; to ensure full employment and finally to promote the civic and political interests of the workers."

Indian National Mine Workers' Federation in West Bengal Coalfields which is a National Federation in nature was affiliated to Indian National Trade Union Congress. Again, Colliery Mazdoor Union, Hindusthan Coal Washeries Workers' Union, Central Coal Mines Rescue Station Staff Association which are regional trade unions in West Bengal Coalfields were affiliated to Indian National Mine Workers' Federation. But now, Colliery Mazdoor Sabha is the only regional trade union of the Coal industry in West Bengal which is affiliated to All India Trade Union Congress.

The socialist party got seceded from Congress and started its own Trade Union Organization called Hindusthan Mazdoor Panchayat. The Royist Party withdrew from active political activity and the All India Federation of Labour ceased to exist. In December, 1948, a new All India Organization called the Hind Mazdoor Sabha was formed in which Hindusthan Mazdoor Panchayat and the Indian Federation of Labour were amalgamated. This third All India Trade Union organization is committed to the promotion of its aim and objects through the employment of all legitimate, peaceful and democratic methods. In West Bengal Collieries Mazdoor

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Congress is the Regional Trade Union of the Socialist Party which is affiliated to the Hind Mazdoor Sabha. In 1949 a section of labour leaders who got discontented with the attitudes and activities of the Hind Mazdoor Sabha got seceded from the Socialist Party and sponsored a Fourth All-India Organization called United Trade Union Congress. The objective of the formation of such trade union organization was different from that of others. The then Secretary of the Organizations Shri M. K. Bose pointed out, "The United Trade Union Congress though it does not belong to the Communist Party, is more or less leftist in political views and ready to co-operate with the Communists". In West Bengal Coalfields, West Bengal Khan Mazdoor Sangh is the Regional Trade Union of this kind which is affiliated to the United Trade Union Congress. From the Table 1 it is clear that trade union activities are mostly regulated by the political parties in the country. Attitudes of the party in power lend no less importance to the trade union movement. Greater the sympathetic outlook of the Government larger the trade union activities can be attained.

Besides the four National Federations, it deserves special mention that some new independent unions have emerged in the West Bengal Coalfields after 1972 election which can not be ignored from the point of their popularity and growing strength. Most of such unions are functioning either as a party to act as a pro-management group under the grip of employers or as a party to fulfil some individuals' interest and purpose; and thus they are detriment to the workers' interests and impede the trade union growth.
TABLE 1

Changes in the Central Organizations of Trade Unions concerning Coalfields in West Bengal and Indian Union as a whole.

<table>
<thead>
<tr>
<th>Year</th>
<th>1920</th>
<th>1929 - 1935</th>
<th>1941 - 1947</th>
<th>1948 and onward</th>
</tr>
</thead>
<tbody>
<tr>
<td>All India Trade Union Congress (A.I.T.U.C.)</td>
<td>Establishment of All India Trades Union Federation (1929)</td>
<td>Dissatisfaction of Communist groups on attitudes of A.I.T.U.C. towards war effort (1941)</td>
<td>Establishment of Hind Mazdoor Sabha (H.M.S.) (1948)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trade Union Unity Committee (1932)</td>
<td>Establishment of an All-India Federation known as Federation of Labour (1941).</td>
<td>Formation of United Trade Union Congress (1949)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Formation of the National Trades Union Federation (1933)</td>
<td>Split in the A.I.T.U.C. on the issue that the organization was proceeding under the clutches of Communists (1947).</td>
<td>Declaration of Congress Party that the Congress Organization and Congress men would endeavour the level best effort to work in the labour field through I.N.T.U.C. (1959).</td>
<td></td>
</tr>
</tbody>
</table>

Compiled by the author from the different secondary sources.
The question generally arises: How many workers have enlisted themselves in the Union Book to enter the fold of Trade unionism in West Bengal Collieries? Answer might come from union membership. The extent of membership in any trade Union Organizations in collieries may be one of the milestones to develop consciousness of unionism amongst workers. Greater consciousness amongst colliers would help to achieve maximum service from trade union activities. But this can not be achieved if the membership so prevailed due to imposition of compulsion on workers. As it has been said - "A worker should have the right to keep himself aloof from any organization, if he is of the opinion that his interests would be better served thereby. The motive behind a trade combination is furthered only by voluntary action and hence any compulsion in trade union membership does distinct harm to a workers' organization. It should be left to the unions to make their activities so essential and attractive that the workers should feel an urge to enrol themselves as members. Interference and compulsion from an outside authority would rather ruin the cause of labour. The urge for trade unionism must come from within and not from without. Besides, dependence by unions on the state or on the employers for compulsory membership means the loss of independent spirit of trade unionism". 1

From the perusal of the Table 2 it is evident that the union membership has increased by 98% in 1970 over the year 1962-63 which in turn shows a favourable indication towards the

**TABLE 2**

Extent of Membership* in the Collieries in West Bengal (1962-63 to 1970)

<table>
<thead>
<tr>
<th>Organization</th>
<th>Total Membership of Unions submitting returns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colliery Mazdoor Union (affiliated to I.N.T. U.C.)</td>
<td>25,065</td>
</tr>
<tr>
<td>Colliery Mazdoor Sabha (affiliated to A.I.T.U.C.)</td>
<td>13,996</td>
</tr>
<tr>
<td>Colliery Mazdoor Congress (affiliated to H.M.S.)</td>
<td>28,402</td>
</tr>
<tr>
<td>West Bengal Khan Mazdoor Sangh (affiliated to U.T.U.C.)</td>
<td>1,210</td>
</tr>
<tr>
<td><strong>TOTAL</strong>:</td>
<td>68,673</td>
</tr>
</tbody>
</table>

Percentage of increase over 1962-63: 
- 23  
- 37  
- 28  
- 51  
- 64  
- 60  
- 98

**SOURCE:** Office of the Registrar of Trade Unions:
Annual Return Register, (Calcutta)

* Membership shown in the Annual Return Register.

1 Since 1965 Annual Returns were sent to the Registrar of Trade Unions more than one time in a year in the name of same Organization.

2 As no returns were made available so the membership of the previous year was taken into account.
consciousness amongst the workers in the Collieries concerning trade union activities. But due to the non-availability of data concerning number of registered trade unions in the West Bengal, the actual picture of trade union development is difficult to present.

Degree of Unionization

The union membership might change with the increase or decrease of working force. We should see how much union membership has increased in relation to the increase in labour force. Union Memberships in West Bengal Coalfields are irregular in nature. It was also strongly found in the collieries during the course of our survey that the workers who had stopped to pay subscription for a prolonged period had also been shown as members in the unions' Membership Register, as a result, the Union membership as shown in Annual Returns Register got exaggerated. Similarly some workers paid membership subscriptions to more than one unions so that they might have more favour from unions. Again, some unions submitted their returns in such time when these could not be accepted.

1. Data relating to number of registered trade unions in the Collieries in West Bengal were not available as a result trend of trade union organization showing the average membership was not possible to assess.

2. Degree of unionization is calculated in the following manner:

\[
\text{Total number of membership in the Union} \times \frac{100}{\text{Average Daily Employments}}
\]
According to the Annual Return Register, some Independent Unions and other unions not affiliated to any Central Trade Union Organizations, Returns of these organizations were very much irregular. So under these circumstances it is well nigh impossible to get union membership accurate. Hence we have considered the memberships of four Central Trade Union Organizations which were shown more or less in systematic form, but it is untrue that they are free from limitations. The data on the degree of unionization in West Bengal Coalfields and Coalfields of Indian Union are set out in Table 3.

Hence the perusal of the Table 3 apparently shows a good picture of trade union development in the Coalfields in West Bengal, but it is a matter of debate as to what extent and how far the workers have been genuinely unionized. It is true that the inclinations of the workers in the coalfields in West Bengal as regards trade unionism goes upward while the tendency of the workers of the rest coalfields goes deteriorated. It may be established from the fact that the degree of unionization in West Bengal coalfield has increased from 52% in 1962-63 to 90% in 1968 whereas in Indian Coal field as a whole it decreased from 85% in 1962-63 to 55% in 1968. That is, as the years rolled on, the workers in West Bengal Collieries are getting much conscious as to their rights and privileges and as such they have developed their mental set-up in the sense that without forming union or getting them united they won't be able to get their grievances ventilated. But a question naturally arises:
### TABLE 3

Trends in the Degree of Unionization in West Bengal Coalfields and the Coalfields of Indian Union

<table>
<thead>
<tr>
<th>Year</th>
<th>Union Membership</th>
<th>Average Daily Employment (in '000)</th>
<th>Degree of Unionization %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>West Bengal</td>
<td>India (in'000)</td>
<td>West Bengal</td>
</tr>
<tr>
<td>1962-63</td>
<td>68,673</td>
<td>355</td>
<td>132.7</td>
</tr>
<tr>
<td>1963-64</td>
<td>84,504</td>
<td>361</td>
<td>137.1</td>
</tr>
<tr>
<td>1965</td>
<td>94,375</td>
<td>315</td>
<td>126.6</td>
</tr>
<tr>
<td>1966</td>
<td>87,725</td>
<td>215</td>
<td>124.6</td>
</tr>
<tr>
<td>1967</td>
<td>1,03,818</td>
<td>218</td>
<td>122.3</td>
</tr>
<tr>
<td>1968</td>
<td>1,12,727</td>
<td>218(^2)</td>
<td>114.3</td>
</tr>
</tbody>
</table>

1. Data on employment relate to calendar year while union membership relate to financial year.
2. Figure of the previous year has been taken into consideration.

**SOURCE:**

1) Office of the Registrar of Trade Unions : Annual Return Register (Calcutta)
3) Annual Returns under the Trade Unions Act, 1926.
how did the workers in the Coalfields come to know that the formation of the union was the panacea of all evils? Answer is the political situation in West Bengal. It was the political party in power who strove its best endeavour to serve political interest in keeping the working force under its grip and as such formed unions all over coalfields in West Bengal. Since the latter part of the sixties political situation in West Bengal took a new turn and then Communist Party of India (Marxist) came into the picture of the coal field and so a number of unions grew up under the banner of Centre for Indian Trade Union. However, the colliers in West Bengal too, did not fail to keep pace with the situation in the country. Hence from this perspective of discussion it may be said that the trade union activities have increased considerably or trade unionism has developed to a phenomenal extent since the degree of unionization has increased unexpectedly. It is a fact that the sense of consciousness amongst colliers in relation to trade union organization has developed largely but it is not clear whether trade union activities have increased in accordance with the increase of degree of unionization in West Bengal Coalfields.

This however may be judged from the following angle. Firstly, improvement in trade union activities may be possible only when there is a solid collective bargaining agency in which mostly all disputes can be settled by mutual trust and mutual dependence. Hence in this connection we can say from the Table 4
<table>
<thead>
<tr>
<th>Year</th>
<th>No. of disputes referred to Industrial Relations Machinery (including pending of the previous year and including pending on the close of the year)</th>
<th>No. of disputes settled without holding formal conciliation proceedings</th>
<th>Col. 3 x 100</th>
<th>No. of disputes in which conciliation proceedings were held.</th>
<th>Col. 4</th>
<th>No. of disputes in which conciliation proceedings were led to settlement.</th>
<th>Col. 5 x 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968*</td>
<td>1257</td>
<td>833</td>
<td>66.3</td>
<td>400</td>
<td>255</td>
<td>63.8</td>
<td></td>
</tr>
<tr>
<td>1969</td>
<td>798</td>
<td>535</td>
<td>67.0</td>
<td>263</td>
<td>170</td>
<td>64.7</td>
<td></td>
</tr>
<tr>
<td>1970</td>
<td>1016</td>
<td>691</td>
<td>68.0</td>
<td>269</td>
<td>154</td>
<td>57.3</td>
<td></td>
</tr>
<tr>
<td>1971</td>
<td>895</td>
<td>612</td>
<td>68.4</td>
<td>318</td>
<td>106</td>
<td>33.3</td>
<td></td>
</tr>
</tbody>
</table>

* The data of 1968 include both coal and non-coal mines of the West Bengal and Orissa.

SOURCE: Office of the Regional Labour Commissioner (C) Asansol.
that the development of trade unionism has not been so much than what it might have been. Here it is crystal clear that the trade union organization proves itself unable to deal with all the labour demands with its own effort and as such it seeks third party intervention for the redressal of the grievance. It is also apparent that the percentage of disputes in which conciliation proceedings were led to settlement was very meagre accounting to 33.3 in 1971. And hence the percentage of settlement as such is the manifestation of weak trade union organization.

Secondly economic and non-economic facilities were not improved to the level it might have been attained in the presence of strong trade union organization. During the course of our survey of collieries in West Bengal it was very much prevalent that the management, excepting very few, had kept themselves isolated in implementing accepted Wage Board Recommendations. And the trade union organization also probably because of their weakness, could not give any ray of light of hope to the colliers. As a result, the miners could not change their attitudes towards union activities as also towards managements.

Hence in this connection we may not say that trade union activities in the coalfields of West Bengal have developed to a greater extent, but it is revealed that the trend of trade union activities is upward and it might be possible to improve more if the snags to the growth of union activities are removed.
Growth constraints of Trade Unionism in West Bengal:

The trade union activities in the collieries in West Bengal have increased to certain extent but this is not sufficient enough for the establishment of sound industrial relations. In order to secure a contented labour force in the collieries the trade union activities should be strengthened and robust. And so it requires the removal of the factors that cause stumbling block to the growth of trade unionism. Now, we should divert our discussion to examine the factors acting as constraints to the growth of union activities in collieries in West Bengal.

Mush-room growth of Unions:

The existence of more than one union in the same sphere of employment is not conducive to the growth of union activities. Parallel unions run by vested interests and individuals for achieving personal ends are a menace to the nation as a whole. This idea cuts at the root of trade union movement, weakens the bargaining power and defeats the purpose of formation of such organizations¹. During the course of our survey of collieries in West Bengal we did not come across a colliery excepting some quarries² where there was only one union representing the colliers.

². In quarries unions were not formed in the real sense because mostly all the unions though were affiliated to any Central Trade Union Organization, performed their functions as pro-management and of which office bearers hailed from white-collar sections.
The mushroom growth of unions was caused largely due to lacuna of the Indian Trade Unions Act, 1926. As the registration is available on an application of any seven or more members of a trade union by subscribing their names to the rules of the union and by complying with the provisions of the Act, the employers avail the best opportunity setting up of rival unions as a weapon to break up the solidarity of the worker and thus deprive the workers in the collieries from their legal and legitimate dues in respect of wages, v.a.a., bonus and other allowances. Apart from such unions formed by management indirectly different trade union organizations with their different ideologies appeal before the workers in the collieries and they form union for their political interests.

This type of multiplicity of union as developed in the collieries just after the General Election of the country is held and the Government is formed in the country. The root cause behind this multiplicity is the infiltration of trade unionists to those collieries where they had no union before or were victims to lose their union just before the Ministry is formed because of political situation in the country. Even it was also apparent that in the same colliery there functioned more than one unions with the same ideology under different names which some times made the industrial situation polluted and thus involved with intra-union rivalry. Hence inter-union and intra-union rivalry require to be abolished for true development of trade
union activities. In order to mitigate the consequences of inter union rivalry in coal mine, code of conduct came into the picture in which there was a consensus of opinion to observe the following basic principles for maintaining harmonised inter-union relations:

1) Every employee in an industry or unit shall have the freedom and right to join a union of his choice. No coercion shall be exercised in this matter.

2) There shall be no dual membership of unions. (In the case of Representative Unions, this principle needs further examination)

3) There shall be unreserved acceptance of and respect for, democratic functioning of trade unions.

4) There shall be regular and democratic elections of executive bodies and office-bearers of trade unions.

5) Ignorance and/or backwardness of workers shall not be exploited by any organization. No organization shall make excessive or extra-vagant demands.

6) Caste, Communalism and provincialism shall be eschewed by all unions.

7) There shall be no violence, coercion and intimidation or personal vilification in inter union dealings.

8) All Central Labour Organizations shall combat the formation of continuance of Company Unions.
TABLE - 5

Showing inter-union rivalry in the West Bengal Collieries

in the year 1969

<table>
<thead>
<tr>
<th>Date of incidents</th>
<th>Details of incidents</th>
<th>Inter-party clash causing</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapuim Khas Colliery</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June, 1969.</td>
<td>Clash between colliery Mazdoor Congress (SSP) and CPI(M) with the issue of recognition of union.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>October,'69.</td>
<td>East Barabani Colliery</td>
<td>Attempts were made by one union to oust the recognized one.</td>
<td>-</td>
</tr>
<tr>
<td>Early 1969.</td>
<td>Shri Amritnagar Selected Colliery</td>
<td>Clash between colliery Mazdoor Congress (Independent) and colliery Mazdoor Sabha (CPI-M).</td>
<td>-</td>
</tr>
<tr>
<td>22.9.69.</td>
<td>Shri Amritnagar Selected Colliery</td>
<td>Clash between the followers of the CPI(M) led union and CRO Camp labour.</td>
<td>-</td>
</tr>
<tr>
<td>May, 1969.</td>
<td>Patmohna &amp; Bharat Chak Collieries (P) Ltd.</td>
<td>Conflict between the two parties causing chaos in the colliery area.</td>
<td>-</td>
</tr>
<tr>
<td>8.6.69.</td>
<td>Patmohna &amp; Bharat Chak Collieries (P) Ltd.</td>
<td>Clash between CPI and CPI(M) workers.</td>
<td>-</td>
</tr>
<tr>
<td>Date of incidents</td>
<td>Details of incidents</td>
<td>Inter-party clash causing Fatal</td>
<td>Non-fatal</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>20.6.69.</td>
<td>Patmona &amp; Bharat Chak Collieries (P) Ltd.</td>
<td>Token strike observed by CPI led workers against the CPI(M) activities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.9.69.</td>
<td>Sripur Group of Collieries</td>
<td>6 Workers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clash between workers of two parties.</td>
<td></td>
</tr>
<tr>
<td>13.10.69.</td>
<td>Sripur Group of Collieries</td>
<td>2 Workers. 1 Workers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clash between supporters of the CPI(M) and the SSP.</td>
<td></td>
</tr>
<tr>
<td>14.10.69.</td>
<td>Sripur Group of Collieries</td>
<td>4 Workers. Two houses were burnt down, Curfew was clamped on the area.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clash between supporters of the CPI(M) and the SSP at Sripur and Nigha Colliery areas.</td>
<td></td>
</tr>
<tr>
<td>15.10.69.</td>
<td>Sripur Group of Collieries</td>
<td>-</td>
<td>i) Orders u/s 144 were promulgated and curfew re-imposed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clash between two parties for gaining control over the workers' Union.</td>
<td>ii) 20 hutments were burnt into ashes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>iii) Several houses were ransacked and bombs used.</td>
</tr>
<tr>
<td>September, '69.</td>
<td>Rama Colliery</td>
<td>Clash between two parties CPI(M) and the SSP.</td>
<td>1 Worker.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.8.69.</td>
<td>Moira Collieries</td>
<td>Clash between supporters of CPI(M) and SSP.</td>
<td>1 Worker - i) 15 persons were arrested.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>September, 1969.</td>
<td>Moira Collieries</td>
<td>Clash between supporter of different parties.</td>
<td>1 Worker. 87 Workers.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of incidents</td>
<td>Details of incidents</td>
<td>Inter-party clash causing</td>
<td>REMARKS</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------</td>
<td>---------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>20.8.69.</td>
<td>Parasea Colliery</td>
<td>Clash between workers of SSP and CPI(M).</td>
<td>4 persons were arrested.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 Worker. 11 Workers.</td>
<td></td>
</tr>
<tr>
<td>4.8.69.</td>
<td>East Chorah Colliery</td>
<td>Clash between two groups of workers alleged to be the supporters of the CPI(M) and the SSP.</td>
<td>1 Worker. 15 persons were arrested.</td>
</tr>
<tr>
<td>22.9.69.</td>
<td>Pure Sitalpur Colliery</td>
<td>Clash between two groups of workers.</td>
<td>3 Workers. Several houses were looted and 2 persons were arrested.</td>
</tr>
<tr>
<td>22.10.69.</td>
<td>Nigha Colliery</td>
<td>Assault by supporters of one party on the supporter of other party.</td>
<td>No serious incident was happened.</td>
</tr>
<tr>
<td>23.11.69.</td>
<td>Giriment Colliery</td>
<td>Clash between the supporters of two parties.</td>
<td>1 Worker. 26 Workers. Nine houses were looted and two burnt down.</td>
</tr>
<tr>
<td>24.11.69.</td>
<td>East Chorah Colliery</td>
<td>Clash between two parties. 1 Workers.</td>
<td>4 Workers. 7 Workers. i) Seven workers were arrested.</td>
</tr>
<tr>
<td></td>
<td>Patmohna Colliery</td>
<td>Clash between two groups of workers of the colliery belonging to CPI and CPI(M).</td>
<td>ii) Order up 144 Cr.P.C. were promulgated.</td>
</tr>
</tbody>
</table>

**TOTAL**: 14 Workers. 207 Workers

Hence, in this connection, it may be worth mentioning that the principles so laid down in the code for mitigating inter-union rivalries in the Collieries remained on paper. If these agreements could have been followed in toto there might not leave any room for inter-union Conflict as is apparent from the Table 5.

From the Table 5 it is clear that inter-union rivalry has stemmed from the conflicting aims and interests of political parties. Unless checked with a strong hand, continuing indiscipline among workers may elongate the belligerency of the workers which is neither a proper device to ventilate their grievances nor a way to establish a healthy and strong trade union organization so that congruent industrial relations can be established. Hence in order to curtail inter-union rivalry, Code of conduct should be given statutory footing in the Indian Trade Unions Act.

For mitigating intra-union rivalry in a colliery, there shall be provision in the Act to the effect that there shall not be formed any two unions side by side with the same ideology and under the same banner of organization. For this purpose, whenever any union would be deserving registration, at the outset, its affiliation to the organization, political colour etc. should be checked so that there shall not leave any room for intra-union rivalry afterwards.
Recognition of Bargaining Agent.

The main objective of forming trade union in a colliery or in any concern is to thrash out the problems of the workers by their representation before their employer and to exchange their views each other so that an amiable settlement is attained. This right of trade unions to represent the strength of the workers in collective bargaining has been universally recognized and as such trade unions as one of the negotiating parties have got statutory footing to attain collective agreement. In U.S.S.R. "a collective agreement is one that is included between a trade union acting as a representative of the wage earning and salaried employees and an employer".¹ For fruitful collective bargaining it merits the fulfillment of two things: Firstly, there must have trade union or the collective bargaining agent having sufficient membership to represent. Secondly, that representative character of union should be recognised by the employer as a collective bargaining agent. Hence the necessity of recognition of Trade Union comes into view to put the genuine demands of the workers before their employer and to get them ventilated.

The question of trade union recognition came for a discussion in the Five Day Second Conference of Asian Labour Ministers held under the auspices of the I.L.O. in New Delhi from 28th January to 1st February, 1969. And out of four Declarations, the Declaration on Trade Unions and Industrial Relations was stressed

upon all the Government of the Asian Region to lay down procedures to settle disputes between Trade Unions for recognition as bargaining agents for collective bargaining (with the employers) on behalf of the workers. But "Recognition in the letter must be followed by recognition in the spirit, by a readiness to discuss sympathetically points put forward by the union, by accessibility to its officers and by willingness to let them have credit where credit as due", otherwise mutual trust, mutual independence and co-operation as essential factors of sound industrial relations can not be developed.

During the course of our survey of collieries in West Bengal it was noticed that the absence of recognition facilities to trade-unions made the leader hostile in activities and behaviour. From the perusal of the aforesaid Table 5 it is also clear that recognition of trade-union in Collieries caused inter union rivalry and violent action was erupted out of this prolonged and unsolved crucial issue. Recognition of union in small collieries and quarries especially in Salanpur Colliery region was totally nonexistent. Here the union members did not even hear the word 'recognition of union'. According to them, "union leaders from Asansol come during pay days and collect membership contribution and go away. They do not think to keep a close touch with us. If they, pay their visit to our dhowrahs then only we might have a chance to express our grievances so that we might be able to develop our socio-economic condition. And the Union leaders don't think over the question of recognition as such."

In big mines employing more than 1000 workers, recognition of unions is not also certain. It is upto the discretion of the Management hierarchy. They do not even hesitate to go beyond the Code of Discipline concerning Recognition of Unions. As per Code, the criteria for Recognition of Unions in collieries are as follows:

1. Where there is more than one union, a union claiming recognition should have been functioning for at least one year after registration. Where there is only one union, this condition would not apply.

2. The membership of the union should cover at least 15% of the workers in the establishment concerned. Membership would be counted only of those who had paid their subscriptions for at least three months during the period of six months immediately preceding the reckoning.

3. A union may claim to be recognised as a representative union for an industry in a local area if it has a membership of at least 25% of the workers of that industry in that area.

4. Where a union has been recognised, there should be no change in its position for a period of two years.

5. Where there are several unions in an industry or establishment, the one with the largest membership should be recognized.
6. A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry, but if a union of workers in a particular establishment has a membership of 50 percent or more of the workers of that establishment it should have the right to deal with matters of purely local interest, such as, for instance, the handling of grievances pertaining to its own members. All other workers who are not members of that union might either operate through the representative union for the industry or seek redress directly.

7. In the case of trade union federations which are not affiliated to any of the four Central Organizations of labour the question of recognition would have to be dealt with separately.

8. Only unions which observed the Code of Discipline would be entitled to recognition.

But in fact, the privilege of recognition whatsoever obtained by the collieries unions was not considered just and rational. It was argued mostly by all unions excepting one Central Trade Union Organization that the verification of membership method for determining Collective Bargaining Agent followed by the Management was a non-democratic way of expressing choice and left a wide room for manipulation of memberships. According to them, "process of determining the representing character of union in collieries should be akin to the process
used in choosing the Government of a country. And so they favoured the Secret Ballot system in this regard. Hence, in order to find a Collective Bargaining Agent in a colliery the Secret Ballot Method should be introduced. The task of elections and other matters concerning determination of recognised union should be entrusted to the Industrial Relations Commission(s) which would hold election after every two or three years. But if in any colliery the majority workers lose their confidence over the recognised union within these two or three years, a fresh election should be conducted. But the National Commission on Labour has not suggested the single method of determining memberships. It has left over the Industrial Relations Commission(s) which would decide the representative character of unions either by examination of membership records, or if it considers necessary by holding an election through secret ballot open to all employees. And the Commission would deal with the recognition work in its various aspects: (i) determining the level of recognition - whether plant industry, centre-cum-industry to decide the majority union (ii) certifying the majority union as the recognised union for collective bargaining, (iii) generally dealing with other

During the course of personal survey of collieries the author observed by the way of administering questionnaire to the Trade Union officials, workers and Managements of the Collieries that there left a congenial ground to introduce the Secret Ballot System for finding of representative union in the collieries. But before accepting this system as a general Rule the situation in other industries concerned should be taken into consideration, otherwise it would be non-democratic and confusing one which might enhance the conflict instead.

Thus in order to get the suggestions implemented viz. compulsory recognition of trade unions, determination of membership etc. the need for amending the Trade Unions Act arises. Insertion of a provision for compulsory recognition in the Act will surely improve the status and strength of the union and will facilitate to promote mutual understanding, mutual trust and mutual independence. Trade union activities in any concern whether a factory or a colliery can not improve unless the management confer both defacto and dejure recognition upon the unions and negotiate with them freely and frankly.

Existence of Outside Leadership:

Leadership inhabits a supreme role for the growth of trade unionism. The robust and riveted unions merit leadership from rank and file and gradual elimination of outsiders from trade union organization. The contribution of outside leaders to the growth and development of trade unions for the cause of colliery workers can not be denied. As a matter of fact, whatsoever improvement in trade union activities has been attained in the coal mining industry in West Bengal and Indian union as a whole is due to outside leadership. The ignorance, illiteracy, exhaustion


2. Under the Trade Unions Act, 1926 the term 'outsider' is normally used to mean the person who is not an employee and is not actually engaged or employed in an industry with which the Trade Union is connected.
and the day's long and hard work did not allow the workers of the colliery to develop leadership from within. As regards the reasons for the existence of outsiders in the Trade Union movement, Indian National Mine-workers' Federation in reply to a question issued by the National Commission on Labour stated, "If we go into the reasons for the existence of 'outsiders' in the Trade Union movement, we will find that fear of victimization is one of the principal factors responsible for it. The workers' attitude towards a leadership from within also requires a psychological change. The financial weakness of the unions does not give a sense of security and consequently discourage the employees to become active in the union. The legislation of the Trade Union Movement and the continuation of English as the language of communication in Courts and Tribunals is another factor which has hindered the development of internal leadership". But whatever function is done by Trade union led by outsiders the genuine development in Trade union activities emanates from the internal leadership. A trade union organization can not be successful unless it becomes not only an association for workers but also an association of workers. Or in other words, it should be of the workers, for the workers in the first instance, and then by the workers. Once, at the initial stage of Trade union movement, outside leadership was found very much useful. Then the situation of the colliery or the factory [what stood because of victimization]

and unfair labour practice of employers was such that the trade union movement without outside leadership might not even be a part of thinking.

But at the same time, their presence had often been criticized very bitterly and not without reasons. These outsiders have been found to be exploiting the unions for the benefit of personal and political ends. And the workers, in their turn, being illiterate and not conscious of the real objectives of the trade union, have frequently become a victim of personal aspirations of their leaders. Further, because of the existence of Trade unions led by outsiders a spirit of dependence has grown amongst the workers and in every time of distress the workers have looked upon these outsiders for help and guidance. This is not a very encouraging and healthy sign in that it obstructs self reliance. Thus, it would be conducive on the part of union leaders if they are from within the rank and file of the workers who have a better understanding and knowledge of the working conditions. I.L.O. Convention (No. 87) concerning Freedom of Association and protection of the Right to Organise has also accepted the need of internal leadership and thus it has provided that workers' and employers' organizations shall have the right to draw up their constitutions and rules and to elect their representatives in full freedom and enjoins the public authorities to refrain from any interference which would restrict this right or impede the lawful exercise thereby.
During the course of our personal survey to the collieries in West Bengal it was found that the key posts of the union in the most collieries were offered to the outsiders and even the remaining posts which were not so important in activities were under the clutches of the outsiders. As a result, the outsiders who had direct links with the political parties and had entered the coalbelt mainly for bettering their positions got turned themselves to be the sole party in Trade union scene in the coalbelt in West Bengal. Their functions in tackling labour problems - concerning economic and non-economic problems were not satisfactory. As regards trade union activities in Quarries, there is nothing left to say in favour of union functions. If any one pays visit to such fields they might observe the naked and gloomy picture of labour conditions and as a result it would not be difficult on his part to measure the extent and quantum of trade union activities.

Hence the outside leadership constituted as one of the major causes to weaken the growth of trade union activities and so in order to encourage healthy and stable trade unionism in the colliery so as to remove the likelihood of the colliers to get exploited, a consistent policy should be evolved in which the outsiders will be asked to leave the field by phases. And emphasis should be laid on inside leadership which can be done by imposing restriction in the legal limit of the number of outside office
bearers. Adequate provisions should be made in the Act so that the ordinary workers might be placed in the key posts of the trade union organization either as a President or as a General Secretary, which in turn, would facilitate putting up their grievances before the employers as and when arise and to get them redressed. The sphere of control of union by outsiders should be curtailed. Workers' Education Programme should be introduced in each colliery so that all colliers can be aware of their rights and responsibilities. It was also observed during the course of interview to trade union officials that negotiations, collective bargaining, conciliation, mediation, work of labour courts and Tribunals etc. should be carried on in regional languages, and the employees should be given adequate protection against victimization and unfair labour practice. But the promotion of internal leadership requires the enlightened and liberal attitude of the outsiders, and hence if the outsiders themselves do not make a room for the emergence of leadership from within the rank and file, the free and unsophisticated trade union movement can not gain momentum.

1. As regards the number of outside office bearers no reduction has yet been made since the enactment of the Trade unions Act, 1926. Section 22 of the Act requires that ordinarily not less than half the officers of a registered union shall be actively engaged or employed in an industry to which the union relates.

2. The observations of the Whiteley Commission on this point are: "No man can take an effective share in the organization of half a dozen unions simultaneously. In existing conditions, the fostering of one good union is a hard task and more than enough for a man who can generally devote only a part of the day to such work".
Management Attitude and Union Development:

The attitude of the management plays no less crucial role than any other factor in causing a barrier to the development of trade unionism. Enlightened and liberal attitude of the management hierarchy helps much to the formation of a healthy and sound trade unionism. But it is a matter of regret to mention that the general attitudes of the employers are not satisfactory for the growth of union activities. According to professor Pigou the employers look to the union leaders with dislike and hence seek to destroy them with the political weapon. The Royal Commission on Labour stated in their Report, "In many cases we found it difficult to ascertain what active steps had been taken to encourage the growth of healthy trade unionism, whilst the attitude of some employers in their dealings with trade unions was singularly ill-calculated to secure that end." 1 Similarly Bombay Textile Labour Enquiry Committee emphasised in its Report that "trade unionism had a chequered career during the last two decades of its existence and no employer with the exception of one or two, in spite of existing agreements has allowed a union to be formed without resistance, victimization and strikes". 2

In coal mining industry, because of the prevalence of illiteracy amongst the colliers to a greater extent, the employers

find a better room to spread anti union activities in the form of victimization, refusal to recognise union, setting up of rival unions, lock out, and closing down of mines. During the course of interview to the management of the collieries in West Bengal we found that most of them were against the union activities and even they could not tolerate some recognised union leaders. Similarly most union leaders and other members of the union of the collieries could not accede management attitude and policy.

On a question to the workers 'Do you find that your Management's attitude and policy are favourable for the growth of trade union activities?' We found that a remarkable percentage of workers and union leaders boldly expressed the anti-union activities of the employers in the coal mines and they said that unfair labour practices, wrongful categorizations of the work, stopping of promotion etc. were the consequences for the participation in union activities. In coal mines the formation of pocket union or company union was not absent. The Trade Union Organizations in the small mines employing less than 1000 workers and the quarries in West Bengal used to serve the purpose of 'Company Unions' which were recognised, patronised and even founded and organised by the employers themselves.

1. For details, see the chapter VI.
The main characteristics of the Company Union in the collieries might be summarised as follows: jurisdiction limited to a particular concern, spiritual isolation, full co-operation of the management, inclusion of all classes of employees in the concern, low or free membership fees and absence of mass meetings and of referendum. The top officials of such unions were either outsiders or the persons engaged in white-collar job who generally were concerned with membership fees only and did not keep a touch with the workers for endeavouring any effort to solve labour problems. In order to keep the labourers free from the victims of hire and fire policy of the employers in the coal mines they did not find any avenue excepting to get themselves listed in a Union Book. Besides, some unions affiliated to any Central Trade Union Organization in some collieries did not keep themselves free to serve the purpose of pocket union the main activities of which were to function as pro-management of the collieries.

Sometimes especially in small mines and quarries the employers used to adopt the policy of employing their own relatives in the supervisory level viz mining sardar, overman etc. to keep a strong watch on union activities of the collieries. They also employed spies and informers to create a suspicion and disunion among the workers. Discriminating of the workers in respect of promotions etc. and bribing union officials were not
uncommon in the coal fields. All these sorts of activities hindered the growth of trade unionism in the coal mines. "Just as victimization of workers by employers and the use of other methods that engender suspicion and fear in the workers and restrain them from joining or assisting labour organizations should be punishable by law, so bribery, corruption and favouritism by employers that encourage or discourage workers in participating in any labour organization should be regarded as an offence."¹

**Measures to Prevent Victimization:**

In order to make the trade unionism healthy and sound unfair labour practices of employers require to be removed from the collieries and, as such, the necessity for the incorporation of the provisions in the Trade Unions Act emerges. Even in foreign countries like U.S.A. unfair labour practice was hindered, at the first instance, by enacting National Labour Relation Act 1935. The important provisions of the Act contained: "Section 7. Employees shall have the right to self-organization, to form, join or assist labour organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or mutual aid or protection.

¹ Mukherji, R. K.: The Indian working class (Hind Kitabs Ltd. - publishers Bombay 1951) p.360.
Section 8. It shall be an unfair labour practice for an employer:

1) To interfere with, restrain or coerce employees in the exercise of the rights guaranteed in Section 7.

2) To dominate or interfere with the formation or administration of any labour organization or contribute financial or other support to it provided that subject to rules and regulations made and published by the Board (National Labour Relation Board) pursuant to Section 6(a), and employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labour organization.

4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

5) To refuse to bargain collectively with the representatives of his employees subject to the provisions of Section 9(a).

But as the Act provided protection to labour only and did not mention any thing against the unfair practices of unions so it was amended declaring certain practices on the part of Trade Unions and their agents as unfair.

It is noteworthy that Government of India has taken the lead in safeguarding trade unionism in the collieries and in other
concerns as a whole. Hence the amendment Act 1947 has mentioned certain practices as unfair on the part of recognised unions and certain others on the part of employers. The following are deemed to be unfair practices on the part of a recognised union:

i) For a majority of the members to take part in an irregular strike. ¹

ii) For an officer of the union to submit returns containing false statement. On the part of employer unfair practice includes

i) interference in any way with the rights of his workmen to organise a trade union or to engage in concerted activities for the purpose of mutual aid or protection.

ii) interference with the formation or administration of any trade union or contribution financial or other support to it.

iii) discharge or otherwise discrimination against

(a) any officer of a recognised trade union because of his being such officer.

(b) any workman because he has made allegations or given evidence in any enquiry or proceeding under the Act.

¹ Irregular strike means an illegal strike or a strike declared by a trade union in contravention of its rules laid down for the declaration of strikes.
iv) refusal to negotiate with the recognised union or to deny privileges to the recognised union granted by the Act.

For the resorts to unfair practice by the employer, he can be punished with a fine upto maximum of rupees one thousand and for recognised union committing unfair practice the punishment is the withdrawal of recognition.

Similarly they can discharge ordinary members of a non-recognised union in a colliery on the ground they have made allegations or given evidence in an enquiry. Hence the Act itself deprives the workers of the non-recognised union from the privileges as gained by the member of a recognised union. This sort of demarcation in the privileges would undoubtedly defile the solidarity of the workers in the colliery which, in turn, would pull down the trade union activities. So the employers must be prohibited to use their hostile behaviour towards unionism. And it should not be congenial to discriminate between a recognised and a non-recognised union for the development of trade union activities in the collieries. But now a crucial question emerges from the point of trade union activities: Would there be developed in Trade Unionism in Collieries if there shall be provided in the Act to hinder the employers to resort to unfair labour practices both in recognised and non-recognised unions? Naturally answer would stem from negation. To fulfill this purpose employers must be widened in spirit, attitude and activities. They must be liberal and sympathetic so that they feel the need of Trade Union activities in their collieries.
Concluding Observations:

Trade union organization in Coal mining industry in West Bengal has an apex role in keeping the workers contented and stable. And industrial relations can be placed on sound footing when there exists a satisfied labour force. So the weakness and inefficiency of the trade unionism impair the industrial machinery. The trade union activities in the collieries can be appraised by the degree of unionization on the sound footing of Collective Bargaining principle which ultimately calls for liberalisation of management attitude towards recognition of representative union, curtailment of outside leadership and the restraint of mushroom growth of trade union organization.

In West Bengal Coalfields, although the membership has increased, the degree of unionization has swollen but the trade union organization has not developed appreciably as yet. The root cause behind such scene in Trade Union Organization of Coalfield was the absence of Collective Bargaining. Here the employers kept them aloof to honour the International Charter of the freedom of association and the protection of the right to organize as a result recognition of representation union did not come into effect.

However, in order to establish a congruent industrial relations in the coal industry so as to achieve a contented labour force, the formation of a strong and healthy trade unionism need
be given priority and the following factors should be taken into consideration.

a) Trade unions Act, 1926 should be amended so that recognition of representative union is made effective. Compulsion and the minimum number of membership for the registration of union is to be increased from 7 to any substantial extent.

b) Secret Ballot Method should be emphasised to determine the representative union with majority membership and, as such, the Industrial Relations Commission should be appointed to look into the tasks concerning industrial relations matter.

c) The workers should be given greater participation in trade union activities so that organization becomes more broad-based and acquires depth and so intensive education of workers at different levels is necessary. Unions must initiate activities which would create a stake in continuous membership. They should have a pragmatic realization that their salvation lies in their solidarity, and the capacity for suffering and sacrifice. So all the activities should be primarily directed towards generating strength and leadership from within.

d) Unfair labour practice of employers should not be given indulgence and for this, Act should be so amended as to impose penalties.

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