Chapter VIII: Settlement of Disputes.

Section I: Prevention and Settlement of Disputes.

Section II: Joint Consultations.

Section III: Disputes of Executive Personnel.
Chapter VIII Settlement of Disputes.

Section I: Prevention and settlement of disputes:-
There are no hard and fast rules whereby conflicts in the industry may be ended as the causes of these conflicts are as varied as human nature. No repressive laws can put an end to these conflicts. We find that the majority of the disputes and grievances in individual plantations are traceable to the following sources:-

First, disciplinary action taken by the Management;
Second, alleged increase in work-load and introduction of new methods of work;
Third, strictness in work-orders with reference to punctuality and regularity in attendance, quality of works performed;
Fourth, alleged misbehaviour;
Fifth, lack of good housing conditions, medical facilities, firewood, land for cultivation, ration supply and similar benefits and amenities;
Sixth, alteration of service conditions in the case of staff members on the transfer or change of management.

and

Seventh, alleged non-compliance with the provisions of law and non-implementation of agreements and awards.

Thus we find that wage is not the solitary issue culminating in strikes and disturbances. A wrong policy pursued by
the management is always responsible for conflicts and labour unrest. Sometimes some labour leaders, to gain personal benefits, hoodwink the workers and harass the management unnecessarily. But instances of this sort are few and far between. A strike occurs as a consequence of many accumulated grievances of the workers and when all faith in the management towards redressal of these grievances is lost. Further, the workers' voice is most vocal in regard to unfairness and this fear complex of getting unfair treatment leads to suspicion and discontent. Employers can also try to interpret or implement the terms of agreements and awards in such a way as will create general dissatisfaction. In case they want to do otherwise they can devise other ways of evading the terms of contract or awards and thereby a direct challenge is thrown to the union and the workers which leads to loss of faith in the management. It is difficult to restore the confidence once shaken. In such cases even the good intentions of the employer will be looked upon with suspicion and it will be very difficult to get workers' co-operation any more.

An analysis of the disputes shows that most of the cases refer to dismissal, discharge, mal-treatment, complaints against staff, wages etc. Disputes with regard to wages were few during all these years except in 1953, when there were 173 cases of strikes over this issue. In 1952, the policy of wage cut was adopted to save the tea industry from going out of business and the labourers accepted this policy as an interim measure. In 1953, when the prices of tea registered high and the employers began making huge profits, there
precipitated labour unrest in protest against the policy of wage cut and demand for restoration of minimum wages was spurred as a consequence thereof. However, this dispute was resolved through mutual agreement.

One important feature of the plantation industry is that it is agro-based and seasonal and both labour and the employers are usually reluctant to go into litigation in order to gain their ends. To avoid interruption in work the employers generally concede to the labourers' demands. This may also be attributed as one of the reasons for less number of disputes in tea industry in comparison with other industries.

We find most of the disputes in tea industry are generally settled through mutual discussion or through joint consultations and only in about 10 percent cases disputes are referred for conciliation through the help of a third party or through judicial adjudication. On the basis of the methods of settlement, the disputes in the industry may be divided into following categories.

First, local disputes settled through bilateral discussion.
Second, disputes settled through tri-partite discussion.
Third, disputes of general nature in the settlement of which all the worker unions, employers' unions and the Government take part.
Fourth, disputes referred to settlement by legal means and disputes arising out of a situation when the signatory to an agreement does not follow the terms of settlement.
Fifth, disputes which are compromised during the pendency in a court of law.

Grievance Procedure: The Code of discipline and Industrial Truce resolutions have created an awareness in both employers and employees of the fundamental principles to be observed in maintaining industrial peace and the industry has conventionally adopted a uniform procedure for settlement of disputes. The procedure in operation is like this:

First, the garden unit Secretary takes up disputes with management.

Second, failing he refers cases to Circle Secretary.

Third, Circle Secretary takes up with management.

Fourth, failing he refers it to conciliation.

The term of this procedure, agreed to earlier, has expired in 1962 but the employers hold that the procedure is still in operation and the procedures of negotiations, conciliation and arbitration are strictly followed by the members of the Employers' Associations. As the Employees' Unions are very strong, it is not possible for individual garden managers to go his own way disregarding the union. However, there has been slight modification in the procedure. The Grievance Committee envisaged in the previous procedure has been done away with. Its function has been given to the garden units of the Sangha. The Worker unions have no cause for complaint over this procedure and therefore would like it to persist.

Conciliation: Thus vast majority of the disputes are settled through discussion and negotiations between the parties. Bilateral agreements are also reached in many cases. Not infrequently, the mediation of the Government Conciliation Officers is found to be instrumental in reaching a reasonable settlement. Such discussions, whether with or without the aid of the Conciliation Officers, focus attention on the issues involved and lead to redress of grievances wherever possible. However, under the provisions of the Industrial Disputes Act, 1947, the Conciliation Officer has no power under him to effect a settlement. He cannot effect a settlement by imposing something on the parties to the dispute nor can he make an unwilling horse to ride. Settlement is possible only through mutual agreement of the parties. Conciliation Officers' role is essentially purposive and mediatory. However, the Conciliation Officer has a very important role to play and the Plantations Inquiry Commission lays stress on the proper recruitment and training of such officers and strictly independent status for them. In an agriculture-based industry such as tea plantations, employing a large labour force of primarily aboriginal extraction, the legal rights and duties of the parties shade off into customary rights and obligations which are not always clear cut. In such a situation, Conciliation Officers to be able to function effectively, should not only be well trained and experienced, but should also possess qualities of leadership and a spirit of social service. Conciliation officers should not act as

arbitrators. Once they act as arbitrators, they may not be
effective as conciliators.

**Collective Bargaining and Compulsory Adjudication**:- The system
of Collective Bargaining has worked with success in the plantation
industry and as we have already noted, large number of disputes are
settled through discussion and consultation. A fair proportion of
disputes, however, are referred to Labour Courts and Tribunals for
adjudication although the process has proved to be a costly and
time-consuming causing great inconvenience to the parties. Moreover,
further delay is occasioned when the extraordinary
jurisdiction of High Courts and the Supreme Court are invoked by
either of the parties. This may be unavoidable, but the delay
involved does not help the cause of Industrial peace. The system of
Compulsory adjudication, as provided in the Industrial Disputes
Act 1947, has been criticised on the ground that it discourages
collective bargaining. But in tea plantations, recourse to
adjudication can hardly be avoided especially when the disputed
issues involve a clarification of basic legal rights or considera-
ble financial stakes. In such cases solution has to be sought
through compulsory adjudication in the interest of both the
parties. Under such

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4. Memorandum dated 30 May, 1975 submitted by the A.C.M.S. and
A.C.K.S. to Sri R. Beddy, Union Labour Minister during his
visit to Assam, p. 4.
circumstances the adjudication system has played an important role. 5

Labour Appellate Board: It is a fact that conciliation has been successful to a great extent in settlement of disputes. But, up to a very recent time, another method was adopted for settlement of cases. This was by referring the case to the Labour Appellate Board, which was set up in the year 1948 through a joint venture of labour, management and the Government. The Labour Appellate Board has since been defunct but during its existence it has done useful work. 6

Judicial settlement of disputes: A number of cases are sent to the Industrial Tribunal, when the parties fail to come to a settlement. In the tea gardens of Assam, there are instances of simultaneous discharge or dismissal of the wife along with the workman husband for no fault on her part. Although such cases are few and far between it poses a serious problem in the

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5. ACKS Vs. Joreauhat Tea Company Ltd.
INTUC Vs. Dehingapara T.E. (1953/1950)
ACKS Vs. Meheema T.E. (1963)
ACKS Vs. Thakurbari Central Worksho (1973)

These are important cases settled through such procedure.

Letter dated 13.3.1975 from the General Secretary, ACKS, Dibrugarh

6. ACKS Vs. Maijan T.E. (1951)
ACKS Vs. Gaoroo Parbut T.E. (1952)
ACKS (representing B.P. Sengupta) Vs. Leocham T.E.

are important cases settled through this Board.
Overview: In the tea industry the disputes are settled in a joint meeting of the workers' unions and the associations of the employers. Thus joint consultation forms the most important means for the settlement of disputes. But at the same time judicial settlements sometimes become unavoidable. In case of failure of the joint efforts judicial settlement is the only alternative. Nevertheless, the reference of disputes to adjudication should be on the basis of some sound principles. The model principles evolved at the Indian Labour Conference should be strictly followed. The present practice of conciliation officers merely acting as agents for forwarding disputes to higher authorities should be discontinued. They should exercise the powers given to them to decide on the basis of the evidence produced.

7. ACMS (Doom Dooma Circle) Vs. Hansara T.E.
    ACMS Vs. Nahartoli T.E.

are two such important cases referred to and settled by the Industrial Tribunal.
before them as to which cases should be followed up and which merit no intervention and should be dropped. Conciliation officers should refuse to deal with disputes which are raised by the unions other than recognised union and which do not come to them through proper channel as prescribed under the grievance procedure. Before a dispute is referred to adjudication the parties should have the opportunity of expressing their views before a senior officer of the Labour Department so that the reference of flimsy issue to adjudication can be avoided.

It is necessary to create an effective machinery for the quick disposal of disputes within a fixed time to ensure uninterrupted production in the industry. For the quick settlement of disputes it is necessary that there should be a time bar within which cases should be referred. These measures would help to reduce the number of cases coming up for adjudication and would facilitate quick disposal of genuine cases of injustice. The authority for appointing Industrial Tribunals and Labour Courts should be vested in the High Court. We would also urge that the Labour Appellate Tribunal should be revived since the disposal of appeals by the Supreme Court takes a long time. Further, since disputes are occurring frequently and there is inordinate delay in their disposal causing great hardship to the workers, it is strongly felt that


time has come for the revival of the Appellate Board for quick disposal of disputes. In the Appellate Board, however, managers might not like to sit in judgement over another manager's decision. This problem may be solved by increasing the number of Labour Courts and Industrial Tribunals for quick disposal of cases. The Appellate Board is nothing else but an arbitration machinery and the employers should have no objection to refer their disputes to the Board.

It is, however, felt that collective bargaining should be the proper method for the settlement of all disputes. In case of failure to settle disputes by collective bargaining voluntary arbitration should be resorted to. However, the employers have not accepted voluntary arbitration. They prefer arbitration under certain circumstances. The difficulty of choosing the right type of arbitrators and lack of provision for appeal against the awards of Arbitrators under the I.D. Act make this system less acceptable with the Employers. Trade unions, on the other hand, have shown a preference for voluntary arbitration in most cases in the interest of speedy disposal of disputes.

Section II: Joint Consultations: In the tea industry the machinery evolved for settlement of disputes goes hand in hand with collective bargaining. Labour and management are brought closer to

12. Ibid. Speech of Tripathy, Sri K.P., Chairman of the SLC & Labour Minister, Assam.
13. Ibid. Speech of Allen, G.T. of I.T.A.
each other culminating in the minimisation of labour unrest and augmentation of production. Joint consultation plays a two fold roles, on the one hand, it leads to settlement of disputes and on the other hand, it creates the much needed goodwill and confidence in the administration. We note that the part which the Government plays in industrial relation, while very important, is not a major part. It is to a great extent confined to helping the industry to help itself— to helping the industry to develop its own self-government in the matter of determining wages and conditions of settling disputes. The policy of the Government is also based on this principle.

In the tea gardens of Assam, where a large number of workers are employed, joint consultation becomes absolutely necessary for the establishment of harmonious relations between employers and employees as part of an endeavour to evolve a co-operative industrial society. An eminent social scientist, R.S. Rowntree holds that industrial unrest is an evil which can be remedied by giving the labourers a definite voice in the industry in the determination of working conditions and creating interest in the improvement of business. Both the purposes can be served by joint consultation. Otto-H. Kahn says that workers are neither a commodity nor a machine. They as a human being with due responsibility on their part, should be given an effective voice in the joint determination of their problems. As a labour minister in the Union Cabinet, V.V. Giri gave the clarion call to both sides of industry to consider the pernicious effect of settling
disputes through litigations and advocated for the need of joint consultation in the following works.

"Settlement of industrial dispute is a difficult task but the cultivation of goodwill is an infinitely more difficult task. Arbitration or adjudication can attempt the former but it is collective bargaining and joint consultation which can achieve the latter."

The industry cannot conceive the policy of rationalisation unless there is mutual co-operation between the labour and management. The joint participation of the workers and capital in the management of the industry will contribute a great deal towards harmonious growth of industrial relations.

**History of Joint Consultation in Tea Industry:** Joint consultation in the tea industry of Assam is of recent origin. As a matter of fact, it is only after 1947, with the passage of the I.D. Act and formation of the INTUC, that joint consultation has come into effect. The outbreak of industrial unrest on a large scale immediately after the first world war compelled the Central Government to explore the possibilities of providing some machinery to deal with the settlement of industrial disputes. The father of the nation introduced the system of arbitration in settling the disputes in the cotton mills in Ahmedabad. Two Committees were appointed in 1921 by the Government but with no effect. The Royal Commission on Labour recommended the formation of Joint Machinery for settlement of disputes. But the Government considered the establishment of...

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15. Report of the Royal Commission/Labour (1931) Recommendations No 353(a) to (d) and 355, 356, 357.
Industrial Council as premature. The second world war witnessed a phenomenal expansion of industries and consequently rise in employment, thus subjecting the industrial relations to increasing strains culminating in numerous struggles relating to wages, dearness allowance, bonus and sharing of capital and profits. The existing Trade Disputes Act was considered rather outmoded and ineffective to deal with these new post war problems.

In the wake of independence evolution of joint consultative machinery in the industrial arena was a historic event. The year 1947 was an eventful one in as much as the country witnessed industrial unrest which assumed unprecedented dimension during this period. This warranted the Government of India to convene hurried tripartite conferences of the Central and Provincial Governments including the representatives of employers and workers in order to devise ways and means to remedy the critical situation confronted by the country at that time. The Constitution of India also prescribed certain amenities to labour. The State was committed to secure decent standard of living, working conditions, a living wage and to a programme of social security to workers. And as a measure to achieving this goal tripartite labour machinery consisting of a Preliminary Labour Conference and Standing Labour Committee were set up at the central level to discuss specific problems peculiar to the industries covered by them.

Industrial Truce Resolution: Thus tripartite Labour Machinery consisting of the Industrial Labour Conference (I.L.C.), Standing Labour Committees (S.L.C.) and Industrial Committees for
various industries, Central Advisory Council of Industries and Central Advisory Council for Labour have been set up at the centre to effect industrial peace in the proper direction and a resolution called the Industrial Truce Resolution (I.T.R.) had been adopted urging the employers and workers to co-operate in matters of administration and solution of disputes. In their resolution on Industrial Policy in April 1948, the Government of India accepted the I.T.R. and re-iterated their decision to associate labour in all matters concerning industrial production. The adoption of a Code of Discipline has been an important landmark in the evolution of industrial relations along healthy lines.

I.D. Act 1947: Another achievement was the passage of the I.D. Act, 1947 which set up Works Committees, appointment of Conciliation officers, constitution of Conciliation and Arbitration Boards, thus providing for a three-tier settlement machinery viz conciliation, arbitration and adjudication. The Act provides for the inclusion of workers' and employers' representatives in the above committees for mutual settlement of disputes. We shall subsequently discuss about legislation in greater detail.

Recommendations of the Planning Commission: Then comes the recommendations of the Planning Commission. While approving the usefulness of the Works Committees and Joint Committees as the keystone of the structure of industrial relations, the Commission further recommended the strengthening of the existing machinery and the development of new machinery in the form of collective bargaining, grievance machinery, standing orders, social contact, retrenchment committees, production and efficiency committees, wage boards etc.
In Assam tea gardens, Joint Consultations have been started on the basis of these recommendations. The Joint Consultations in Assam tea gardens have been practised at five levels either voluntarily or statutorily. First, Joint Consultation of bi-partite nature on purely voluntary basis in the garden, zonal or circle and industry level. Second, Joint Consultation of bi-partite nature under statutory obligation. Third, Joint Consultation on Tri-partite basis on statutory conditions in garden, circle or zonal and on the level of the industry. Fourth, Joint Consultation in Tri-partite basis on voluntary agreements and understanding. Fifth, Joint Consultation at the National level.

Joint Consultation of Bi-partite nature on voluntary basis:- Bilateral discussions at the level of the undertaking has been arousing a great deal of interest in the industry. They are nothing but collective bargaining between the garden administrators and the employee's union. Collective bargaining is a means by which employees can sell their services max at the highest possible price. It is also a means by which employers purchase labour at the cheapest possible rate and at the same time maximise production and appropriate the surplus value.

Recognition of union is a pre-requisite to collective bargaining and the I.N.T.U.C. affiliated unions and units are now recognised by the gardens for the purpose of such bargains. The grievances are discussed between the union and management in a spirit of accommodation and in most cases settlement is arrived at. The grievance procedure and the code of discipline laid down have paved the way for success of collective bargaining. Only in
the event of failure of settlement at bi-lateral level, tripartite discussions are held and Governmental intervention is encouraged only at the last stage.

The next course for settling a dispute is at the Circle Level when there is a failure at unit union level in the garden. If the parties fail at this level the third step is to refer the matter to the central offices of the I.N.T.U.C. This is the final and ultimate stage for a purely bi-partite discussion and in case of failure in arriving at a settlement the matter is referred to the Conciliation Officer, who, by common practice is also the Government Labour Officer.

Joint Consultation of bi-partite nature under statutory obligations:— Congenial industrial climate depends more on prevention of disputes than on cure through settlement and the method of prevention of disputes should precede the method of settlement. With a view to achieving this goal the idea of the Works Committees has been conceived and the Industrial Disputes Act, 1947 provided for the establishment of such committees in all establishments employing 100 workers or more with equal number of representatives of employers and workers to be chosen in a prescribed manner and in consultation with the registered trade union functioning in the said concern. In conformity with the relevant provisions of the I.D. Act, 1947, Assam Industrial Disputes Rules 1947 were framed making it mandatory on the part of the employers employing 100 or more workers to form Works Committees and thus the tea gardens of the State were also brought within the ambit of these rules. The objects or functions of these committees were,
First, to provide a means whereby workers through their own representatives, can talk directly with the management about question of labour welfare and working conditions generally; Second, to give employees a wider interest in and greater responsibility for the conditions under which they perform their work; Third, to prevent friction and misunderstanding.

The Government of Assam made it obligatory on the part of the employers to form such committees. But formation was very slow. By 1955 there were only 179 works Committees functioning in different tea gardens of the state. These committees are not practically functioning and although the formation has not yet been exempted by law, the Government also have not taken any step in the matter.

The chief reason for such non-functioning of the Works Committees is the opposition from trade unions. The elaborate election procedure to be followed have also acted as a disincentive to the establishment of Works Committees. But this difficulty would have been easily overcome had the workers' unions been interested to develop these committees as prescribed under law. But from the very beginning the formation of Works Committees had been looked with disfavour by the union. The I.N.T.U.C.'s sympathy with the


17. For example, the A.C.K.S., vide Circular letter dated 5.2.1950 directed their members to withdraw from the Committees as the representatives of the Employers and the Head Clerks apprehending expulsion from the union membership resigned from the Works Committees.
works Committees is also lukewarm and they continue to cold-shoulder the efforts of the works committees, let alone their co-operation with regard to their functioning. The contention of the union is that the scope for these committees doing any tangible thing is extremely limited. Besides, a Works Committee will invariably interfere with trade union function. It is further held that the tea garden labour being illiterate and ignorant is incapable of taking part with the employers in joint discussion concerning working conditions and other matters of mutual interests. The employers further argue that the Works Committees will undermine the authority of the managers and will foster indiscipline, as managers may find themselves in conflict with the representatives of the workers. This may be the only reason for reluctance on the part of the employers to form Works Committees in the gardens. Further, many garden managers have not understood the proper function of the Works Committees.

Thus Joint Consultations at the garden level under statutory obligations have defeated the very purpose for which it is intended. It is necessary to review the position with active co-operation of the employees' unions which exist to champion the cause of the weaker sections in the industry. Whatever be the defects, it is true that though the Works Committees could not justify its existence in reality, still the existence of such committees have helped at least to bring about a closer contact between the labourers and the employers and the Joint Management Councils functioning in place of Works Committees in certain gardens are found to be useful for settlement of disputes at the garden level.

Joint Consultation on Tri-partite basis under statutory obligations: The only provision for tri-partite discussion on the garden level is the conciliation proceeding, as laid down under the Assam Industrial Disputes Rules, when on the failure of bi-partite discussion, the labour officer of the district intervenes to bring out an amicable settlement. As a matter of fact, about 90 percent of the disputes, generally arising out of dismissal, discharge, maltreatment, violation of bi-partite agreements, termination of employment, curtailment of existing customary amenities, non-supply of cereals at subsidised rates, change of service conditions and a host of other causes have been settled in course of conciliation proceedings. However, the disputes, embracing the major issues affecting the general body of workers is beyond the scope of such settlement for which there exists a separate machinery for settlement of issues concerning the entire industry but on the other issues as noted above the conciliation proceedings at the garden level has proved to be a success as only a few cases of this nature are either referred for arbitration or adjudication. 19

There is actually no statutory provision for tri-partite

19. A.B.I.T.A. Annual Meeting 29.11.1975. Speech of the Branch Chairman Mr. T.R. Clyton. Referring to the newly formed Apex Industrial Relations Councils the Chairman commented that his Association had full support to it; he hoped that the new scheme would be subject to reappraisal by the Government as the existing system of Government Labour Departments' intervention in a dispute only when efforts for amicable settlement failed at local levels had been doing well for over 30 years, and the tea-industry in Assam had a management labour relationship 'second to none' (Assam Tribune 4.12.1975)
discussion at the circle or zonal level. Tri-partite discussions are generally held at the level of industry. Tri-partite discussions on the zonal level, however, are held with the A.C.M.S.or A.C.K.S. for early settlement which were often successful. Tri-partite discussions are also held at the industrial level when the entire industry is affected. The Labour Commissioner of the state acting as the Chief Conciliation Officer, undertakes the settlement but he has no power to enforce a decision. The I.D.Act, 1947, also authorises the setting up of a Conciliation Board, but no such Board has been set up for the purpose although different committees have been set up for finding the solution to a specific issue affecting the industry in general.

Thus the Committee on Minimum Wages had been successful in solving an important problem of the industry by dint of mutual co-operation and mutual understanding among the representatives of the employers and the employees. In case of difference of opinion the Government representatives have helped them to come to an understanding and to scale down the exaggeration on the part of the union representatives attending the discussion.

Joint Consultation on Tri-partite basis under Voluntary considerations:- Joint consultation of voluntary nature on the tri-partite basis have no place whatsoever in the tea plantations at the garden level or circle level and such consultations take place only at the level of the industry. Tri-partite discussions cannot be held unless the Government intervenes in the matter and the Government has not so far encouraged discussion of tri-partite nature on garden or circle level on voluntary basis.
To solve the other issues besides wages it was felt that these should be discussed by the labour and the management together through the assistance of Government representatives at the industrial level and it was in this context that the Government of Assam set up the Labour Welfare Board (L.W.B.) and the Standing Labour Committee (SLC) for tea plantations in the state. The L.W.B. had been set up to suggest the general welfare schemes to be introduced in the tea gardens of Assam. We shall discuss about the working of this Board later on,

S.L.C. on plantations: The S.L.C. for the tea plantations of the State was constituted in 1952 to advise the Government on various problems concerning the tea plantations in Assam with four representatives of the Government, 4 from the Employers and 4 for the employees with the Labour Minister as the Chairman and the Labour Commissioner as its member-Secretary. In the first session of the Committee held at Shillong on 15 December, 1952, the employers' representatives suggested the abolition of foodstuff concessions and cash allowances in lieu, without any cash adjustment in wages. It was further suggested that the salaries of clerical staff and allied establishments to be cut by 5 percent for averting the contemporary crisis in the industry; that a similar cut in managerial and supervisory staff be imposed; that reduction of travelling allowances for clerical and medical staff by 50 percent be made; that maintenance of houses by labourers with the help of

building materials available in the estates to be supplied free of charges and finally that arrangement of cereals to labour through Government fair price shops be made.

The representatives of the I.N.T.U.C., on the other hand, argued that there was no crisis worth its name. Falling prices of tea, according to them does not create crisis, so long the margin of profit was there. They were not prepared to accept the crisis unless they had access to the figures of the cost of production and the selling price of tea. But they also agreed that if the industry could convince the labour that there was a crisis, they would render every possible co-operation to meet the situation and were prepared to make any sacrifice that might be called for. It was also argued that the sacrifice must come from three sides i.e. the Government, Industry and Labour.

Though no decision could be arrived at in the first session of the Committee, this subject was taken up by the Minimum Wage Advisory Committee (M.W.A.C.). In the subsequent five sittings, the Committee had dealt with the question of plucking rates, retrenchments, lay-off, bonus, cash conversion in respect of food stuff concessions, revision of minimum wage and Artisans' Pay scales etc where reasonable settlement was arrived at and differences narrowed down. It had also been suggested that there should be bi-partite discussions on those matters on which no settlement could be arrived at.

Since its inception the S.L.C. has held 34 meetings upto and including the one held on 16 December, 1974 at Dispur and during this period the Committee has done a very good job in bringing the

22. Ibid pp 4-5.
parties together over industrywise issues. Although the deliberations are not always fruitful the fact that the tea industry in Assam has not gone through a general strike in the last three decades is itself a proud achievement of the S.L.C. Certainly there is scope for improving its functioning by holding the meetings more frequently and initiate proposals for legislation. Further it may have a full time Chairman appointed by the Government to ensure smooth functioning of the Committee. The Labour Minister is not able to bestow adequate attention to a S.L.C.

**Joint Management Councils**

Joint Management Councils were set up on 5 estates in Assam but a majority of these councils have ceased to function because of lack of interest on the part of the workers. It is considered that it would be unwise to extend the experiment without first assessing the performance of the existing councils.

**Joint Consultation at the National Level**

For purposes of Joint Consultation at the National level, the Industrial Committee on plantation (ICP) was set up on national scale by the Government of India in 1947, with the Union Labour Minister as its Chairman, for the promotion of goodwill and efficiency among the plantation workers all over the country. Since its inception important issues concerning the plantation industry in the country are discussed. The Assam Government has implemented the suggestions at the national level in consultation with the S.L.C.

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A separate labour code was evolved for the workers which was incorporated in the Plantation Labour Act, 1951 and the Assam Plantation Labour Rules. This is one of the most outstanding performance of the I.C.P during the first few years of its existence. Many of the welfare provisions of the Act were implemented in some well-managed gardens of the State on a voluntary basis even before the implementation of the provisions of the P.L. Act in Assam. At the same time in some gardens the provisions are not implemented effectively.

In the Sixth session of the I.C.P., the Government of India proposed to set up a Plantation Labour Enquiry Committee to enquire into the conditions of the plantation workers. The Plantation Labour Enquiry Committee (P.L.E.C.) made a general survey in Assam. The findings of the P.L.E.C. shall be discussed subsequently.

Overview: Of all institutions that have been brought into existence for the settlement of disputes, Collective bargaining or the Works Committees have not been a success. However, the well organised labour unions in Assam have achieved commendable success in the settlement of disputes through mutual discussions. The tri-partite machinery is somewhat successful.

The Minimum Wage Committee has been successful in solving the vexed problem of wages to a satisfactory level. The S.L.C. has been successful in narrowing down the differences. In the initial stages, the only tri-partite discussions which had been a complete failure is the deliberations in the L.W.B. due to non-co-operation of the union. But at present the labour unions are cooperating.
Thus joint consultation with regard to the tea plantation labourers and staff has been greatly successful.

Section III: Disputes of Executive Personnel:— We shall now discuss the disputes between the management and the executive staff which consist of the Manager, Assistant Manager or the Superintendent. They are not ‘Workman’ and not covered by the benefits rendered by I.D. Act and the rules framed thereunder.

Except bi-lateral discussions between the executives and their employers there is no other means of settlement of disputes. When bi-lateral discussions fail the Executive either leaves the concern on his own accord or he is forced to leave by resignation.

The tea being a highly sophisticated industry, at least a minimum period of three years is absolutely necessary for a garden manager to get himself acquainted with the bushes and the garden. If there is frequent changes of managers, the garden is bound to suffer. It is detrimental to the national interest. It leads to minimum production involving loss of earnings which in turn leads to industrial unrest and disputes arising out of a sense of insecurity among the general workers serving in the garden. Normally there are no conflicts between the Company and the Executive personnel.