



BOOK REVIEWS

The Industrial Disputes Act, 1947, by VITHALBHAI B. PATEL, N. M. Tripathi (P.) Ltd., 1963, pp. vii and 498 and index 3 pp. Price Rs. 36-00.

Mr. Patel's commentary on the Industrial Disputes Act is a welcome addition to the growing literature on the subject of industrial law.

The volume is divided into four parts: The first (pages 1 to 448) gives the text of the Industrial Disputes Act, 1947, including up-to-date amendments with a section-wise commentary. The second deals with five important subjects which give rise to most of industrial disputes *viz.* Bonus, Wages, Gratuity, Dearness Allowances and Leave and Holidays. Here, the author has given 41 gratuity schemes as drawn for Bombay industries by the industrial tribunals. This data is of great value to students of industrial law. There is also a schedule of leave and paid holidays awarded in many industrial concerns by industrial tribunals. The third part deals with Disciplinary proceedings (579-610). It begins with the employer's uncontrolled power to discipline his workmen under the Common Law, the restrictions placed on the discretion of the employer by the industrial tribunals, discusses the procedure the employer should follow to discipline his workmen and points out in what cases the industrial tribunals would interfere in his judgment and force him to reinstate the workmen. The fourth part (appendices) contains the text of various enactments in the industrial area and Central and state rules.

Mr. Patel has succeeded in a large measure in achieving his objective of "digesting and systematically presenting the case law in one volume." The volume presents a fairly comprehensive study of the Industrial Disputes Act well documented by case law. The volume includes the various state amendments to the sections of the Industrial Disputes Act, the rules made under the Act by the Central and state governments and the Act as it was originally enacted and every amending Act thereafter. This should prove immensely useful.

Since the intention of the author is only to meet the need for a clear and systematic presentation of Industrial law as it exists today, perhaps no one will find fault with the author for not making much



of an original contribution himself in such an important and developing area as Industrial law. But this reviewer feels that even within this limited endeavour of the author certain imbalances and inaccuracies could have been avoided.

Some of the most important and controversial problems are given a very summary treatment. "Go-slow"—a power tactics of the union—is disposed of in just nine lines (p. 180) and there is no reference to the important decision of the Supreme Court in *Bharat Sugar Mills v. Jaisingh* ([1961] II-LL.J. 644). It is noteworthy in this connection that while the courts in India have not found any justification for 'go-slow' tactics the Bihar 'Go-slow' Committee has recommended that 'go-slow' by workers should be treated on a par with strike and a 'go-slow' due to malpractices by the management would be justified. The same casual treatment is given to 'sit-down' (or pen-down or stay-in) strike (p. 186) and what is said does not represent the law as it exists to-day. On this topic the author has devoted only seven lines to say what the Rajasthan High Court observed in *Sadul Textile Mills v. Their Workmen* ([1958] II-LL.J. 628) that even without violence a stay-in or sit-down strike was an invasion of the rights of the employer in the property of the mill and there could be no justification for such a strike. There is no reference to the Supreme Court decision in the *Punjab National Bank v. Their Workmen* ([1959] II-LL-J 666) where the Court rejected the reasoning of the Rajasthan High Court. In contrast, twenty-two pages are devoted to the definition of 'Workmen' with quotations from foreign judgments unnecessarily thrown in. On important topics like 'sit-down' and 'go-slow' the author has no comparative materials to offer. The statement that "in the absence of any evidence as to the date of receipt of an award by Government or as to the date of its despatch by the tribunal the proceedings before a tribunal must be deemed to have been pending under Section 20(3) of the Act till the award is published" (p. 352) seems to be based on case law prior to the amendment of section 20(3) in 1952. After the 1952 amendment the "proceedings shall be deemed to have concluded when the award becomes enforceable under section 17A". Again, a careful reading of section 2(kkk) with its explanation and provisos and of sections, 25C, 25-D and 25-E does not warrant the conclusion that "the provisions of the Act make it clear that there is no relationship of master and servant during the period of lay-off" (p. 163). The author makes it appear as if the works committee is the first step in the ladder of



conciliation machinery when he states: "If the Works Committee is unable to settle the disputes arising between the employer and his workmen conciliation officers and the Boards of Conciliation offer assistance to the parties to settle their disputes" (p. 213). But the status and functions of the works committee are different from that of conciliation officers and boards of conciliation.

The verbatim repetition of what has been said under 'Lay-off and Lock-out' (p. 164) again under the head 'Lock-out and lay-off' (p. 167) could have been avoided.

These minor short-comings do not in any way detract from the usefulness of the book. It is hoped that Mr. Patel will attempt to rectify them when he brings out the next edition of the book.

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Commentary on the Indian Stamp Act, 1899, by ATUL CHANDRA PATRA (Eastern Book Company—Lucknow and Delhi) 1963, 2nd ed. pp. 1150, Price: Rs. 32-50.

The Law relating to stamp duties is a complicated subject and the Indian Stamp Act, 1899, therefore provides that the Chief Controlling Revenue Authority may, in cases of difficulty, state a case and refer it with his own opinion to a High Court. On such a reference, the case shall be decided by a Bench consisting of three judges of the High Court. To summarise all this case law and restate the law, is itself an arduous task. If in addition one undertakes to state the statute law accurately (as an author should) together with all the State amendments and various notifications, it becomes a very strenuous attempt. Mr. Atul Chandra Patra has however, set himself this ambitious aim in the second edition of his *Commentary on the Indian Stamp Act*. Though he modestly says in the preface that he has "spared no pains to fulfil his object at least in so far as time and space would permit," he has in fact produced a reasonably complete work which is bound to be very useful to the practising advocate and the revenue authorities.

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