



REVIEWS

A COMMENTARY ON THE INDUSTRIAL DISPUTES ACT, 1947. By V. B. Patel and B. M. Patel. Second Edition. Bombay : N. M. Tripathi Private Ltd. 1967 Pp. lxxxiii+478+A-328. Rs. 40.

THE SECOND EDITION of the book under review was a necessity, on account of sweeping amendments in the Industrial Disputes Act, 1947, after the first edition of this book was published, in the early months of 1963. During the period from 1968 to 1967, when this edition came out, there has been a spate of judicial decisions on many issues of controversy, touching upon the important spheres of the labour legislation and judicial pronouncements dealing with such problems. In publishing the second edition, the author has taken pains to re-write mostly the previous provisions of the book and also in making it up-to-date, by inserting the latest decisions of the courts.

The book has been divided into five parts. Part I deals with the commentary on the Industrial Disputes Act. Part II deals with the day to day problems relating to bonus, wages, gratuity, dearness allowance, leave and holidays, whereas part III has been devoted solely for dealing with the vexed question of disciplinary proceedings. Part IV includes appendices relevant to the scheme of the book and other connected statutes and rules made thereunder, whereas part V includes the rules framed by the central government and a few of the state governments. The legal acumen possessed by the author is well reflected in the manner in which the book has been re-written and re-cast. The various problems, with which the industrial community is faced today, have been systematically and methodically arranged and discussed, quoting whenever required the relevant judicial pronouncements, also enunciating the underlying various concepts, historical growth and development of the various branches of industrial law and analyzing these problems in the simple, clear-cut and expressive style. This approach by the author makes the book all the more interesting and instructive to students of industrial jurisprudence, to the litigants and members of the bar and the bench equally.

Industrial law in India has its own history. The development of industrial law in this country dates back when the first historical decision was pronounced by the Federal Court in *Western India Automobile Association v. Industrial Tribunal, Bombay*.¹ This feature continued on a progressive scale thereafter. Quite a large number of Supreme Court and High Courts decisions reflect this trend and approach. The

1. 1949 F.C.R. 321.



Supreme Court has contributed chiefly to the amplification of these concepts in the socio-economic field. The leading cases decided by the Supreme Court,² put their stamp on the theory of social legislation, social justice and social awareness.

The expression "analogous to the carrying out of a trade or business" as was used in *D. N. Banerjee* case, was further interpreted and explained in *Hospital Mazdoor Sabha* case, by Mr. Chief Justice Chagla of the Bombay High Court and later on, confirmed by the Supreme Court in the same case, on appeal. It means that the expression 'industry' includes not only business, but also an undertaking. Mr. Justice Subba Rao (as he then was) in *Corporation of City of Nagpur* case finally settled that the words "not strictly be called a trade or business venture" and the words "analogous to the carrying out of a trade or business" emphasize more the nature of the organized activity implicit in a trade or business than to equate the other activities with trade or business.³ In the *Corporation of City of Nagpur* case, the Supreme Court went to the extent of holding that neither investment of any capital nor the existence of a profit earning motive, is a *sine qua non* or necessary element in the modern conception of industry.

The exposition by various rulings of the courts and the methodical and systematic dealing with problems in the course of the preparation of the book lends the personal touch of the author, and his acumen and understandability of the subject. The chapter on problems relating to bonus, wages, gratuity, dearness allowance, leave and holidays and a separate chapter on disciplinary proceedings satisfies the need of the reader in understanding the intricacies of these problems which have been a subject-matter of examination and interpretation by various courts and tries to consolidate the area of difference on these pertinent cases and also serves as a guide-line for adoption of future course of action.

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2. Viz., *D. N. Banerjee v. P. R. Mukherjee*, (1953) 1 L.L.J. 195 (SC); *Baroda Borough Municipality v. Its workmen*, (1957) 1 L.L.J. 8 (SC); *Corporation of City of Nagpur v. Its Employees*, (1960) 1 L.L.J. 523 (SC); *Ahmedabad Textile Industries Research Association v. State of Bombay* (1960) 11 L.L.J. 720 (SC); *State of Bombay v. Hospital Mazdoor Sabha*, (1960) 1 L.L.J. 251 (SC); *National Union of Commercial Employees v. Mehar*, (1962) 1 L.L.J. 241; *University of Delhi v. Ramnath* (1964) 11 L.L.J. 335 (SC).

3. *Corporation of City of Nagpur v. Its Employees*, (1960) 1 L.L.J. 523 at 533.

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