INDUSTRIAL RELATIONS MACHINERY: STRUCTURE, WORKING AND THE LAW (1983). By S.C. Srivastava. Deep & Deep Publications, D-1/24, Rajouri Garden, New Delhi-110 027. Pp. 268. Price Rs. 85.

ARTICLE 39 of the Constitution of India enjoins the state to direct its policy towards securing, inter alia, the health and strength of workers; article 42 directs the state to make provision for securing just and humane conditions of work: article 43 directs the state to endeavour to secure, by suitable legislation or in any other way, to all industrial workers conditions of work ensuring a decent standard of life and full enjoyment of leisure; and article 43A directs the state to secure the participation of workers in the management of undertakings or other organizations engaged in any industry. These directives outline the framework of industrial relations and are fundamental in the governance of the country and it shall be the duty of the state to apply them in making laws.[1] The state strives from time to time to achieve these social goals through the instrumentality of law. The inevitable perspective of these social policies is to develop a society of industrial peace and amity devoid of "hire and fire". Sincere efforts have been made since Independence towards achieving industrial peace and amity, ameliorating the hapless conditions of workers and promoting healthy as well as conducive industrial life. The new industrial jurisprudence is, therefore, emerging because of the shift from contract to status.[2]

Accordingly, the Industrial Disputes Act 1947 provides for the constitution of various authorities to preserve industrial harmony. The Act has attained considerable importance since its inception. It is further gaining prominence because of the thought provoking pronouncements of the Supreme Court in regulating the labour-management relations. In order to gain insight into the actual functioning of various authorities, the author ably explains the emergence of problems of industrial relations in his book under review.[3] He has made the study of industrial relations machinery not a dreary abstract, but a lively, indepth examination of the subject, discussing ideas that have profoundly influenced the history of the maintenance of peaceful industrial relations in India.[4] Srivastava has aptly prefaced that labour law plays an important role in

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1. Art. 37.
2. P.B. Mukharji, *The New Jurisprudence* 241-70. (1970).
3. S.C. Srivastava, *Industrial Relations Machinery: Structure, Working and the Law* (1983).
4. *Id.* at 10.

regulating the relationship between labour and management. Labour-management relations involve dynamic socio-economic and psychological process. It has two faces like a coin—co-operation and conflict. India can ill afford the existing type of collective bargaining, for it is passing through a transition, and, therefore, has adopted adjudication as an alternative to collective bargaining.

The book under review contains nine chapters. Chapter 1 outlines the contextual and legal framework of industrial relations. It also explains the emergence of the problems of industrial relations and describes the historical perspective of industrial relations machinery.[5] The author raises a penetrating point that adjudication authorities under the Industrial Disputes Act are increasingly concerned with the area of labour-management relations. They have handed down several thousand awards, and as such these awards have given rise to many legal problems.[6] Besides, the author gives lucid as well as analytical account of Industrial Relations Bill 1978.[7] The agency for the prevention and settlement of industrial disputes provided for in the Act is the works committee and as such it aims at removing causes of friction between the employers and workmen in the day-to-day working of industrial establishment and at promoting measures for securing amity and good relations between them. In chapter 2 the author gives a critical account of the constitution, functioning and assessment of the works committee.[8] He observes that the functioning of committee reveals that it has failed to serve the intended purpose. Chapter 3 deals with grievance settlement authorities and reference of certain individual disputes to such authorities under the Industrial Disputes (Amendment) Act 1982.[9] The author rightly observes that the working of such machinery is still to be observed because the amendment has not yet been enforced. Chapter 4 seeks to delineate the functioning of various non-statutory machineries such as joint management council, code of discipline and tripartite consultative amchinery.[10] It is hoped that these voluntary machineries would influence, to some extent, both employers and workers for preservation and maintenance of industrial relations. The author, however, feels that these voluntary machineries have shown limited success. This observation needs serious consideration not only by the policy makers but by all those who are interested in promoting amicable industrial relations so that the objectives outlined are not belied. The Act seeks to reorient the administration of conciliation machinery for promoting settlement of industrial disputes.

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5. *Id.* at 9-24.
6. *Id.* at 10.
7. *Id.* at 21 and 117.
8. *Id.* at 25-31.
9. *Id.* at 32-36.
10. *Id.* at 37-51.

Chapter 5 attempts to make a critical study of the role of the conciliation officer in settlement of industrial disputes,[11] and chapter 6 relates to the board of conciliation.[12] The author's remarks about the working of the conciliation machinery are encouraging: "A survey of the working of conciliation machinery reveals that, despite limitations of varied character, it has played a significant role in settlement of industrial disputes."[13] He supports his argument by giving statistical information on the point.[14] This shows his pursuit not merely in exegetical exposition of the problem but in empirical generalization of the same. However, the author's submission that "if the pressure on (Labour) Tribunals is to be reduced to any significant extent the Conciliation Officer must assume greater responsibility for settling industrial disputes", must be welcome. Chapter 7 gives the legal framework of the court of inquiry.[15] The progress of a country being dependent upon the development of industry, the Act plays a significant role in that direction. The basic objective of the legislation is the achievement of industrial peace and social justice so that both capital and labour may get their due share out of the fruits of their combined efforts and the industrial development or progress of the community does not suffer due to labour unrest. This objective can be attained if there is an effective dispute settlement machinery and speedy disposal of industrial disputes. Collective bargaining has been accepted as the best method of regulating labour-management relations. Voluntary arbitration supplements collective bargaining. In the light of this ambit, chapter 8 extensively deals with various facets of voluntary arbitration.[16]

Chapter 9 critically analyzes the structure, working and the law relating to industrial adjudication.[17] Reference by the appropriate government to a statutory authority, such as a labour court, industrial tribunal or national tribunal, is the final stage in the settlement of industrial disputes. The need for such forum for adjudication arises when the knotty problems such as regulating the rights of the parties and wage rates, standardization, allowances and bonus, working conditions, leave and holidays, and social security provisions cannot be settled either through bipartite negotiations or the good offices of the conciliation machinery or voluntary arbitration. The author correctly argues that this process "has to be followed in our country mainly because the trade union movement is weak and in no

11. *Id.* at 52-99.
12. *Id.* at 100-03.
13. *Id.* at 52.
14. *Id.* at 89-99.
15. *Id.* at 104-06.
16. *Id.* at 107-62.
17. *Id.* at 163-262.

position to negotiate with the employer on the equal footing." Consequently, this system has been criticized for its unfavourable effects on the trade union movement, and its growth as well as its attitudes. This type of adjudication process has resulted in long delays in industrial disputes settlement. Such delays are themselves responsible for much industrial strife.[18] In order to overcome this unpalatable state of affairs there is a need, in the view of the reviewer, to probe whether the power to refer industrial disputes should continue to be retained with the government or should be given to the judiciary. It may be submitted that judicial supremacy is the need of the hour for it is the least dangerous branch of the government.[19]

Srivastava, indeed, is an erudite and prolific writer in the pedagogy of labour laws. He has a sui generis place in the arena of labour laws. His present scholarly work, therefore, is a combination of experience, insight and concern reflected in his lucid exposition of this subject. The author intelligently discusses the crisis in industrial relations legal system in India. Accordingly, students, research scholars, labour leaders, administrators, labour courts, bar and bench, and all those intimately connected with labour legislation and labour problems will find much of interest in the book under review. No better words can be chosen than of John Kenneth Galbraith to call this work "a brilliant achievement in which the subject has been handled nearly to perfection."

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18. *Id.* at 163-64.

19. Alexander M. Bickel, *The Least Dangerous Branch : The Supreme Court at the Bar of Politics* (1962).

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