A STUDY OF INDUSTRIAL LAW (Vol. I) (4th ed. 1987). By G.M. Kothari. N.M. Tripathi, Bombay. Pp. xxxi+372. Price Rs. 90.

IN A country with antagonistic socio-economic formations, in which labour is not conjugated with means of production, there is no consensus on legal norms governing the relationship between labour and capital. Conflict is a fact of industrial life, but no country and no industry has any alternative to industrial peace as it is conducive to maximum production. Maximum production in industries is functional to rapid economic growth and development which is necessary for political stability and social tranquility. So the policy maker, in quest of votes of the working class and money bags of the capital, has to develop a system of labour law, which can secure and ensure industrial peace.

These phenomena raise the question whether the policy maker can rise above the machinations of the more politically powerful of the two contending economic interest groups, guided mostly by self-interest, to safeguard overriding interests of the society in industrial peace. In this situation the question whether labour law is neutral and industrial peace is rested on social justice assumes importance in a country like India where the bulk of the labour is unorganised, trade union movement is weak and trade union rivalry is skilfully exploited by the employer to advance his own interests. In this socio-economic situation, politics and economics are on the surface of labour law when it interacts intimately with economic growth. So, exegetical studies of labour law are singularly inappropriate and inadequate. But there is a proliferation of such studies in India. And the book[1] under review is no exception.

The preface to its fourth edition claims that, though the book covers "the course-content for students of First Year of LL.B. Degree Course," it "will continue to serve an important need of busy practitioners, personnel officers, trade union officers and students of Labour Law."[2] The fact that the book has gone into its fourth edition may support this significant claim, which is a tribute to the standard of the First Year LL.B. students!

The edition is said to have come out in 1987. But it is surprising that neither the landmark case, *viz.*, *Bangalore Water Supply and Sewerage Board* v. *A. Rajappa*[3] nor the amendment of the definition of industry to nullify this case have been analysed. On the contrary, the reader will find the late and lamented definition of industry.[4] There is no examination of the effects

1. G.M. Kothari, *A Study of Industrial Law*, vol. I (4th ed. 1987).
2. *Id.* at vii.
3. A.I.R. 1978 S.C. 548.
4. *Supra* note 1 at 41.

of the construction of the word "employed" in section 2(*s*) in *Dharangdhara Chemical Works* v. *State of Saurashtra*[5] and *Hussainbhai* v. *Alath Factory Employees' Union*[2] from the perspective of contract labour. There is little of note on *State Bank of India* v. *N. Sundara Money*[6] and the resultant amendment of retrenchment. Examples like these can go on.

That this book is inadequate even as an exegetical study is further manifest from the reference therein only to the Patna High Court case, *viz*, *Rohtas Industries Staff Union* v. *Staff of Bihar*,[8] though there has been a noteworthy decision of the Supreme Court too in this case. The author has not gone into the ticklish issue involved in these cases : Is a trade union liable to pay damages to the employer for the loss caused by an illegal strike organised by it? Does section 24 of the Industrial Disputes Act 1947 limit the immunity guaranteed in the Trade Unions Act 1926 to a legal strike ? Probably, such issues are considered too strong for the weak stomach of First Year LL.B. students. If that is so, it is simply not possible to demand that the author should inform students that the relation between labour law and judiciary should be understood in the framework of class analysis, that judges are the products of a class and have the characteristics of that class and that trade union leaders, therefore, ask the government : Where are your impartial judges? And in such a situation, is it fair to give so much prominence to settlement of industrial disputes through adjudication? Does the increasing number of strikes and the mounting loss of mandays answer this question?

The author's reflections on the emergency of 1975[9] are contrary to facts. The indiscriminate closure of industries, lay-offs and retrenchments during this emergency have a different story to tell. Enactment of a law is not the be-all and end-all of life. In view of this, the conclusion of the author that during this emergency a "new leaf has been turned in the jural management of social engineering in the country"[10] sounds strange.

It can only be said in conclusion that in a subject like labour law touching the lives of the working class, having a bearing on economic growth and development and shaping the character of life in the country, the stuff on which the student of labour law has to be nurtured must be far more stimulating and nutritious than the book under review. The paucity of such reading material, despite the crying need for it, is a sad comment on our research institutes and our research in labour law, which are still languishing in

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5. A.I.R. 1967 S.C. 264.
6. (1978) 2 L.L.J. 397 (S.C.).
7. A.I.R. 1976 S.C. 1111.
8. A.I.R. 1963 Pat. 170.
9. *Supra* note 1 at 14-15.
10. *Id.* at 15.

doctrinal research. We cannot, therefore, blame the author for what he has doled out in his book for the consumption of students though, within his own framework, he could have been more up to date, saved space by refraining from reproduction of statutory provisions and used that space for a critical evaluation of law from the point of view of the society.

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