

**INDUSTRIAL RELATIONS & LABOUR LAWS (1990).** By S.C. Srivastava, Vikas Publishing House, New Delhi. Pp. 649, Price Rs. 125.

**SINCE INDEPENDENCE** legislation and judicial decisions relating to industrial relations have grown beyond measure in quantity. This is largely due to the growth of industry as well as to the growth of organised labour movements and, to some extent, accounted for by the constitutional philosophy and governmental policies that have evolved during the last four decades. In a country governed by the rule of law, economic and political currents ultimately do tend to find a reflection in written and unwritten law. Industrial relations are no exception. Labour law in general is now recognised as a specialised branch of study. Of this ever increasing and ever growing branch of law, that is to say, of the vast canvas that is filled up by labour law, one segment, namely, the law relating to employer-employee relations in industry, appears to be the main subject of the book<sup>1</sup> under review. The focus of the book is on trade unions, collective bargaining and unfair labour practices<sup>2</sup> (Part II), regulation of industrial disputes<sup>3</sup> and standing orders in industrial employment.<sup>4</sup> After a brief introductory Part dealing with industrial relations and their contextual and constitutional framework, the author presents a narrative of the law regarding trade unions and collective bargaining in Part II. The major portion of the book<sup>5</sup> is occupied by Part III dealing with the regulation of industrial disputes, followed by about 40 pages of discussion concerning standing orders. Although the title of the book may suggest that it deals with the entire gamut of the labour law, the main topics are those mentioned above. Consequentially, the book does not purport to deal with enactments such as Compensation of Workmen, Provident Funds for Employees, State Insurance of Employees, Maternity Benefits, statutes relating to child labour or safety in factories and mines. Nor does it purport to deal with enactments of special interest to particular types of employees, such as those engaged in plantations, *bidi* making and journalism.

On the three major topics enumerated above, the author seems to have offered a good coverage, including judicial decisions pronounced on the relevant statutory provisions. The book is not designed as a commentary, section by section, but rather as a textual exposition of the main principle and provisions. This has helped the author to present his exposition with lucidity and will probably be found useful, particularly by non-lawyers interested in industrial relations and allied topics. This does not, of course,

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1. S.C. Srivastava, *Industrial Relations and Labour Laws* (1990).

2. Part II.

3. Part III.

4. Part IV.

5. *Supra* note 1 at 135-582.

mean that lawyers will not need the book. As a fairly extensive treatment of the main points arising on industrial relations laws, the book might prove to be useful to lawyers also. Most of the major controversies in this branch of the law have been taken care of at some place or other, in the book. By and large, the net result would be found to be satisfactorily stated.

However, the reviewer would like to point out that at several places, mistakes of printing spoil the pleasure of reading the book. Such mistakes occur, for example, on page 17, line 20 ("law" should be "laws"), line 25 (it should be "Council of States"), page 19, line 20 (the correct word would be "ascertaining"), page 25, line 4 (quoting article 30 of the Constitution), page 398, line 19 (the proper word would be "Prohibition"), and so on. Besides this, there are passages in the book where editing from the point of view of grammar or diction or sentence structure, appears to be needed. Here is one example, taken from page 491, lines 28 onwards, where the sentence reads as under :—

"The Supreme Court in *Suraj Prakash Bhandari v. Union of India*, the management tried to evade the provision of Section 25G."

Another example occurring at the bottom of page 207 is quoted below :—

"In this case the company is a lessee of the self works and held licence for the the manufacture of salt on the land. The salt is manufactured from rain water which soaks down the surface and becoming impregnated with saline matter."

Apart from this, the reviewer would like to suggest that where a statutory provision is referred to, all the points thereon may preferably be dealt with at one place. Thus, section 17 of the Trade Unions Act commented upon in part on page 87 also finds place on page 92 while the section itself is quoted earlier on page 84. This part of the book needs to be re-arranged so as to bring out more clearly the difficulties and obscurities pointed out correctly by the author.

The right to form associations has been the subject matter of some discussion during recent times. There is no doubt that in future this might suddenly shoot up in prominence because of political and constitutional developments. In recent times, there have been a few rulings on this right, for example, *Sanjay Jain v. State of M.P.*,<sup>6</sup> and although the rulings may not relate to labour law, they are of some importance. The author's views in detail on this point would be welcome. In recent years, disciplinary actions and domestic inquiries have also figured frequently in the judicial decisions. Thus, the Bombay High Court in *Sankar v. Shakti Insulated Wires*,<sup>7</sup> dealt with the interesting question whether a shareholder can conduct an inquiry. Similarly, the vexing question whether disciplinary and criminal proceedings can both be taken against the employee has not lost its importance, as is evident from *Kusheshwar Dubey v. M/s. Bharat*

6. A.I.R. 1988 M.P. 90.

7. (1988) 2 Lab. L.J. 416.

*Coking Coal Ltd.*<sup>8</sup> Courts generally refuse to lay down general rules on this particular question but, in practice, one finds that such points relating to domestic inquiries are of great practical importance. The author has given some material in the book,<sup>9</sup> but the same may well be expanded in the next edition to cover several facets, one of which has been mentioned above. Incidentally, the discussion about the need for legal representation in domestic inquiries may be of importance even beyond the region of industrial relations law, since this question manages to crop up before the public eye in some form or other from time to time.

The value of the book would have been enhanced if the book had contained a table of cases and an index, both of which are absent. It may be that the constraints of time and the exigencies of publication account for this situation. However, the very hard labour put in by the author deserves this much. All in all, this should prove to be a useful book.

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8. (1988) 2 Lab. L.J. 470.

9. *Supra* note 1 at 545-46.

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