

ADMINISTRATIVE PROCEDURE FOLLOWED IN CONCILIATION PROCEEDINGS  
UNDER THE INDUSTRIAL DISPUTES ACT, 1947. Indian Law Institute  
Research Studies No. 1. [Bombay: Tripathi. 48 pp. (incl. index).  
Rs. 5.50.]

This is the first in a series of research studies published by the Indian Law Institute and is also the first of a series of studies on the project on Administrative Procedure and Adjudication followed in the major Central Government Departments of India. This little book is to be welcomed by all students of administrative law for this is the first occasion that any attempt has been made to study the administrative procedure followed in a Government department. The subject matter of this book is the procedure followed in conciliation proceedings under the Industrial Disputes Act, 1947, of India. To one not versed in Indian Law and Indian administrative procedure, it appears that there is indeed a great number of steps involved in conciliation proceedings under the Act. Conciliation proceedings should be as informal as possible. Conciliation officers there, however, have to work on a set basis and the numerous steps that have to be taken makes one feel whether such steps are indeed essential. After all, as the authors rightly point out, the heart of conciliation lies in persuasion. The reviewer cannot help but agree with the recommendations of the Institute that preliminary correspondence should be reduced

to the absolute minimum and that the conciliation officers should get down to meeting the parties at the earliest possible opportunity.

The Industrial Disputes Act, 1947, was enacted "on the principle that the best way of resolving labour-management differences which are not solved by mutual negotiations is not trial of strength by strikes and lock-outs but by an award by an impartial body". This is a very laudable objective for a piece of legislation in any part of the world, and particularly so in the context of Singapore. The steps taken from the beginning of the dispute up to the final stage, are clearly stated, but what is regrettable is that the authors and publishers have not seen fit to include the text of the Act in the book. One is often referred to various interesting sections but such sections are not to be found in the text. For instance, one is told on page 6 that disputes over union recognition do not constitute "industrial disputes" within the meaning of the Act. An attempt to find what is the definition of "industrial disputes" leads to no results. On reading the book, however, the reviewer finds from footnote 82 on page 21 that "industrial dispute" is defined in section 2 (k). On looking at the table of statutes under the Industrial Disputes Act, 1947, one finds section 2 (k) but no page reference quoted against it. The reviewer can well agree that if the book is to be confined to a domestic readership, then there would be no necessity for re-producing the Act. But as the book is intended to have an international readership, it would do well for the Institute to note that the complete texts of Indian legislation are not very easily available in some countries. If, owing to length, it would not be possible to include the whole text of the Act, the least that could be done would have been to include the more important sections of the Act. Mere citation of sections of an Act as authority for or in support of any proposition does not in any way assist the reader, and leaves him with no choice but to accept what is stated. This, however, is not intended to be a criticism of the Institute but merely a suggestion that more good would come out of the Institute's laudable objectives if readers in foreign countries were provided, so to speak, with the full facts.

On the substantive matter in the book itself, the Indian legislation is in many respects comprehensive, and every step taken in the proceedings is well set out. Briefly, the set-up of conciliation proceedings appears to be as follows:—

1. On receipt of a notice of strike or lock-out in a public utility service the conciliation officer must hold conciliation proceedings. In other cases, he may hold such proceedings.
2. The conciliation officer then arranges to interview the parties together or separately to bring about a settlement.
3. If a settlement is reached, he is required to send a report to the appropriate Government together with the memorandum of settlement signed by the disputant parties.
4. If no settlement is reached, he sends to the Government a full report, setting out the steps taken to ascertain the facts and circumstances and reasons why, in his opinion, settlement could not be reached.
5. If, on consideration of the above report, the Government is satisfied that there is a case for reference to a Board or Labour Court, Tribunal or National Tribunal, then it may do so. If the Government does not make a reference, then it is to notify the parties the reasons for its decision. The Indian courts have interpreted this to mean that once the Government is satisfied that there is a case for reference, then it must do so or the courts would compel the Government by mandamus to discharge its statutory duty.

All in all, the book is quite well produced. It has an adequate table of contents, and a very comprehensive index. The table of cases and of statutes (except for the one omission mentioned earlier) is complete, although in the former, the reviewer would have preferred it if the law reports references were cited.