

Social Service Voluntary Organisations

*332. SHRIMATI FATHEMA

ISMAIL:†

SHRI BISHAMBHAR NATH
PANDE:

Will the Minister of EDUCATION, SOCIAL WELFARE AND CULTURE be pleased to state:

(a) whether Government are aware of a recent full bench judgement of the Supreme Court which has brought all the social service voluntary organisations under the purview of the Industrial Disputes Act;

(b) whether the social service organisations have represented to Government for exempting them from the operation of the Act; and

(c) if so, what is Government's reaction thereto?

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): (a) Yes, Sir.

(b) Some eminent Social Workers including the Chairman, Central Social Welfare Board, have drawn Government's attention to the implications of the judgement.

(c) The matter is under consideration.

SHRIMATI FATHEMA ISMAIL: What action does the Government intend to take when the social welfare organisations come under the Industrial Disputes Act and what will be the application of this definition?

DR. PRATAP CHANDRA CHUNDER: Sir, as I have said, the matter is under consideration. In fact, a meeting was called this week and the representatives of the Law Ministry,

†The question was actually asked on the floor of the House by Shrimati Fathema Ismail.

the Labour Ministry and my Ministry have also discussed these problems, and Government is proposing to have one comprehensive Bill strictly for industrial organisations and another for other types of organisations. The second part is not yet finalised. This is under discussion.

SHRIMATI FATHEMA ISMAIL: Is there some protection given by the Government to social welfare organisations?

DR. PRATAP CHANDRA CHUNDER: When the new Bill will be brought forth to govern the activities of educational and social welfare organisations, certainly that suggestion will be considered.

श्री विश्वम्भर नाथ पांडे : मैं जानना चाहता था माननीय मंत्री जी से कि हमारे देश में ऐसी कितनी समाज सेवा संस्थाएं हैं जो रूरल और अर्बन एरिया में महिलाओं की शिक्षा या और दूसरे कामों में लगी हुई हैं, जैसे डैफ एण्ड डम्ब इन्स्टीट्यूशन चलाने में, ब्लाइंड रिलीफ की संस्थाएं चलाने में या पोलियो अस्पताल चलाने में, इस तरह की संस्थाएं ऐसी कितनी हैं कि जिनको मैचिंग ग्राण्ट की बिना पर सरकार जिन्हें ग्राण्ट देती है और दूसरी चीज यह मैं जानना चाहता था कि जबकि ऐसी संस्थाएं जैसे कि बम्बई यूनिवर्सिटी का प्रिंटिंग प्रेस है, उसको छूट है कि वह इण्डस्ट्रियल डिस्प्यूट के अन्तर्गत नहीं आता या ऐसी और बहुत सी संस्थाएं हैं जो शिक्षा संस्था से सम्बन्धित हैं, तो क्या माननीय मंत्री जी लॉ मिनिस्टर को इस बात की सलाह देंगे कि ऐसी समाज सेवा संस्थाएं जो कि नो प्राफिट-नो लास की बिनाह पर चल रही हैं, ऐसे लोगों को इण्डस्ट्रियल डिस्प्यूट एक्ट से वे बरी रखेंगे ?

श्री प्रताप चन्द्र चन्द्र : श्रीमन्, जो पहला सवाल माननीय सदस्य ने पूछा है, मैं विनम्र निवेदन करता हूं कि यह सवाल इस प्रश्न से नहीं

उठता। कितनी संस्थायें हैं। यह प्रश्न नहीं है।

दूसरा जो सवाल है इस पर मैंने पहले ही निवेदन किया कि चर्चा हो रही है। सुप्रीम कोर्ट ने कहा है कि—

"Absence of profit motive or gainful objective is irrelevant, be the venture in public, joint, private or other sector". Therefore, the question of profit motive or charity is no longer relevant. This matter is being considered in consultation with the Law Ministry and the Labour Ministry.

DR. SARUP SINGH: Sir, is it a fact that the universities are also covered under the definition of 'industry'? If so, will the Minister kindly examine this because its implications can be very serious? Would he also remember that some years ago there was a case before the Supreme Court filed by the Delhi University where it was declared that universities are not industries? So, would the Minister throw some light on it?

DR. PRATAP CHANDRA CHUNDER: Sir, under the widened interpretation of the word 'industry', even universities and educational institutions may be covered. Therefore, that matter is also under consideration, namely, to what extent these educational institutions might be governed by the proposed Bill relating to these types of bodies.

SHRIMATI AMBIKA SONI: Sir, the Janata Government has made several pronouncements, like eradicating casteism in five years, illiteracy in five years, finishing the evil of the dowry system, I do not know in how many years. Now it is well established that all these social evils can be done away with only through the help and with the co-operation of the social welfare organisations. It may be that certain social welfare organisa-

tions, because they come under the Industrial Disputes Act, may have been kept aside from being given grants etc. But it is also known that there are a number of international agencies, and I would like to mention especially UNESCO which has large grants to be given to the social welfare organisations, especially for eradication of illiteracy. I want to know how much of that grant has been utilised by canalling it to different social welfare organisations by the Ministry of Education, and how much of it has been surrendered because of non-utilization.

DR. PRATAP CHANDRA CHUNDER: Sir, I would respectfully say that this does not arise out of the question.

DR. SARUP SINGH: Sir, my question was not fully answered because I wanted to know whether the Minister was familiar with what happened earlier with the Delhi University.

MR. CHAIRMAN: It is over.

SHRI G. C. BHATTACHARYA: Sir, the real purpose of the judgment of the Supreme Court, or the basis on which the Supreme Court gave its judgment, was to maintain industrial peace. Will the Minister tell us whether the social organisations running industries are not interested in industrial peace? I would also like to know whether, while considering the Industrial Relations Bill, they are going to exempt the social welfare organisations, although they are running a huge industry. The hon. Minister, according to my humble submission, should not exempt social organisations because industrial peace is the prime consideration, whether you have social organisations running them or any other bodies running them.

DR. PRATAP CHANDRA CHUNDER: Sir, in extending the scope of the definition of 'industry', under section 2(j) of the Industrial Disputes Act, the Supreme Court laid down three tests; and in these three tests,

the test of industrial peace does not find any place whatsoever.

SHRI G. C. BHATTACHARYA: I would request him to go through the judgement. Then he will be....

DR. PRATAP CHANDRA CHUNDER: The question of industrial peace is neither before the Supreme Court nor before the Government. I can read out the portion of the judgment.

SHRI G. C. BHATTACHARYA: Is it not that the definition of the term 'industry' has been extended to all these only to ensure industrial peace? I would request the Minister to go through the judgement and then give a reply.

DR. PRATAP CHANDRA CHUNDER: Anyway, that is a matter of interpretation. However, the position of these social welfare organisations and the educational institutions is under consideration.

SHRIMATI AMBIKA SONI: I am sorry, Sir. I did not hear the Minister's reply to my question. I am told that he said that it is irrelevant or it does not arise from the question. Is this to be taken as an answer that the Janata Government considers all questions on important policy declarations as irrelevant? I would have appreciated if he had said that he requires notice to answer this question. To say that it is not relevant is highly objectionable. —

SHRIMATI LEELA DAMODARA MENON: Many of the social welfare organisations are mostly taking up self-employment projects in the name of socio-economic programmes, and there is a misconception that the self-employment projects are industries. In a way they are industries but they are mostly employment projects. Is it fair that these also should be brought within the purview of this Act?

SHRI K. K. MADHAVAN: Sir, I rise on a point of order.

MR. CHAIRMAN: There is no point of order.

SHRI K. K. MADHAVAN: Can a Minister question the relevancy of a question? According to me, it is the prerogative of the Chair.

DR. PRATAP CHANDRA CHUNDER: I have submitted this matter to the Chair. In reply to the question that was raised, as I said, the whole matter is under consideration, and the suggestion of the hon. Member will be taken into account.

श्री महेन्द्र मोहन मिश्र : मान्यवर, मैं मंत्री महोदय से पूछना चाहता हूँ कि इंडस्ट्रियल डिस्प्यूट एक्ट में कोई एक्जेंप्शन का प्रावधान है या नहीं ?

डा० प्रताप चन्द्र चन्द्र : मैंने कहा कि समाज सेवी संस्थाएँ इंडस्ट्रियल डिस्प्यूट एक्ट में हैं। लेकिन अभी सरकार यह सोच रही है, खासकर जो इंडस्ट्रीज हैं, जो चीजें पैदा करती हैं इसके लिए एक कानून बने और इसके अलावा और जितनी संस्थाएँ हैं उनके लिए दूसरा कानून बने। यह अभी चर्चा चल रही है, पूरी नहीं हो पाई है।

श्री महेन्द्र मोहन मिश्र : मैं यह जानना चाहता था कि आई० डी० एक्ट में एक्जेंप्शन का प्रावधान है या नहीं ? I want to know from the Minister whether there is any provision for exemption of any such institution in the I.D. Act or not.

DR. PRATAP CHANDRA CHUNDER: I am not aware of it.

SHRI NARASINGHA PRASAD NANDA: Sir, the Supreme Court judgement has brought the voluntary social organisations under the provisions of the Industrial Disputes Act. I should like to know from the honourable Minister whether the universities

come under the definition of the Industrial Disputes Act.

DR. PRATAP CHANDRA CHUNDER: This is a matter for interpretation. If such an interpretation comes an exemption will be made at the proper time.

PROF. SOURENDRA BHATTACHARJEE: I feel that the question of bringing the educational institutions and similar other organisations under the purview of the Industrial Disputes Act has arisen because of lack of security of service for those working in them. Is the hon. Minister aware that various teachers' organisations, organisations of educational workers and representatives of educational workers have been demanding for quite some time that they should come within the purview of the definition of industry and that the Industrial Disputes Act should be applied in their case? I am sure that he is aware of this demand. Secondly, is this demand being kept in view in examining and finalising the Government's attitude towards this whole issue?

DR. PRATAP CHANDRA CHUNDER: There have been such demands, and in framing the new Statutes they will certainly be kept in view.

केन्द्रीय सरकार के कर्मचारियों को भवन निर्माण के लिए ऋण

* 333. श्री नत्थो सिंह : क्या निर्माण और आवास तथा पूर्ति और पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार केन्द्रीय सरकार के कर्मचारियों को दिल्ली विकास प्राधिकरण से "स्वयं वित्त प्रबन्ध योजना" के अन्तर्गत प्लैट खरीदने के लिए भवन निर्माण ऋण प्रदान करती है ;

(ख) यदि हां, तो इस सम्बन्ध में ब्योरा क्या है ; और

(ग) यदि उपर्युक्त भाग (क) का उत्तर 'ना' हो तो उसके क्या कारण हैं ?

† [House-building advance to Central Government employees

*333. SHRI NATHI SINGH: Will the Minister of WORKS AND HOUSING AND SUPPLY AND REHABILITATION be pleased to state:

(a) whether Government sanction house-building advance to Central Government employees for purchase of flats from the Delhi Development Authority under the "Self-financing Scheme";

(b) if so what are the details in this regard; and

(c) if the answer to part (a) above be in negative, what are the reasons therefor?]

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI RAM KINKAR): (a) No, Sir.

(b) Does not arise.

(c) A scheme for the sanction of advance in such cases is, at present, under the consideration of Government.

‡ [निर्माण और आवास तथा पूर्ति और पुनर्वास मंत्रालय में राज्य मंत्री (श्री राम किकर) : (क) जी, नहीं ।

(ख) प्रश्न ही नहीं उठता ।

(ग) ऐसे मामलों में अग्रिम मंजूरी करने की योजना इस समय सरकार के विचाराधीन है ।]

श्री नत्थो सिंह : मैं माननीय मंत्री महोदय से यह जानना चाहता हूँ कि क्या यह सही है कि सरकारी कर्मचारियों को मकान खरीदने के

† [] English translation.

‡ [] Hindi translation.