

[Shri Ravindra Varma]

Therefore, with these words, I would once again beg of the House not to oppose the introduction of a Bill of this kind but to amend it wherever they find that there is something wrong, something objectionable. That can be done in the Select Committee.

Therefore, I will pray of the House not to oppose the introduction of the Bill.

MR. CHAIRMAN: Now, it is the accepted practice, as pointed out by the hon. Members that the Speaker does not give any ruling on the point of order or on whether the Bill is constitutionally within the legislative competence of the House or not. The House also does not take a decision on the specific issue *on vires* of a Bill. It is open to Members to express their views in matters and address arguments for or against the *vires*, the consideration of it by the House. This has been done. The Members take this aspect into account in voting on the motion for leave to the introduction of the Bill or on the subsequent motion on the Bills.

So I shall put the motion for leave to the introduction of the Bill. The Motion reads like this.

The question is :

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the registration of trade unions of employees and employers, the rights and liabilities of registered trade unions and settlement of trade union disputes, the conditions of employment of employees and the investigation and settlement of disputes between employees employed in industrial establishment or undertakings and their employers, and for matters connected therewith or incidental thereto, with a view to promoting healthy

industrial relations leading to accelerated economic development and social justice."

The motion was adopted.

SHRI RAVINDRA VARMA : Sir, I introduce the Bill.

14.50 hours.

# HOSPITALS AND EDUCATIONAL INSTITUTIONS (CONDITIONS OF SERVICE OF EMPLOYEES AND SETTLEMENT OF EMPLOYMENT DISPUTES) BILL\*

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I move for leave to introduce a Bill to consolidate and amend the law relating to the conditions of service of employees employed in hospitals and educational institutions with a view to securing the welfare of such employees and for the investigation and settlement of disputes between such employees and their employers, and for matters connected therewith or incidental thereto.

MR. CHAIRMAN: Motion moved:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the conditions of service of employees employed in hospitals and educational institutions with a view to securing the welfare of such employees, and for the investigation and settlement of disputes between such employees and their employers, and for matters connected therewith or incidental thereto."

SHRI DINEN BHATTACHARYYA (Serampore): Sir, this Bill has been circulated only today. How will you expect that the House will accept it?

\*Published in Gazette of India Extraordinary Part II, section 2, dated 30-8-78.

**MR. CHAIRMAN:** So far as circulation of the Bill is concerned, that is under the rules. That has been done.

Regarding the introduction of this Bill also there are three Members who want to object. I would say that you restrict yourself to the legal and constitutional competence of it only and do not go beyond that. Otherwise, it becomes a fullfledged debate. What can be done at the later stage is being done now.

**Mr. Barrow.**

**SHRI A. E. T. BARROW** (Nominated Anglo Indians): **Mr. Chairman,** Sir, I rise to oppose the introduction of the Bill—The Hospitals and Educational Institutions (Conditions of Service of Employees and Settlement of Employment Disputes) Bill by my esteemed and respected friend Shri Ravindra Varma. I shall read the relevant portion of the rule 74. the second proviso to this rule states:

“.....any member may object to any such motion being made unless copies of the Bill have been so made available for two days before the day on which the motion is made, etc., etc.”

**MR. CHAIRMAN:** **Mr. Barrow,** I request you to come a little ahead, so that you may become a little audible.

**SHRI A. E. T. BARROW:** As far as this Bill is concerned, it has come like a flash flood without any warning. I am not going to be technical about not giving sufficient notice, but my hon. friend with his flashy humour, wit and brillians of mind should not have come forward with this Bill, in a flash, without any previous warning.

Sir, my main objection to the Bill is on the ground that the Bill does not distinguish between minority-run educational Institutions and other institutions and is, therefore, violative of Article 30 of the Constitution. Article 30 of the Constitution gives

minorities, whether based on language or religion, the right to establish and administer educational institutions of their choice. The Supreme Court has, in several cases, made it clear that Article 30 confers a right in terms absolute. It is not like some of the other rights in the Fundamental Rights Chapter. I am not claiming that Government or the State does not have the right to regulate minority institutions but in my view this Bill deprives the minorities of the right to administer their educational institutions. Sir, I did not have the time to go through the Bill thoroughly nor do I have the time to quote from the various Supreme Court judgements, but I would refer to Clause 3 (1) which seeks to set up a Grievance Settlement Committee and then I refer also to Clause 11 (5) where it says: “The award of an arbitrator in respect of any individual employment dispute referred to him shall be final.” The Supreme Court in several judgements has held that you cannot take away disciplinary powers of a minority institution and put it in the hands of outsiders. It has held that not even a Vice Chancellor can override disciplinary powers of a minority institution. In *St. Xavier's Society, Ahmedabad vs. the State of Gujarat* and the *University of Gujarat 1974*, case it was made very clear that the disciplinary powers of minority institutions, ‘provided that they follow the laws of natural justice’ cannot be interfered with by any outside authority. I am not saying that I do not agree with certain statements made in the Statement of Objects and Reasons attached to the Bill, but....

**MR. CHAIRMAN:** Please conclude.

**SHRI A. E. T. BARROW:** ....I maintain that this Bill is *ultra vires* of Article 30 and, therefore, I oppose its introduction.

बौद्धी बलवीर सिंह (होशियारपुर) :  
इस बिल के लिये बकाया चाहिये, वह नहीं मिला  
है, उस के बारे में घ्राप क्या कहना चाहते हैं ?  
समापति सहोदय : वह हल्फ ये हैं ।

## Institutions (Conditions of Service etc.) Bill

**SHRI RAVINDRA VARMA:** Mr. Chairman, I appreciate the point that my hon'ble friend Mr. Barrow has made. I have already explained the circumstances under which we had to invoke 19B: and bring in the Bill early. I may state another additional reason. When the first Bill was sought to be introduced—if that had been the only Bill that was introduced—it would have looked as though some workmen who are today enjoying protection, under the Industrial Disputes Act would cease to enjoy protection and, therefore, it was necessary to ensure that their rights as well are protected, and the Bill which sought to protect their rights was introduced at the same time as the other Bill. This was the reason why we have introduced the Bills together but I can appreciate the point and the apprehension that my distinguished friend has in his mind. I would only like to submit for his consideration that since it is our intention to refer these Bills to the Select Committee the point that he has raised may be discussed in the Select Committee. I am sure nothing that militates against Articles 30 and 20 will find a place. The rights of the minorities will be, and shall be fully protected. Therefore, if there is anything in this Bill which attracts the provisions of the Constitution that the hon. Member has referred to, certainly, the Select Committee could see how that can be amended, altered, or deleted. That is all that I wish to say.

**MR CHAIRMAN:** The question is:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the conditions of service of employees employed in hospitals and educational institutions with a view to securing the welfare of such employees, and for the investigation and settlement of disputes between such employees

and their employers, and for matters connected therewith or incidental thereto."

*The motion was adopted.*

**SHRI RAVINDRA VARMA:** Sir, I introduce the Bill.

**EMPLOYMENT SECURITY AND  
MISCELLANEOUS PROVISIONS  
(MANAGERIAL EMPLOYEES)  
BILL\***

**THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND LABOUR  
(SHRI RAVINDRA VARMA):** Sir, I beg to move for leave to introduce a Bill to provide for the security of employment to managerial employees, the recovery of amounts payable to such employees by their employers and for matters connected therewith.

**MR. CHAIRMAN:** The question is:

"That leave be granted to introduce a Bill to provide for the security of employment to managerial employees, the recovery of amounts payable to such employees by their employers and for matters connected therewith."

*The motion was adopted.*

**SHRI RAVINDRA VARMA:** Sir, I introduce the Bill.

**MATTERS UNDER RULE 377**

**(i) NEED FOR REDUCTION IN EXPORT DUTY  
ON TEA**

**SHRI B. K. NAIR (Mavelikara):** I wish to bring to the notice of the Government a matter of urgent public importance. In the Tea Estates in our State there is low production per acre and the wages are high. So many of the tea Estates are on the