

APPENDIX-B

SECTION 2(17) AND SECTION 146 FROM THE  
DRAFT INDUSTRIAL RELATIONS BILL, 1978

Section 2 (17) of the Bill read as follows :

"industry" means any systematic activity carried on by co-operation between an employer and his employees (whether such employees are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not :

- a) any capital has been invested for the purpose of carrying on such activity; or
- b) such activity is carried on with a motive to make any gain or profit;

and includes any activity of the Dock Labour Board constituted under Section 5A of the Dock Workers (Regulation of Employment) Act, 1948, but does not include

- i) any domestic service; or
- ii) save for the purposes of Chapter III, any agricultural operation, except where such

agricultural operation is carried on in an integrated manner with any other industry, such other industry being the predominant one :

Provided that -

- a) any activity, being a profession practised by any individual or body of individuals; or
- b) any activity carried on by a club or co-operative society or any other like body of individuals,

shall not be deemed to be an industry unless not less than ten persons are employed, by the individual or body of individuals, as the case may be, practising the profession, or by the club or co-operative society or such other like body of individuals, in relation to such profession or activity.

Explanation 1 : Any activity of the Government relatable to the primary functions of the Government shall not be deemed to be an industry.

Explanation 2 : Where several such activities are carried on in an establishment or undertaking and only one or some of such activities is or are an industry or industries or only some of the persons co-operating with the employer in any such activity are employees, then,

- a) if any unit carrying on any activity, being an industry, is severable, from the other unit or units of such establishment or undertaking, such unit shall be deemed to be an industrial establishment or undertaking;
- b) if any such unit is not so severable, the predominant nature of the activities or the integrated nature of the establishment or undertaking shall be taken into account in determining whether the entire establishment or undertaking is an industrial establishment or undertaking.

Section 146 of the Bill reads :

Nothing in this Act shall apply to -

- a) any hospital, including a dispensary;
- b) any educational, scientific, research or training institution;
- c) any organisation exclusively engaged in any charitable, social or philanthropic service;
- d) Khadi or village industries,

or to any employee employed therein or any employer in relation thereto.