

that in such cases they should not be given any benefit but because the tripartite agreement has stipulated certain conditions it does not mean that the men should not get the benefits which they would otherwise get if an adjudicator is appointed. Therefore, I again repeat my suggestion that in cases where workers are exempted from any relief under the present Bill, there should be liberal appointment of adjudicators if no internal agreement is possible for going into the disputes which arise on the claims relating to compensation for lay-off periods.

In regard to retrenchment, there is an important point which I would like to stress. The word "compensation" has been fortunately used instead of the original word "gratuity". The practice in several industrial establishments is to grant gratuity and it should be made explicitly clear that the compensation contemplated in this Bill is in addition to the gratuity that is normally given to employees on retirement due to superannuation or for other normal reasons. Otherwise the little gratuity benefits that the workers are getting and would get would be taken away by the present scheme and by the present provisions that are made in the present Bill if no safeguards are provided.

Then there is the question of compensation that is to be given to workers who are not treated as workmen. The previous speaker waxed eloquent about certain men who have been excluded from the benefits of this Industrial Disputes Act on the ground that they are not workmen according to the opinion of certain labour appellate tribunals or adjudicators. That is a very big defect in the law. We know also the working journalists are the victims of this bad definition of a workman in the Industrial Disputes Act. There are others also who have been deprived of this benefit because of their designation. You know a man can be a collector, a ticket-collector, a District Collector or a bill-collector, but a

bill-collector to be equated with a District Collector would be as absurd as to deprive a man of any relief because of his designation on the ground that he is not a workman within the meaning of the Industrial Disputes Act and therefore this should have been the proper occasion for the Government to amend the law relating to the definition of 'workman' so that all who work for hire or reward are included within the definition of 'workman' under the Industrial Disputes Act. Otherwise even the benefits that are provided in this Bill, whether for lay-off or for retrenchment, would be denied to them, not only to those who draw fat salaries but to those who draw only Rs. 150 per month and who are called say depot superintendents or supervisors and adjudged by certain adjudicators as coming outside the purview of the Industrial Disputes Act. Therefore care must be taken to see that no deserving workman is excluded from the benefits contemplated in this Bill.

MR. DEPUTY CHAIRMAN: You may continue tomorrow. Mr. Guruswami, and, before we adjourn, there are two messages that will be read by the Secretary.

#### MESSAGES FROM THE HOUSE OF THE PEOPLE

- (1) MANIPUR COURT FEES (AMENDMENT AND VALIDATION) BILL, 1952.
- (2) ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (DECLARATION OF NATIONAL IMPORTANCE) AMENDMENT BILL.

SECRETARY: Sir, I have to report to the Council the following messages received from the House of the People, signed by the Secretary to the House:

#### I

"In accordance with the provisions of Rule 115 of the Rules of

[Secretary.]

Procedure and Conduct of Business in the House of the People, I am directed to enclose herewith a copy of the Manipur Court Fees (Amendment and Validation) Bill, 1952 which has been passed as amended by the House at its sitting held on the 3rd December 1953.

The Speaker has certified that the Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

## II

"I am directed to inform the Council of States that the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1953, which was passed by the Council of States at its sitting held on the 20th April 1953, has been passed by the House of the People at its sitting held on the 3rd December 1953, with the following amendments:—

(1) That at page 1, 'after line 21, add:—

### 'ASSAM STATE

#### *District Sadiya Frontier Tract*

1 The stone boundary pillar of the Ahom period Sadiya,

(2) That at page 2,—

(i) after line 3, insert —

#### *'District Bijapur*

- |    |              |    |          |
|----|--------------|----|----------|
| 1. | Inscriptions | .. | Almel    |
| 2. | Do           | .. | Indi     |
| 3. | Do.          | .. | Tambe    |
| 4  | Do           | .. | Salotgi' |

(ii) for numbers 1, 2, 3 and 4 in lines 5, 7, 8 and 10 substitute 5, 6, 7 and 8.

(3) That at page 2, after line 17, insert:—

### 'ANDHRA STATE

#### *District Kurnool*

- |    |  |     |             |
|----|--|-----|-------------|
| 1  | Umamahesvaraswami Temple                                 | ... | Yaganti     |
| 2  | Old Cave Temple  |     | Yaganti     |
| 3. | Nandavaram Temple including the Sculpture of Subrahmanya |     | Nandavaram' |

(4) That at page 2, after line 21, insert —

#### *'District Muzaffarpur*

- |    |             |    |          |
|----|-------------|----|----------|
| 2. | Juma Mosque | .. | Hajipur' |
|----|-------------|----|----------|

(5) (i) That at page 2, after line 30, insert:—

'6. Khadsamla Caves Nenavali';

(ii) That at page 2, lines 31, 32, 34 and 35, for Nos '6, 7, 8 and 9' substitute '7, 8, 9 and 10'; and

(iii) That at page 3, lines 3 and 10, for Nos. '10 and 11' substitute Nos. '11 and 12'

(6) That at page 3, for lines 4 to 8 substitute —

- |      |                                   |
|------|-----------------------------------|
| '(a) | Ambarkhana                        |
| (b)  | Andra Vav                         |
| (c)  | Dharma Kothi                      |
| (d)  | Naikinicha Sajja                  |
| (e)  | Teen Darwaja                      |
| (f)  | Wagh Darwaja                      |
| (g)  | Tatbandi together with bastions.' |

(7) That at page 3, for lines 11 and 12 substitute:—

#### *'District North Satara*

- |    |                             |  |          |
|----|-----------------------------|--|----------|
| 13 | Jhabareshwar Mahadeo Temple |  | Phaltan' |
|----|-----------------------------|--|----------|

(8) That at page 3—

(i) omit lines 29 and 30; and

(ii) in line 32, for No. '2' substitute No. '1'.

(9) That at page 3—

(i) omit lines 33 to 37; and

(ii) in lines 39 and 41, for Nos. '6 and 7' substitute Nos. '2 and 3'.

(10) That at page 3—

(i) after line 42, insert:—

*'District Cuttack*

1 Churagarh Fort locally known as Saragarh, excluding the area acquired by the State Government.....Dadhapatna';

(ii) in line 44, for '1' substitute '2'; and

(iii) in line 46, for '2' substitute '3'.

(11) That at page 3, after line 47, add:—

4. Churagarh Fort, excluding the area acquired by the State Government.....Churanga Bhalunka Krishnanagar'

(12) That at page 3—

(i) after line 52, add:—

'(c) in the entries under the heading 'Hyderabad State' and under the sub-heading 'District Raichur' the following entries shall be added at the end, namely:—

19A. Rock edicts of Asoka on two hillocks, known as Gavimath and Palkigundu..... Kopbal

19B. Rock Edicts of Asoka..... Maski.'

(ii) That at page 4, in line 1, for "(c)" substitute "(d)".

(13) That at page 4, after line 23, insert:—

"(e) in the entries under the heading 'Mysore State' and after the entries under the sub-heading

'District Bangalore' and before entries under 'District Chitaldrug', the following sub-heading and entry shall be inserted, namely:—

*'District Bellary*

8A. Parvati and Karti- Kumaraswami  
keya betta Sandur',  
temples.....

(14) That at page 4, for line 37 substitute:—

'(ii) entries 8, 10, 12, 14, 17, 20, 22, 23 and 24 shall be omitted ;

(iii) after existing entry 15, the following entry shall be inserted, namely:—

"15A. Old Parsvanath Temple.....Miyani".'

(15) That at page 5, after line 19, insert:—

**'ORISSA STATE**

*District Mayurbhanj*

1. Prehistoric sites ... Baidyapur

2. Do. ... Kuchai

3. Do. ... Kuliana

4. Ruins of ancient fort **Haripur**'

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 149 of the Rules of Procedure and Conduct of Business in the House of the People with the request that the concurrence of the Council of States to the said amendments be communicated to the House."

I lay the Bills on the Table.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 1-30 P.M. tomorrow.

The Council then adjourned till half past one of the clock on Tuesday, the 8th December 1953.