

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

UNSTARRED QUESTION NO:2322
ANSWERED ON:09.08.2010
DEMANDS OF MEDICAL AND SALES REPRESENTATIVES
Acharia Shri Basudeb

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Government has received the charter of demand from the Federation of Medical and Sales Representatives' Association of India;
- (b) if so, the details and the demands thereof; and
- (c) the steps taken by the Government in this regard?

Answer

MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT)

(a): Yes, Sir.

(b) & (c): The Federation of Medical and Sales Representatives' Association has submitted two memoranda dated 02-08-2010 to the Government.

The first memoranda has following demands:

- (i) Advisory Committee to review enforcement of the Sales Promotion Employees (Conditions of Service) Act, 1976;
- (ii) To incorporate imprisonment as penalty to employers who violate the provisions of the Sales Promotion Employees (Conditions of Service) Act, 1976;
- (iii) Immediate enforcement of Section 2(j) 2(b) of the Industrial Disputes Act, 1947;
- (iv) Extension of the Sales Promotion Employees (Conditions of Service) Act, 1976 to the Sales Promotion Employees Industries other than pharmaceutical;
- (v) To incorporate statutory working rules for the Sales promotion Employees under the Sales Promotion Employees (Conditions of Service) Act, 1976;and
- (vi) To increase maternity leave to six months for the women Sales Promotion Employees who are doing outdoor hard work.

The second memoranda has following demands:

- (i) To call a national tripartite meeting;
- (ii) To issue an appropriate advisory to the State Governments, particularly Andhra Pradesh, Goa, Gujarat, Karnataka and Maharashtra;
- (iii) To form a review committee for periodical review of violation / enforcement of the Act.

So far as demand at (fiii) of the first memorandum is concerned , Section 2(C) of the Industrial Disputes (Amendment) Act, 1982 provides the amended definition of `Industry- under Section 2(j) of the Industrial Disputes Act, 1947 so as to include `sales representatives` in the definition of `industry`.

The definition of `industry` as amended could not be notified for its enforcement because the objects and reasons of the Industrial Disputes (Amendment) Act, 1982 provides for enacting a separate law for the investigation and settlement of disputes of the excluded categories of the institution. / industries. The Ministry of Labour and Employment has made attempts twice in 1982 and 1988 for alternate legislation for the excluded categories of institutions / industries. However, the efforts did not fructify.

In view of above, enforcement of Section 2(C) of Industrial Disputes (Amendment) Act, 1982 declaring `Sales Promotion` as an `Industry` is not possible at this stage without creation of alternative grievance redressal machinery for workmen of the institutions of excluded categories.

So far as demands at

(iv) and

(v) of the first memorandum are concerned, comments of concerned Ministries/Departments and State Governments/ Union Territory Administrations have been sought for taking a view in the matter.

Other demands require consultation with stakeholder as the representations have been received very recently.