

Clause 21, as amended, was added to the Bill.

Clauses 22 to 25 were added to the Bill.

Clauses 1, the Enacting Formula and the Title were added to the Bill.

SHRI T. ANJIAH : I beg to move :

“That the Bill, as amended, be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill, as amended, be passed.”

The motion was adopted.

MR. DEPUTY-SPEAKER : Now we go to item No. 11.

14.58 hrs.

SALES PROMOTION EMPLOYEES
(CONDITIONS OF SERVICE) AMEND-
MENT BILL.

[English]

THE MINISTER OF STATE OF THE
MINISTRY OF LABOUR (SHRI T.
ANJIAH) : I beg to move—

“That the Bill further to amend the Sales Promotion Employees (Conditions of Service) Act, 1976, be taken into consideration.”

The Sales Promotion Employees (Conditions of service) Act, 1976 was enacted to regulate conditions of service of sales promotion employees as defined in that Act. The definition of “Sales promotion employee” covers only sales promotion employees drawing wages not exceeding Rs. 750 per mensem in the case of persons drawing wages not including any commission, and Rs. 9,000 per annum in the aggregate in the case of persons drawing wages including commission, or commission only.

It is proposed to amend the definition of “sales promotion employee” contained in the Act so as to cover all sales promotion employees, other than persons who are employed in a supervisory capacity and who draw wages exceeding Rs. 1,600 per month, and persons employed or engaged mainly in a managerial or administrative capacity, and also make necessary consequential changes in Section 6 of the Act. It is also proposed to amend Section 4 of the Act to cover, expressly, the various matters relating to earned leave and cash compensation in lieu of earned leave in respect of which rules have been made.

With these words I move the Bill and request that the Bill be taken into consideration and passed.

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill further to amend the Sales Promotion Employees (Conditions of Service) Act, 1976 be taken into consideration.”

Shri Ayyapu Reddy.

SHRI E. AYYAPU REDDY (Kurnool) : Mr. Deputy-Speaker, we welcome this Bill and our Party wholeheartedly supports this Bill. We are very happy that the welfare legislation for the protection of sales promotion employees has been brought about.

Let me take this opportunity to congratulate Shri T. Anjiah, whose services to the cause of labour and for the weaker sections are very well-known. We are very happy that he is in charge of this very important portfolio—the Labour portfolio—and he has already brought in a number of changes in the labour welfare legislations. During the last session also number of welfare legislations of the Labour Department were introduced and passed and in this session we are happy that two Bills, one the Dock Workers (Safety, Health and Welfare) Bill and the Sales Promotion Employees (Conditions of Service), Amendment Bill have come up and we are passing them without much controversy.

This Bill seeks to enlarge that definition of "Sales promotion employees". All those persons whose income is below Rs. 1,600/- per month, except those who are engaged in the administration and supervisory capacity are going to be included in the definition of "Sales promotion employee".

15.00 hrs.

Except those who are engaged in the administrative and supervisory capacity, all others are included in the definition of sales promotion employees. Very many enactments like the Minimum Wages Act, the Industrial Disputes Act, the Maternity Benefit Act, the Payment of Bonus Act and the Payment of Gratuity Act have been made applicable to all these employees. But there are other classes of employees who also require the protection of this welfare measure. This class of employees, who are made use of by private employers and other industrial establishments day in and day out for making huge profits, have to be recognised and this welfare legislation has to be extended to them also. I may point out that so far as the business, commerce and trade is concerned, there are a number of persons who are not directly employed but who can come within the classification of a workman. Of course, various State legislations are there extending all these facilities to them. But in some other States, most of these persons who do manual labour in the trade, commerce and business have been neglected. For instance, *mawalis* and jetty workers have been covered by some of the State legislations, but all the States have not done so. Therefore, in order to cover all these people who do manual labour and whose manual labour is exploited everyday by the employees and establishments, welfare legislation for their benefit may be brought in. I am confident that Shri T. Anjiah, who is a very well known labour leader, will bring in welfare measures for this class of people.

With these words, I support this measure.

15.02 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

SHRI AJOY BISWAS (Tripura West) : The original Bill was enacted in 1966. At that time the wage ceiling was fixed at Rs. 750. It included all the other allowances. But it excluded the medical and sales employees from the purview of that Act. This Bill will remove that ceiling. The Federation of the Medical and Sales Representatives has come forward with some demands before the Central Government to remove this ceiling. After this amendment, the medical and sales representatives would be entitled to medical benefits and other benefits. But I think, the employers will not implement this legislation automatically. The Government should take some steps so that the facilities given to them are implemented properly.

There is another problem also. This Bill does not cover all the medical and sales representatives of different industries. It is applicable to the medical and sales representatives engaged only in the pharmaceutical industry. In this connection, a tripartite meeting was held in March 1984. The Government identified other industries where the Bill could be extended. CITU also identified about 22 other industries where this Bill could be extended, and submitted a list of those industries to the Central Government. All central trade unions and employees' organisations are unanimous for extension of sales Promotion Employees Act to all those industries but I do not know why the Government are not including those industries in this Bill.

The Federation of FMRAI placed their 27-point charter of demands in 1978, but the Government did not pay heed to their demands. They launched several struggles in 1980, 1984 and on 25th March 1985. The Central Government ultimately called a National Tripartite Conference where unanimous decisions were taken. One of the recommendations was that wherever necessary, all labour laws should be suitably amended to cover the medical and sales representatives. It was also recommended that a Standing Committee should be formed under the Union Labour Ministry. But though these decisions were taken unanimously in the tripartite committee, the Government is reluctant to

[Shri Ajoy Biswas]

implement them. I will give you an example. The Industrial Disputes Act was amended in 1982. Section 2(s) of the Act was amended and came into force on 24th August 1984. There is no ambiguity in respect of the medical and sales representatives whether they are workmen or not. But the Government actually is not announcing openly that this section will be applicable to the medical and sales representatives. So it is being demanded that the Government should at least announce openly in the Parliament that the I.D. Act which was amended in 1982, will also be applicable to the medical and sales representatives.

There is one more problem, and that is regarding point No. 9 of the prescribed form 'A' under rule 22(1) of the SPE rules regarding appointment letters. In that form words 'other conditions of service' have been clearly stated. If this is not removed from that Form, it will create some problem for the medical and sales representatives. The employers are taking advantage of this Clause and are including many conditions in their service rules. If this continues in the rules, then the letters of appointment will become farce, because the Management will continue to take advantage of this Clause and put so many conditions in the Services conditions of employees. Therefore, all these things should be removed.

I would suggest some points for the consideration of the hon Minister.

I welcome the removal of wage ceilings. That will be very helpful to the employees. Simultaneously this Act needs to be extended to other industries also so that the medical & sales representatives who are engaged in other industries should also be benefited.

Secondly, the decisions of the Tripartite Committee should be implemented. The Industrial Standing Orders Act should be made applicable to Medical and Sales Representatives also. If this Industrial Standing Orders Act is implemented and extended in their case also, there will be common service rules for all the medical and sales representatives and the employers

shall have no authority to form separate Service Rules for the employees. Therefore, I request the hon. Minister to extend the Industrial Standing Orders Act also to the Medical and Sales Representatives. Point number 9 in form (a) prescribed under the rules of the Act should be removed completely.

My third suggestion is that suitable amendment should be made in the Bonus Act and Industrial and Employment Standing Orders Act should be amended to remove all ambiguity in respect of sales promotion employees under the respective Acts.

My fourth suggestion is that the Government should announce in the Lok Sabha that the Industrial Disputes Act which was amended in 1982 will also be applicable to medical and sales representatives.

There was a unanimous decision in the Tripartite meeting to form a Standing Committee, but the Government has not come out with any proposal about the formation of that Standing Committee. Therefore, I would like to know when the Government will form the Standing Committee. That Standing Committee is very important for the Medical and Sales Representatives and for this industry as well. Therefore, I shall request the hon. Minister to announce immediately the formation of that Standing Committee decided at the Tripartite meeting.

The Amendments as proposed in the Bill will not remove all the grievances of the Sales Promotion Employees who are subject to victimisation and torture at the hands of the private owners.

Mr. Chairman, as you know, the multinationals are controlling the Drug industry. They are not interested in seeing that the trade union rights are extended to this Industry. So, they are opposing all these things. I think that Government should not hesitate to extend the trade union rights for this section of the employees in the Drug industry. The multinationals want to use the Sales and Medical representatives as tools for their nefarious

activities. I hope that the hon. Minister will consider all my proposals. I do hope that he will come out with a decision to implement all the suggestions which were taken in this Tripartite Meeting which was held in 1984, especially when even the State and Central Government's representatives were parties in that meeting.

With these words, I support the Bill and I resume my seat.

With these words, I support the Bill and I resume my seat.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Chairman, Sir, I support this Bill. First, I want to know from the Labour Minister how many persons have been punished under section 10 of the earlier Act. Under section 10 it was provided that—

[English]

—“Where an offence under this Act has been committed by a company....”

[Translation]

How many persons have been punished under this section? The question is whether the laws and the rules are implemented or not? The hon. Member who spoke before me said that rules and regulations are framed and after that they become statutory rules. There is no mandatory provision that rules and regulations will be published in the draft form. They come into force the day they are published in the Gazette. After a year or two they are examined by the Committees. The Committee on Subordinate Legislation examines them after several years. After that it submits its report and after the submission of the report, amendments are presented. I want to suggest that the draft of the rules and regulations should be prepared and discussed in the first instance. But the present system is that the Members can raise objection only when it is presented in the House. As regards your view that by framing the rules you will be able to enforce the law successfully, I have already nassated the position

in detail. Now the Second Bill 'you have brought deals with another amendment. I will read it out :

[English]

Clause 3 (b) (2) on page 2 of the Bill says :

“The maximum limit up to which a sales promotion employee may accumulate earned leave shall be such as may be prescribed.”

[Translation]

What is the principle of prescribing? You want to prescribe about the accumulation of leave on the basis of the rules in Government Service or some other basis. This is a policy matter, a matter of principle. You have stated in this Bill :

[English]

“The maximum limit up to which a sales promotion employee may accumulate earned leave...”

How much? Is it six months or four months or three months?

[Translation]

You do not lay down even this much.

[English]

“...or as may be prescribed.” What is the use of this? Then clause 3(b)(3) says :

“The limit up to which the earned leave may be availed at a time...”

[Translation]

It is an accepted principle in the Government. If you delegate this power to the Executive then what for are you enacting this Act? How the employees will come to know how much they have been benefited? I wanted that all these matters should be included in the Bill and not left to be included in the rules and regulations.

The period of leave and commuted leave should be mentioned in the Bill says that it will be prescribed in the rules. After the Bill is passed, by what time this House... (Interruptions)

SHRI T. ANJIAH : It is 90 days at a time in the present rules.

SHRI MOOL CHAND DAGA : It is so if there is no objection. If there is any objection, then the period is 60 days. You say that rules will come into force after a period of 6 months. Why don't you enforce them from 6 months earlier so that they may get benefit of this period also? It is a very good Bill and the object of this Bill is also very good. At the time of framing an Act, rules and regulations should not be left incomplete. But here everything has been left incomplete. If you leave them incomplete and implement the Act without framing the rules, then the Act would serve no purpose. It will be implemented on the day the rules come into force.

SHRI VIJOY KUMAR YADAV (Nalanda) : Mr. Chairman, Sir, I support this Bill. Almost all the things have already been said. Still I would like to raise two to three points here. A mention has been made about the Tripartite Conference. It would have been better if it had been brought after incorporating the demands of the Sales Representatives, which are likely to be accepted by Government very soon, and also the suggestions made by the Tripartite Conference. Various categories of employees are engaged in the work of sales promotion at present and all these employees have not been covered through this amendment. I feel that this disparity needs to be removed. Many other hon. Members have also raised these issues and I feel that by bringing piecemeal legislation, no permanent solution can be found.

My second suggestion is that the income from commission should also be included in the matter of consideration of bonus. With these words I thank you and conclude my speech.

[English]

DR. DATTA SAMANT (Bombay South Central) : Mr. Chairman, Sir, the Government has come out with the Bill further to amend the Sales Promotion Employees (Conditions of Service) Act, 1976. In 1976, as there was a lot of pressure from the pharmaceutical and medical representatives employed in vari-

ous multi-nationals and as they were not covered as per the provisions of the Industrial Dispute Act, this Act was originally formed. While forming this Act, this Government had always put so sweet and nice words that the people who were selling for the business houses, who were concerned with the sales promotion of these companies should get the benefits. At that time, in 1976, this Act was enacted. The Government has said very nicely. "The Central Government may by notification in the official gazette, apply the provisions of the Act with effect from such date to any other establishment." Now, apart from pharmaceutical industry, there are a number of other industries whose production office may be in Bombay but their sales centres are spread all over India. For instance, Crompton's sales offices are spread all over India. The marketing places, the selling offices of these companies, whether big or small, are spread all over the country and they are located in all the cities. It is the duty of the Government to give them legal protection, and every benefit that is available to any other worker of this country. I may further say that there are import-export houses, their show-rooms-marketing-places and business houses which are spread all over India. If this Government is having a real, sincere will to help the workers of this country, in the last 8 years, the Government should have come forward to give benefits to all other workers who are engaged in similar industries. But this Government has failed. I accuse this Government, while putting forward my views here, that they have always stood with the multinationals or mill owners of this country. Therefore, I sincerely request the hon. Minister to give benefit to all the other workers also. He may be for the poor, as some people are saying. Personally I have nothing to say against him. But I am criticising the policy of the Government. At least, after making this amendment, you come forward to give benefit to all such workers because 25% of the labour in this country are engaged in this type of selling, purchasing, promotion and all these things. Therefore, it is high-time that you should come forward immediately, though you are late by one

decade, to extenal Benefit of this Act to various other workers engaged in selling, purchasing, marketing etc. That is the need of the time,

It is quite interesting to see the Contract Labour (Abolition) Act; how sweet is it? But there is no provision of making the contract labour permanent. There is no provision that if he is removed, he be reinstated. Propaganda is made very nicely by the Government. But the workers were never benefited, 50% labour of this country are either casual or contract or *badi* or trainee. Even the Dock Workers (Safety, Health and Welfare) Bill which you have passed will not benefit them. What is your Government doing for the last number of years? When the country started from the Britisher time, the labour population has increased from 10% of the total population to 30 or 40%. This is a major economic change. But this Government has failed to act as per the will of the workers. Therefore, I am emphasising this point. In 1970, keeping with the intention of the representatives of the pharmaceutical industry in mind this Act was passed. I have gone through the aims and objects of that Act. You have passed that Act in 1970. What is the level that you put in? I am asking the Government and the hon. Labour Minister. The level was Rs. 750. The representative of the pharmaceutical industry are double garduates, B.Sc, graduates and virtually they have to move all over the country. Even at that time, were they covered under this Rs. 750 level? You talk and claim that you are giving benefit to the sales representatives, pharmaceutical representatives.

You say that though the salary is less than Rs. 750/-, they will be called as medical representatives. Even in 1976, 90% of the medical representatives did not get the benefit of this legislation. I am accusing this Government. You are talking as such for the sake of propaganda. But really you do not want to do anything good for the workmen.

I am talking of the Bouns Act, 1950. Rs. 750/- is the limit. Now, 20 years have

passed. Your index-the Deputy Finance Minister is also sitting here from 1965 to 1985, has gone up five times. But does this Government ever bother to change the variation for the workers? You are all sleeping. Nobody is bothered about the workers as to what they are going to get. Just now, Shri T. Anjiah took over charge. We were agitating for the last 15 years. You leave this level of Rs. 1600/- and Rs. 750/-. The multi-nationals in Bombay, Maharashtra and Calcutta have the capacity to pay. The workers will get the benefit. But the Government has always restricted to the maximum of Rs. 1,800/-. What is the index? You are sleeping over. You are not bothered to give the benefit.

Talking of the Gratuity Act, I am mentioning the figures because this law is concerned with that. Rs. 1,000/- is the limit for the salary. This will be computed as per that. If your salary goes more than Rs. 1,000/-, your gratuity stops there. The maximum limit is Rs. 20,000/- Hundreds of companies pre prepared to pay and they have the capacity to pay gratuity to the labour of this country but the Government has slept up to 1984. In 1984, the level has gone up to Rs. 1,600/- but now that also you are cutting it. All these levels are very important because crores of labour of this country are involved.

Now we are talking of the Industrial Disputes Act, Rs. 1,600/- is the level. Almost all the factories and workmen in the organised industry are getting more. Therefore, the time has come, according to the definition of the Industrial Disputes Act, for you raise this level of Rs. 1600/- up to Rs. 3,000/- or Rs. 2,500/-. Where the workers are not getting justice according to the Industrial Disputes Act in time, difficulties are coming up. The Government is doing such type of piece-meal things. Government is very intelligent. What did they do? They are very prompt in raising because the employer has nothing to pay to the workmen. The workmen have nothing to get from them. But the Government came from Rs. 1,000/- to Rs. 1,600/-.

[Translation]

SHRI T. ANJIAH : You drew maximum benefit as a result of the recent strike.

[English]

DR. DATTA SAMANT : 3 lakh workers is the additional cover. A workman is getting Rs.1,000/-as salary. He is covered under ESI. The Government immediately comes up to Rs. 1,600.3 lakh workers they have covered in this country. 5% from the employer, that is Rs. 80/-from the employer, Rs. 40/-from the workers' pocket, Rs. 120/-the Government got during the last one year from these workmen. I have asked a specific question and I have got written answer, Rs. 40 crores additional you collected in one year by raising this level. But have you given medical benefit for such people who are drawing more salary? You are making business out of ESI Act and collecting revenue. The Government is exploiting the workers' situation. I think it is high time. We are discussing a lot of things here. In this country, 30-40% people are labour. The production is coming equal to agricultural production and, therefore, no Government can neglect the workers' properties and benefits. Now they say instead of Rs. 750/-, now Rs. 1,600/-is the salary. Then we will call him as sales representative and then we will give a good bye to these benefits. I am putting a pertinent question to this House. The medical representatives and the sales representatives are all of them graduates and double graduates. They are staying in the cities, 80% of the sales people are not covered by this Act. If you really want to do something, then you increase this level. The sales representatives are doing highly skilled job and all of them are staying in the cities and, therefore, your Act says, instead of Rs. 750/-, now Rs. 1,600/-. Up to Rs. 1,600. I will call him workmen. Over Rs. 1,600/- I do not call him workman. He is doing the work of supervisory or managerial category. We will not call him as workman. Multi-nationals and employers are very intelligent. You are forcing them to give them appointment letter. Are they giving the proper appointment letter? What is

the compulsion of the Government? Has anybody bothered during the last 18 years? Have letters been issued to the sales representatives? Nobody has issued the letter. These are becoming only a sort of academic discussion in this House. Really 80 per cent of the sales promotion high class workers are not going to be benefited by this legislation. Therefore, I request the Government to raise the level of Rs. 1600 to at least Rs. 2,500/-. Then at least 50 per cent of workers may be benefited. I know, the Minister will not agree, but I am urging on him to accept my request.

In this Bill it is provided :

“The maximum limit upto which a sales promotion employee may accumulate earned leave shall be such as may be prescribed.”

In the original Act there was no such provision-that the maximum limit upto which a sales promotion employee may accumulate earned leave shall be such as may be prescribed. As Shri Mool Chand Daga has said, they are going to get the benefit of the I.D. Act, the Factories Act, the Workmen's Compensation Act, the Maternity Benefit Act and other Acts. If they are going to get the benefit under those Acts, we do not want any such prescription here; we will bargain and we will get all the benefits. Therefore, there should not be any such restriction put by the Government under this legislation.

The Minister has said many times that the laws are going to be changed; for the last one year I have been hearing this. What about the Minimum Wages Act? No implementation. Four to five crores of farm labour are not protected, the building construction labour are not protected. Whenever the hon. Members of this House talk, they talk of Mines or Railways or Docks; they always talk of the contract labour. Is it not the duty of this Government to come out boldly on this especially when you have given a hope to the poor that the Minimum Wages Act will be implemented? If you do that, there will be no need for the IRD scheme; 50 per cent of the people living below the poverty

line will be lifted up from that level, Therefore, while giving my views on this Bill, I would like to point out that the Government is walking with the speed of a tortoise, very slowly. I am not satisfied— even one per cent. They are doing something better than what it was in 1976. In 1976 not even ten per cent were benefited; now not more than 20 per cent will be benefited. This is the slow pace at which Government is walking. There should be a material change if they want to do something for the poor. They are always criticising the union leaders for strikes. No union leader who is interested in the welfare of the workers will encourage strikes. The Government is always talking with only employers and about productivity. Even in the context of productivity, I am putting a pertinent question. What about the industrial code in Maharashtra? When our Chief Minister called me Hitler, I put my 100 settlements before him. In Premier Automobiles, they get a rise of Rs. 800 to Rs. 900 per month; the sweeper is drawing a salary of Rs. 2,000; the management is able to give that. In Firestone, 90 per cent of my workers are drawing more than Rs. 3,000 per month as salary, and the company is running very smoothly. These organisations are able to do such things. Give me a single example where you are doing it. So far as the procedure on industrial code is concerned, even after seeing the accounts of the management, you are not allowing any rise to the workmen.

An employer can start an industry with Rs. 10; you will give him Rs. 90; the banks are giving; the shareholders are giving. He can prosper, he can diversify, he can even make a unit fall sick. But what about the workers? Is it not the duty of this Government to look to the interests of the workmen, to see whether they are actually benefited by such legislations? Therefore, I make this humble request to the hon. Minister. Not only pharmaceuticals, I am talking of sale, purchase, import, export, show-room. Every company is having workmen. You come forward in this Bill, this evening itself, or even by notification tomorrow that you are going to cover so many workers; they must be treated as workers of factory and they must get the benefits. I

do not want only sweet talks; they are not going to benefit anybody. I am making this suggestion for your consideration. Secondly, even with increasing it to Rs. 1600, you are not going to cover 80 per cent of the sales high-class people. Again the masses are going to remain away from this legislation.

I hope the Minister will accept these two suggestions, so that something can be done. I urge on the Minister to accept my suggestions.

SHRI SHANTARAM NAIK (Panaji) :
 Sir, I would like to make very few points. As I have said, the system of legislation which we are having for all these three weeks and in the earlier session also, has yet to be changed. I am not repeating my points. The Hon. Minister is already aware. Even now Mr. Datta Samant has pointed out two clauses in which he said the word "prescribed" is mentioned.

I have already said that our main act never contains the major part of the law. Our main law contains in the rules that are framed. Ultimately when this highest legislative body enacts a legislation, is it not justifiable, reasonable and practicable that we enact major part of the law in the act and leave minor things to the rules? What do we do here? We draw a small sort of a skeleton of the law and then leave everything to be "prescribed". If you see the definition of "prescribed" in most of the legislation, you will find prescribed means prescribed by rules. When you go to the rules, I don't know what is the position here, you will find that prescription will not be in the rules, but it will be said that some notification will be issued with respect to that matter. That means, first you read here the prescription, then you go to the rules and then go to the literature to find an order of a law on a particular point. This system, I need not repeat, I have repeated several times in this House, should be changed.

As far as the limit which is prescribed here is concerned, I agree with our Hon. colleague that this limit is nothing. In fact, in the days of price rise and when

[Shri Shantaram Naik]

the normal needs of a persons are increasing so much, today a salary of Rs. 1500 or Rs. 1600 is nothing. I would say for such matters some 25% laxity has to be kept over and above the limit. For instance, if you are feeling that Rs. 1600 is the reasonable figure, then you should add 25% to that and fix, so that we know that prices are increasing, salary will increase in future, and you need not amend it again and again. You also loss nothing Sir, by prescribing higher limits.

Thirdly, I would like to say that with respect to the interests of sale promotees, they have to take the totality into consideration and not a few aspects. We have to see the actual state of affairs. Because these are the people who move in the sun, in the cold. Some of them with ties, shirt, pants, are nicely dressed and if the companies don't pay, these promotees or sales apprentice spend for their dress, needs, I think half of their salary must be going on dress itself. So, we have to see and provide for necessary compensation in respect of them also. Most of them move on their own conveyance. Somethings they have to move on foot, in the heat, dust and cold. We have to see that each one of them gets some conveyance or the other. For promotion of sale, they are doing a lot to the industry as a whole. It is only by their work that the industrial products or other products are getting marketed. Therefore, we have to see to their total welfare. Because, if the time requires and if the employer requires, they have to move in all conditions. They are not in a static life like other workers. Some workers can do many more things sitting at a place. Even if a person has got fever, he can manage. But these persons, if they are not in proper health, they will not be also to move and ultimately their health suffer. These are the conditions which are to be seen.

Lastly, I would like to make one thing. These are the persons who promote sales. Ultimately the employer gets a large amount of shares only out of the

efforts of these sales promotees. Therefore, there must be a statute, there must be a rule by which a certain percentage of the profits must be given to these employees, the sales promotees. There must be a mandatory law directing the employers, requiring the employers to give them a certain share of profit within these shares. Only then we can really say that some sort of beneficial legislation for the purpose of sales promotees has been enacted.

SHRI THAMPAN THOMAS (Mavelikara) : This amendment Bill is of course to enlarge the scope of the definition of 'Sales promotion employee'. To the extent it goes it is welcome. But in the present context, this limit of Rs. 1600 prescribed is very low and the Rs. 2500 limit suggested in the Bonus Act should be the limit for defining the sales promotion employee in the present context in view of the decrease in the value of rupee and also the quantum of salary which has increased on account of the price increase and other factors which form the wage assets. Therefore, my suggestion is that the present amendment is not comprehensive and the Minister will have to move a fresh amendment at the earliest so as to include all the categories of people who work in this line.

This is one of the categories of employees, the Sales Promotion Employees, who are the most neglected persons in India. They are essentially a part of the production apparatus. They have to work very earnestly, only then the things can be sold. They put a lot of heavy work in it but they are not safeguarded. The first thing—there is no safeguard for them, for collective bargaining. They are taken away from the purview of the Industrial Disputes Act. They cannot go to the Industrial Disputes Court. They are kept away from the purview of the Industrial Disputes Act. They cannot go to the Industrial Disputes Court. They are kept away from the purview of the Act. Therefore, my submission is that when a law is brought into force and when these people are really workers in the present context, the protection given to the worker, though meagre, shall also be applied to these people. Therefore, my suggestion is that

on this point these sales promotion employees also shall be treated as workers, and they shall be entitled, for getting their rights, to go to the Industrial Disputes Court. A large number of people are involved. Lakhs of workers are involved. Most of the companies and firms who produce consumer articles appoint sales representatives. This is a major category of workers in India who deserve protection under the Act. Now that there are discussions going on for a labour legislation, this category of workers should not be lost sight of. Now the school teachers are taken away from the purview of the Industrial Disputes Act. So also people who work in charitable institutions. They are taken away. For these people the Government is thinking of bringing in a law to safeguard their interests.

Similarly, I will tell you recently the agricultural workers are taken away from the Industrial Disputes Act. But so far there is no forum given for them to safeguard their interests. There are also similar workers and though they are large in number, they are discarded by the Government and the society. These people are not organised sufficiently. Therefore, it was the demand of the entire sales promotion workers engaged in the sales promotion activity in the country for protection against the arbitrary termination of their services by the employer.

Therefore, I would like to ask the Minister—what protection he is proposing to give, when he says that this is a Bill which is seeking to improve the service conditions of the sales promotion workers. Will you consider either to include them under the protection of the Industrial Disputes Act or to bring a similar law which you are thinking of in respect to workers in the education and charitable institutions. Otherwise these people are nowhere.

Another aspect is there. We are talking of sales promotion employees. There are the medical representatives. There are so many medicines which are produced in the country and which are very much injurious to the health of the people and the sales representatives who are working in this line, they themselves come forward

and tell the people that these medicines have to be banned and they themselves tell that this is injurious to the health of the people.

But, unfortunately, the workers cannot say because on that ground their services have been terminated. The service of the employee is at the pleasure of the employer. Therefore, Government should give protection to these employees so that they are not compelled to sell these articles which are injurious to the health of the public. They should also have the right of association and collective bargaining. Therefore, I would like to suggest that suitable amendments may be brought to safeguard the interests of these workers and bring them under the purview of the Industrial Disputes Act.

[Translation]

SHRI T. ANJIAH : Mr. Chairman, Sir, as has been suggested by the hon. Members the amount of commission which was Rs. 750 would now be raised to Rs. 1600 through this Bill. Its benefit would be that the person getting Rs. 2500 as commission would also be entitled to get bonus, workers compensation, earned leave, etc. But no change has been made in the rules passed recently. Mr. Datta Samant has demanded that the limit of Rs. 1600/—should be raised to Rs. 2500. We will raise this issue in the meeting of the Standing Committee of the Indian Labour Conference and ask them to change the definition of workers. But we have to make the necessary amendments. At present a person getting Rs. 1600 is treated as a worker. But we admit that a worker is getting Rs. 2000 also. But it is a policy matter as to what should be the salary of a worker if its definition is to be changed. We will have to decide whether it should be Rs. 2500 or Rs. 3000 or more? But we cannot take this general decision in the case of Sales Promoters only. Shri Datta Samant has given a proposal that the salary limit mentioned here should be raised. But Shri Datta Samant is aware that the persons getting a salary of Rs. 1600 fall under the definition of workers. I agree that we can raise this limit but not through this Bill as it is a policy matter. It would be discussed in the

[Shri T. Anjiah]

Standing Committee of the Indian Labour Conference. We also want that this limit should be raised and it should be implemented in the case of 11 industries like marketing, purchasing etc. in addition to the industries mentioned in this Bill and Government intends to implement it also... (Interruptions)

DR. DATTA SAMANT : Nothing has been done since 1976.

SHRI T. ANJIAH : Nothing has been done. It is another aspect. But now with your cooperation we would take action in this direction. We are paying attention to the problems of workers and we want that the workers be given the same status as is given in foreign countries. But we are marching ahead in this direction slowly. We cannot move fast as we have to take everybody with us. The question of production is also there. The Hon. Prime Minister and we have said in this House on many occasions that the wages of Indian workers are very less. We all admit this fact. There is no difference of opinion about it. The problem is that the output of our workers is very less. The workers should develop courage to ask why their salary here is so less when they work so hard. The only question they will be confronted with is what is their output. Just now, I was referring to the Coal Industry. While making a study of the rate of accidents, and amenities in foreign countries I *inter alia* found that 2 lakh persons work there whereas 8 to 10 lakh persons work in this country. When I compared their output with the output here, I found that our production stands nowhere. You should take the responsibility of increasing production. Production can increase when there is workers' participation and workers' participation will be there when here is unity among the unions. At present in our country there is a proliferation of trade union leaders. I do not want to criticise them as I myself was a trade union leader. You can yourself imagine what would be the result if there are as many as 50 unions in an industry... (Interruptions) We are one with you. But what actually happens is that if one union asks the workers to resume work,

the other will ask them to strike the work. In this way how can production increase and how can we be able to give more wages to the workers. What is the position in foreign countries? East Germany was completely destroyed in the war. But today workers have been given houses there and now their problem is where to park their cars. In our country there is actual problem of housing. If you take the responsibility of increasing the production, we are proposed to increase the wages... (Interruption)

[English]

DR. DATTA SAMANT : They get the salary of what is given for 8 hours here in our country, for one hour there.

AN. HON. MEMBER : Are the workers here not working for 8 hours?

[Translation]

SHRI T. ANJIAH : But you should take the responsibility of increasing the production. What is the output today?

DR. DATTA SAMANT : Give the money and the work will be done.

SHRI T. ANJIAH : We are prepared to give money, but leaders use strikes quite frequently. Therefore, we should sit together and decide this matter.

You have raised two points in this regard. The first relates to the limit of Rs. 2500. A Standing Committee of the Indian Labour Conference is proposed to be set up. We have held a meeting after a period of 14 years and agreement has been reached in respect of many items. We will also take decision in regard to the National Wage Policy and the definition of 'worker' must be changed. All these things will be discussed when the proposed Industrial Act and other Acts are introduced. We want you to be united. The day you unite, the wages will be doubled and trebled. But it will not happen. We want that a trade union leader should be acceptable and he should earn respect. But what happens is that functioning and closure of a factory depend on his will,

If such type of trade union movement continues, you can yourselves understand that we cannot make much progress.

You have said that sales promotion and other industries should be brought under it. At present there are 11 industries about which we can issue notification under this Act. We shall try to bring more and more industries under it. Government have made great efforts in this regard.

Our hon. Prime Minister wants welfare of the workers. He has also been a worker—a pilot and he has also given union subscription and has worked in a trade union. Who is not aware of the efforts made by him for establishing peace within and outside the country? He is talking about increasing industrial production and when the question of workers comes up he pleads their cause. You might have seen that Public Sector is incurring heavy losses and despite these losses Government intend to run those factories and not to close them. This Act will also be made applicable to the Private Sector also. Mr. Poojari is sitting here.... (Interruptions)...

[English]

DR. DATTA SAMANT : Managerial staff are not covered under this Act. Here the workers as per definition should be those who are getting Rs. 2500 per month.

SHRI. T. ANJIAH : Managerial staff are a separate thing.

[Translation]

There is nothing against workers in it. Everything is for the benefit of workers.

It is a very small amendment. I admit that a worker gets Rs. 2000 and more also. We have brought this Bill in Parliament to move a step further. We have brought a minor amendment. I would like the House to pass it.

We have arrived at a decision in a meeting held after 14 years that we have to do something about the Labour Policy of the entire country. You should give us time for that. You should extend your cooperation in increasing the production in the

country. If there are no strikes and lock-outs, the production will definitely increase in the country. So long as I am the Minister, please try to avoid strikes at least. Government will implement all the existing labour laws. We have also asked the Labour Ministers of State Governments to implement the labour laws strictly. We want to bring more amendments to the labour laws for the benefit of workers. I can assure you that we will do whatever is possible to ensure development of the workers who are lagging behind. We need your cooperation in this respect.

I would like to tell you what action is proposed to be taken against those owners who declare their factories sick. The proposed measure will be implemented strictly so that no mill is declared sick. At present any owner can declare a mill sick and withdraw his investment from it and take loans from financial institutions and get the licence issued by Government. In this way he indulges in all sorts of malpractices. Now he will not be allowed to indulge in these malpractices. Such things have been continuing upto now. We have already passed an Act about sick mills. We are also contemplating further measures to ensure that the mill owner treats the workers as human beings.

I would also like to mention that Bombay is a big industrial centre in India. It is a big centre of the trade unions also. The Government should get full cooperation from there. It should remain a major centre of production. The more you extend cooperation to the Government, the more progress the country will make.

With these words I would request that the Bill be passed.

[English]

MR. CHAIRMAN : The question is :

“That the Bill further to amend the Sales Promotion Employees (Conditions of Service) Act, 1976, be taken into consideration.”

The motion was adopted.

MR. CHAIRMAN : Now, we will take up clause by clause consideration of the Bill.

Clause 2 (Amendment of Section 2)

DR. DATTA SAMANT : I beg to move :

Page 1, line 16,—

for "sixteen hundred rupees"

substitute "twentyfive hundred rupees"

(1)

The hon. Minister has replied very nicely. It is not that all the trade union people are bad. Anyhow, I am not going into it in detail. But ultimately this is an important issue and it concerns lakhs of workmen. The whole point is that eighty per cent of the sales promotion men, who are medical representatives or other salesmen, and who were drawing Rs. 750 in 1976 are now drawing more than Rs. 1600 per month. Therefore, eighty per cent of the workmen for whom the hon. Minister is piloting this Bill will not be benefited. That is my agony. The index has gone five times up as compared to the index in 1965. Therefore, the bonus, gratuity and all other levels have to be changed. If the definition of the industrial worker is changed to cover those drawings upto Rs. 2500, many of the problems will be over. The hon. Minister has given assurance that he would look into it. But ultimately, the hon. Minister is one element in a big party. The party should take that decision. That is more important. But many things will not be in his hands. That is my difficulty and that is my agony. Today morning you have referred to the textile workers. 95 per cent of the workers are with me. Still the Government is not in favour of secret voting law. On that issue, problems like strike etc. start. I do not think that Government likes to have secret voting law because the Congress Party will not be able to interence in interunion matters. Because of its stand, the Congress Party is losing its prestige at least in Bombay. Such type of difficulties arise only due to this. Therefore, I insist that the hon. Minister should explain his stand. Another thing is, apart from pharmaceuticals, it is stated that selling, purchasing, import, export and many other industries will be covered shortly. I do

not know the definition or meaning of this word 'shortly'. For the last one year, you have been saying many nice things, and I have been reading your statements. You said that all these laws are old and they have to be changed. But there is not even one per cent of change. Therefore, I request the hon. Minister that this change should come within a month or fifteen days. If he specifies certain time limit, then I will withdraw the amendment. But I do not think that he is going to specify the time limit. Therefore, I have to press my demand. I think 90 per cent people will accept that 2500 should be the limit because it will cover about 70 per cent of the workers.

[Translation]

SHRI T. ANJIAH : Shri Datta Samant acts in haste. He is also from our party. It cannot be said that he was not in Congress but—

[English]

this will take time. At this stage, increasing it from Rs. 1600 to 2500/- is not possible. If the hon. member wants to know about the level to which we are going to increase, I will certainly show it to him.

[Translation]

You are saying that it should be increased to Rs. 2500/-. It cannot be done at this stage. We are still considering it. Whatever you have said is under our consideration. For this we require your cooperation. whatever you want we will do but it will take time. If you want to get it done then extend us your cooperation.

[English]

MR. CHAIRMAN : I shall now put amendment No. 1, moved by Dr. Datta Samant to the vote of the House.

Amendment No. 1 was put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 5 were added to the Bill.

Clause 1, Enacting Formula and the Title were added to the Bill.

SHRI T. ANJIAH : I beg to move—

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

charged on the Consolidated Fund of India should be Rs. 601.25 crores instead of Rs. 300.29 crores. The Supplementary Demands for Grants already show the correct amount and it is not going to affect the total demand presented in the House. This is only a small mistake in the Introductory Remarks.

MR. CHAIRMAN : The mistake may be corrected. Motion moved :

“That the respective supplementary sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of India to defray the charges that will come in course of payment during the year ending 31st day of March, 1986 in respect of the following demands entered in the second column thereof :—

16.00 hrs.

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL) 1985-86.

[English]

MR. CHAIRMAN : Now let us take up the next item. Supplementary Demands For Grants (General), 1985-86.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : Sir, I have a small submission. In the Introductory Remarks to the Supplementary Demands for Grants, the amount of expenditure

Demand Nos. 5, 8, 9, 14, 17, 28, 38, 39, 41, 44, 49, 50, 58, 59, 61, 64, 69, 70, 73, 77, 80, 81, 87, 90, 91, 92, 97, 101, 102, and 106.”

Supplementary Demands for Grants (General), 1985-86 submitted to the vote of the House

No. of Demand	Name of Demand	Amount of Demand for Grant to be submitted to the Vote of the House}	
		Revenue Rs.	Capital Rs.
1	2	3	
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT			
	5-Co-operation	...	1,000
	8-Department of Rural Development	194,71,31,000	...
MINISTRY OF CHEMICAL AND FERTILIZERS			
	9-Ministry of Chemicals and Fertilizers	250,00,00,000	...
MINISTRY OF COMMUNICATIONS			
	14-Ministry of Communications	2,00,00,000	...
	17-Telecommunication Services	...	2,000