

[Shri Pranab Kumar Mukherjee] and Foreign Exchange Manipulators Forfeiture of Property) Ordinance, 1975 as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

12.10 hrs ..

SALES PROMOTION EMPLOYEES  
(CONDITIONS OF SERVICE) BILL—  
Contd.

MR. SPEAKER The House will now take up further consideration of the following motion moved by Shri K. V Raghunatha Reddy on the 9th January, 1976, namely.—

"That the Bill to regulate certain conditions of service of sales promotion employees in certain establishments, as passed by Rajya Sabha, be taken into consideration"

**श्री राम सिंह भाई (इंदौर) :** श्रीमन्, मैं इस विधेयक का हृदय से स्वागत करना चाहूँगा क्योंकि इस धड़े में काम करने वाले श्रमिकों के लिये अभी ऐसे कोई नियम नहीं थे और इस उद्योग के मालिकों को खुली छूट दे रखी थी। लेकिन दुख के साथ कहना पड़ता है कि काफी प्रयत्न करने के बाद भी बहुत देरी में यह बिल लाया गया है। मैं इस बिल की कुछ खामियों की तरफ मंत्री जी का ध्यान आकर्षित करना चाहता हूँ।

पहली बात तो यह है कि जब इनने मालों के बाद यह बिल लाया गया तो फिर राज्यों को बाद में अमल की भिन्न-भिन्न तारीखें निर्दिष्ट करने का अधिकार क्यों दिया गया? जब आप बिल लाये हैं तो आपको इस में ही शायद कर देना चाहिये था कि फला तारीख से इस बिल पर अमल होगा। मैं अनुभव के तौर पर कह रहा हूँ कि राज्य सरकारों द्वारा अमल की तारीखें निर्दिष्ट करने में मालों गुजर जाते हैं और उन की तरफ में यही जवाब बिना है कि हमें स्टॉफ की व्यवस्था करनी है और उस वर्तमान में उद्योग के मालिकों को जितनी भी

काट छाट करनी होती है वह कर लेने हैं। पिछले अधिवेशन में ही इस बिल पर चर्चा होने वाली थी और कार्यक्रम की सूची पर भी आ गया था, हालाँकि राज्य सभा इसे पास कर चुकी थी, मंत्री जी ने भी चर्चा हुई थी कि आप ने जो वेतन की मर्यादा 750 रु० रखी है वह बहुत कम है, उस का कारण यह है कि जो विक्रय करने वाले कर्मचारी है वह श्रमिक नहीं है बल्कि पढ़े लिखे प्रेजेंट है और इस काम के भी माहिर होते हैं उन्ही को इस में रखा जाना है। 750 रु० उन की वेतन की मर्यादा रखना उन के साथ मजाक है। जो छोटें मोटे उद्योग वाले हैं जिन में कम वेतन वाले लोग होते हैं उन पर यह बिल लागू हो जायगा, लेकिन जो बड़े बड़े कारखानेदार हैं इस व्यवसाय के और उन के जो वेतन बॉम्ब है वह 750 रु० से ज्यादा होते हैं, उन को इस में कोई फायदा नहीं होगा, कोई प्रेच्टी बॉनस नहीं मिलने वाला है। क्योंकि आप ने बॉनस की मर्यादा 1600 तक रखी है वक आदि में भी यही रखी है। तो जो 750 रु० की मर्यादा रखी है यह एक तरह से मजाक की बात है क्योंकि अधिकांश लोग 750 रु० से ज्यादा वेतन पाते हैं।

दूसरी बात यह है कि ई०एम० आर्डी० के अन्दर जो बिना पढ़े लिखे श्रमिक हैं जो शाह लगाते हैं उन के लिये भी आप ने 1000 रु० की मर्यादा रखी है। पेंसेंट आफ वेजेन्स ऐक्ट के अन्दर भी 1,000 रु० की मर्यादा रखने जा रहे हैं जो बिल का मदन के मामले हैं। इसलिये इन बातों को देखते हुए इस बिल पर ज्यादा चर्चा की जरूरत नहीं है, कोई ऐसी बात नहीं है जिस की तुकनाचीनी की जाय। प्रमुख बात यह है कि इस को एक ही तारीख में सारे देश में लागू करना चाहिये। वेतन की जो मर्यादा 750 रु० रखी है इस को बढ़ा कर 1,000 रु० के ऊपर रखी जानी चाहिये। मंत्री जी कहेंगे कि इस के बारे में हम विचार करेंगे। हमने देखा है कि ऐसे

बायदे हम से बहुत किये गये हैं, लेकिन उन को पूरा नहीं किया गया। वर्कमैनस कम्पेन्सेशन ऐक्ट को देख कर हमें परेशानी होती है क्योंकि कारखानों के अन्दर जो लोग दुर्घटनाओं से मर रहे हैं उन के परिवारों को मुआवजा नहीं मिल रहा है, क्योंकि वर्कमैनस कम्पेन्सेशन ऐक्ट के अन्तर्गत 500 रु० की मर्यादा रखी है। आज 500 रु० केवल डी०ए० ही हो गया है। बिना पढ़ा लिखा मजदूर भी 500 रु० से ज्यादा पा रहा है, उन पर यह ऐक्ट लागू नहीं हो रहा है। यह ऐक्ट अंग्रेजों के जमाने में बनाया गया था, तब से हालात बहुत बदल गये हैं जिन की वजह से यह ऐक्ट सब से पिछड़ा हुआ हो गया है। आज लोग कारखानों में काम करते मर रहे हैं लेकिन उन को इस ऐक्ट का कोई फायदा नहीं मिल रहा है। इसलिये यह आश्वासन कि बाद में विचार करेंगे इस से संतोष नहीं होता। हम जानते हैं कि आप हमारे सुझाव को मानने वाले नहीं हैं। अगर मानने वाले होते तो बीच की अवधि में स्वयं संशोधन रख सकते थे। फिर भी आशा है कि आप इस पर विचार करेंगे और इसे राज्य सभा वापस भेजेंगे ताकि संशोधन कर के 1,000 रु० में अधिक वेतन की मर्यादा रखी जाय।

SHRIMATI ROZA DESHPANDE  
 (Bombay Central): Mr. Speaker, Sir, it is a pity that even though the medical representatives in this country have been demanding for years together that they should be covered by the Industrial Disputes Act as workmen, today, you have just played a hoax on them. Even after 28 years of Independence, they are not protected and after just making a show that you are going to help them you had cut their throats. In fact, it would have been better if you had not done it. But, after doing it you have done a thing by which you are not going to cover even 20 per cent of the medical representatives in this country. I do not know who has supplied you with all kinds of statistics, I do not know

whether for their intellectual satisfaction, they were giving you all kinds of statistics or what.

If you had gone into the real pay scales and the system under which the medical representatives are paid, you would not have introduced such a kind of ceiling, where no medical representative would be covered by this. For instance, today, there are 20,000 medical and sales representatives in this country. You would be covering hardly 20 per cent. Secondly, Sir, the total sales turnover of the multinational companies in this country is Rs. 370 crores and out of this, 70 per cent is accounted for by the multinational companies of the drug industry. But they hardly spend 5 per cent on the salaries etc. of the medical and sales representatives. What do they get? Even an ordinary clerk in a monopoly concern in the drug and pharmaceutical industry gets more than Rs. 1200—1300. Here, you are imposing a ceiling and say that inclusive of DA and basic wage, it should be Rs. 750. If a person is employed on commission, the ceiling is Rs. 9,000. I do not know by what method you have calculated this and by what arithmetic you have worked out this ceiling. As my friend has said, you could have increased the ceiling. You have increased it in the ESL scheme. You are doing it in the Payment of Wages Act. What is wrong here? Are not they workers? What do they get? You can very well imagine the plight of the medical representatives. They have to work for 10-12 hours a day. They get hardly Rs. 20—25 by way allowance. They are not the affluent section of industrial workers. They have to slog along. The way the drug and pharmaceutical concerns are treating these medical workers, we thought you would come to their help but instead of helping them, you are stabbing them in the back. I know the Minister is not going to yield to any of our representations or respond to our speeches. do not know how the medi-

[Smt Roza Deshpande]

cal workers would be able to show their protest against these restrictions on the part of Government

I would have really given you full statistical data of how the medical workers are paid. You have not even split the emoluments. Somewhere DA is linked up. But DA fluctuates. With this at a certain time, it is within the specified Rs. 750. At any time the DA goes up and the total emoluments increase, the next month that worker will not be covered by this. If you could understand what I mean, the fluctuation in the DA will always change the status of these medical representatives. To the majority of the medical workers even in the smaller Indian sector, any employer will just say 'today you are being given 750 salary'. Finished. He is out of this. He has no protection whatsoever. These multi-nationals have been cutting the throats of these medical workers for such a long time giving them no facilities. The employers have no norms somewhere there is commission somewhere there is basic pay plus DA, somewhere there is total salary, somewhere they get some kind of allowance. Why could you not say that there should be a certain amount as basic salary instead of giving this grand total of Rs. 750? By what calculation have you come to this? Have you taken a general review of what the medical workers are earning, what are they getting, how are they protected, what bonus do they get? They do not get bonus. Somewhere they give incentive. This incentive also fluctuates. With all that, making such a grand gesture or helping the medical workers, you bring forward this kind of Bill. At this rate, I do not know what way you are going to protect the workers in this country. This whole drug industry is in the hands of multi-nationals who spend lakhs and crores on advertisements alone. These are the medical workers who propagate their drugs. How are you going to please them, protect them? Those who are going out to

propagate the petty formulations of these monopolists in this industry do not get even 5 per cent of what these monopolists spend on advertisements in terms of their salary and remuneration. With all that, you have brought forward this Bill. I am very sorry I cannot say anything more about it. But I would not surely vote in favour of this Bill. I would rather abstain.

SHRI K GOPAL (Karur) Mr. Minister, I am happy to take part in the discussion on this Bill not because it is in the form in which I desire but because as one who belonged to the clan of salesmen once, I am happy to see some Bill has come at last. Mrs. Roza Deshpande pointed out the difficulties of medical representatives. As one who has spent a substantial part of my youth as a salesman, I would say one thing I request the hon. Minister to be considerate in the provisions of the Bill. This Bill has been brought forward after the judgment of the Supreme court two years ago regarding the working conditions of medical representatives. Then the Committee of petitions of Rajya Sabha went into this matter and they said that something should be done for the benefit of medical representatives and the salesmen in general so that they might be covered by the Labour Act. I am sorry to say that in the form in which it has come the present Bill is not going to help anybody. Clause 1(4) says that it shall apply in the first instance to every establishment engaged in the pharmaceutical industry. I am happy about it so far as it goes. But why should it apply only to them? I concede that the subsequent clause gives power to extend it to other industries. I am not happy because it is going to benefit only twenty per cent of the medical representatives. Is it because only the crying babies are to be fed? Only those who demand things get them? Do not the salesmen of other industries deserve consideration? You could have brought other industries also under this at the same stroke.

Secondly, Rajya Sabha had stated that the ends of social justice to that class of people demand a suitable amendment to the definition of the term workmen under the Industrial Disputes Act so that the medical representatives were also covered by the term 'definition' in the said Act...

The Working Journalists Act has been suitably modified. But you say here that the total emoluments should not exceed Rs. 750. If there is an increase of Rs. 10 in my total emoluments and I get Rs. 760 in one month, I will cease to be workman for that month. If there is a reduction of my total emoluments to Rs. 740 in a month, I will be treated as a workman. I do not understand this. Why should you keep a ceiling at all? The very purpose of the Bill will be defeated. More than 75 per cent of the medical representatives in the country are getting total emoluments exceeding Rs 750; so this Bill is going to benefit hardly 25 per cent of the people and within a couple of years perhaps they will also exceed that limit. I have given an amendment to clause (1) (iv) and (iv) and I do not know whether the hon Minister will agree to that Unless you remove the ceiling the Bill will not meet the ends of justice. Even during the last session when this Bill was being introduced we represented to the hon. Minister and to the Prime Minister also. They did not give any assurance. But we were fondly hoping that the ceiling clause would be removed. I request the hon. Minister not to stick to the ceiling clause but to accept our amendments.

**SHRI VAYALAR RAVI (Chirayinkil):** Sir, I fully share the views expressed by my colleague Mr. Gopal and also Mrs. Deshpande. This Bill has been brought forward by the Government because of the report of the Petitions Committee and the judgement of the Supreme Court. I am afraid that the spirit in the above two documents is not contained in this Bill. I should like to ask one basic question: What

is the logic behind the ceiling? There must be some logic when you are introducing a law. What is the rationale behind the fixation of the ceiling at 750? Will it cover the majority of the workers or not? It is with my knowledge—I do not know if the hon. Minister can refute what I say with statistics—that with this ceiling, the Bill will benefit only about 20 per cent of the workers. I do not want to go into more details. We have arrested smugglers and tax evaders and black marketeers. Still those people who have a monopoly grip on the drug industry are scot free.

Now, you have to arrest those people. We the Members of Parliament do not know the value of the medicines. I know that people have to pay so much money for the medicines as per the prescription given by a doctor. The drug manufacturers are making the highest profit. They are making a profit of 400 per cent out of which they spend about 25 per cent on advertisements alone. Such an industry with high profit can easily take interest in the workers who are about 20,000 or 25,000. These workers for a long time have been claiming for security and other facilities. I have written a letter to the hon. Labour Minister in this connection. I have also written a letter to the Chief Minister of Maharashtra in regard to the termination of the services of the Union Secretary of this industry. But so far nothing could be done. The hon. Minister could not influence these drug companies in this regard. So, I fully support the amendment which my hon. friend moved that the ceiling must be taken away. Sir, I would like to ask the hon. Minister whether this ceiling would cover a majority of the workers. As Shrimati Roza Deshpande pointed out, the income of workers has gone up. The medical representatives have to go to field work neatly dressed in suits costing about Rs. 300 or Rs. 400 and to maintain these things they have to be paid more. Today in cities like Bombay, Delhi

[Shri Vayalar Ravi]

or Calcutta, the cost of living is so much that the ceiling of Rs. 750 would hardly cover these workers. Sir I do not want to go into detail. We about 18 to 20 Members have given a note to the Minister expressing our concern over this matter. So, Sir, if the ceiling is not taken away, this bill will serve no purpose. Therefore, I would request the hon. Minister to please consider the views expressed by the hon. Members and remove the ceiling and help a majority of the workers of this industry.

SHRI AMIT NAHATA (Barmer)

Mr. Speaker, Sir, I am afraid I am going to strike a discordant note even at the risk of being misunderstood by the Trade Union leaders on that side and on this side I am not opposed to white-collar trade unionism. I am not opposed to elitist trade unionism. Shrimati Roza Deshpande mentioned at the end of her speech about this but she could not reconcile her demand with those analyses. Who are the most of the medical agents? Who are the most of the pharmaceutical salesmen? They are brilliant young men. They are MScs and BScs. They are qualified chemists and persons who have the capacity to persuade the buyers. They are very good salesmen. There is no doubt about it. But what are they contributing to the society? I am afraid, Sir, there is no better or a worse example than the most useless unproductive and worthless employment than this. It is as if this country is very healthy as if the people of this country do not need medicines and as if there is a great need for pushing and selling these products in the market that an army of salesmen are required to persuade and bribe the doctors and they are competing with one another because the same product is sold with one hundred names. And similarly with different combinations and permutations, they create different brand names and there are exceptionally high doses of vitamins and high dose of unnecessary drugs in innumerable

tonics and most of these salesmen and pharmaceutical representatives are employed by the multi-national corporations. The Indian sector of pharmaceutical industry cannot afford to employ these agents.

Most of them are employees of foreign drug firms who conduct no R&D on the drugs. They conduct R&D only in market mechanism and salesmanship. These medical agents are only cogs in the wheel of their market mechanism and publicity. These young brilliant men should have been really engaged in manufacturing those drugs or in conducting research on them, but they are now being used in a very wasteful capacity. As individuals I have sympathy for them. But do they realise that unless these multi-national cartels are taken over, they cannot contribute to the national wealth? If that realisation dawns on them, I would support them. Merely demanding trade union rights for them and that they should be treated as workmen does not solve the problem. If the selling agents of the Indian sector are to be treated as workmen I would support it because every often they have to face stiff competition from the foreign cartels. But I have no sympathy for this class of agents as a whole and I cannot understand the demand for raising their emoluments from Rs. 750 to 1000 or 1500. I fail to understand the rationale of this demand.

SHRI INDRAJIT GUPTA (Ahmednagar)

Sir, I am really astonished to hear the speech of my friend Shri Nahata. I think he would be better advised to agitate inside the party to which he belongs that multi-national cartels are not allowed to carry out deprecations in the country, instead of that, he is attacking the employees.

SHRI AMRIT NAHATA: I am not

SHRI INDRAJIT GUPTA: Salesmen are also employees. According to his argument, a worker in a multi-

national factory who helps in the production of the drug is equally at fault as the man who is promoting its sales. Anyway, I would welcome Mr. Nahata agitating a bit inside his party to see that the doors are closed to the further entry of multi-nationals. Instead of that, he is wraking vengeance on the wretched sales employees! I can not understand his logic at all!

The purpose of this Bill is not to increase anybody's emoluments. The purpose is only to extend to this class of employees the protection ensured to others under various labour statutes. That is all. Therefore, I want to know from the Government the logic by which they propose to bring certain categories determined according to their emoluments within this legal protection and to exclude others. We know many of these sales employees nowadays are women. May I take it that if a woman is earning Rs. 749 she is entitled to maternity benefit, but if she is earning Rs. 800 she is not? What is the idea in the government's mind?

I know they have brought forward this Bill most reluctantly having been compelled to do so by (a) the judgment of the Supreme Court and (b) the agitation being carried on by these employees for many years. These two pressures have ultimately brought them very reluctantly to introduce this Bill. Having brought forward this Bill which is a good thing in principle which we welcome, they act just like a baniya, with the mentality of a baniya. High expectations were aroused among all sales promotion employees in the country that at last they were going to get some justice and get some legal protection. But I think if this Bill goes through as it is, the effect is going to be most demoralising and it is going to act as a further irritant to these employees. Certainly this is not the way that the Government will earn the goodwill of these employees.

Mr. Nahata says that he would like to see the employees of smaller Indian firms protected. But I feel that this Bill as it is now defined here, will, to some extent, protect only those employees, which is good because the small and medium scale Indian firms which also employ sales promotion employees though in fewer number generally pay less and their employees may come under this ceiling. Precisely the people who are being protected are the employers of the bigger firms and not the employees. It is precisely monopoly and multi-national firms who, out of the huge profits are able to pay slightly higher emoluments to their sales promotion employees and it is those employers who are sought to be protected by this Bill by fixing the ceiling in such a way that majority of the employees who are earning more than Rs. 750|- will be excluded from coverage so that they will be denied this legal protection. So, this is the other way round. I have got a suspicion that some very active lobbying has been done perhaps behind the scene by these very powerful monopoly pharmaceutical concerns who send us a lot of literature from time to time. I have every suspicion that this OPPI which is a big organised consortium of these pharmaceutical drug firms in this country dominated by the foreign multi-nationals, has done considerable lobbying with the Government to see that the definition of ceiling is made in such a way that the overwhelming majority of their employees are excluded. It is only the employees coming under the small Indian firms who may be covered by this. Well and good if they have the majority but the majority is somewhere else. Therefore, I do not want to say much on this but I feel that this is a Bill were you will find that cutting across party loyalties, the overwhelming majority of Members here in this House are totally opposed to the way this ceiling has been laid down because what it gives with one hand,

[Shri Indrajit Gupta]

it takes away with the other. There fore, we have pleaded with the Government and there was sufficient time between the passing of this Bill in the Rajya Sabha and introducing it here. We went in a deputation to the Prime Minister—Members belonging to all parties in this House—we pleaded with her and we explained to her and she told us that she would look into this matter. Now, we find that the Bill has come in the same old un-amended form, apparently the Government is determined not to change a fullstop or comma. Well, they are welcome; they are running the country, they can go ahead and do whatever they like. But let them not think that this is the way they can enlist the support and enthusiasm of the working people in this country. They are only handing these people to the reactionary forces of this country. Let them think of that. The political responsibility rests with this Government. They are giving ammunition to reactionary forces to go and instigate and win over these people to their side and say what the Government has done. This is what they will tell them. Therefore, I do not know whether there is any use of making any plea, but I would plead with the Government that even at this stage the heavens will not fall if this ceiling is removed and legal protection is extended to all the sales promotion employees working not only in the pharmaceutical industries, as other friends have pointed out, but to industries manufacturing toilet goods, soaps, tooth pastes, they are also sending sales promotion employees about. Why do they not apply it to sales promotion employees to whichever industry they may belong? Why have they confined it here only to the pharmaceutical industries? All the powers have been taken to notify other industries. What is the idea? Sales promotion employees are sales promotion employees. The point is whether they should be covered by

the Industrial Disputes Act, Maternity Benefit Act, Payment of Bonus Act and Payment of Gratuity Act and whether they should get certain leave facilities and so on. That is all. I think it is a very elementary thing which is being asked for. In every country, as far as I know—and we pride ourselves on the fact that we are becoming an industrially developing country and so on—certainly the provisions of such legal enactments are extended to cover all the people who are working there. I could understand it if this definition would entail some sort of higher emoluments being given. Nothing like that is envisaged here. Why are you, in this individious way, discriminating among these employees. And, as has been pointer out, an anomalous situation will arise. In one month, I am an employee according to this Act; and after two months, I am not an employee any more; and again after 2 months I become an employee, because the D.A. variations will bring me either within or outside the ceiling of the bill. Let us understand why exactly Government is doing like this. Why is it having this cussed outlook? I do not understand their behaving like Shylock. I am afraid we will be compelled to oppose this bill, if it is sought to be put through in this form. There is no meaning. They are doing just the opposite of what they are wanting to do. I would like the Minister to clarify. I know this must have gone through the Cabinet. I do not know how many members of the Cabinet have really given their mind and understood the implications of it. There is still time. We should not stand on dignity and all that. We can postpone the final consideration of the bill for a day or two. You can think over the matter and you can bring it again here. Government should not stand on a false sense of prestige. That is what I would submit.

**श्री मूल चन्द डागा (पाली) :** अद्यक्ष महोदय, श्रम मंत्री ने जो बिल उपस्थित किया है, मैं समझता हूँ कि वह लागू नहीं होगा। इसमें सभी प्रावीजन्स में "एज प्रेस्क्राइब्ड" की बात कही गई है, सब पावर्स स्टेट्स को दी गई हैं, और इन्ज बारे में कोई डेट भी फिक्स नहीं की गई है तो फिर यह बिल कैसे लागू होगा? सभी माननीय सदस्य लेबर मिनिस्टर को धन्यावाद कर रहे हैं, उनकी तारीफ कर रहे हैं, मगर मेरे ख्याल में इसको लागू करने में दो साल लगेगे आप इसकी क्लॉजिज को देखिए।

Let the Labour Minister kindly hear me and try to read the clauses of the Bill, Section 2(1) says:

"The State Government may, by notification in the Official Gazette appoint such persons as it thinks fit

Again, Section 2(2)(d) says that such Inspectors well "exercise such other powers as may be prescribed." The qualifications of the Inspectors will be prescribed.

इसके अलावा अगर एम्प्लायर इंस्पेक्टर को डाक्यूमेंट न दिखाये तो क्या प्रावीजन होगा? इसमें लिखा है कि—

Rules are to be framed and the States will take powers to appoint those Inspectors. When are you going to enforce this bill?

कोई लिफ्ट नहीं है कि कितने टाइम में डाक्यूमेंट दिखायेंगा।

If an Inspector wants to see the documents within a short time. What is the limit?

मजिस्ट्रेट को पनिशमेंट की पावर है। क्या यह समरी ट्रायल होगी या ब्रकायदा ट्रायल होगी? मजिस्ट्रेट को ट्रायल करने में एक माल लगेगा।

If the offence is committed, who will be held responsible?

कंपनी के जितने मेम्बर होंगे, चाहे गेयरहोल्डर हों, या डायरेक्टर हों, सब जिम्मेदार होंगे।

It is said under section 10(3)(a):

"For the purpose of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals.

All must be held liable. Now, the burden will lie on us to prove. Why don't you hold only that person liable, who commits to mistake, or the offence?

Does the Law Department examine these Bills? No. That is the trouble. The Speaker has asked me to finish within two or three minutes. I will finish in half a minute. The question is how it is implemented. The way legislation is passed even a very good Bill is turned into a bad Act. Nobody applies his mind to the question as to what are the provisions and how they are enforced. It is left to the discretion of the executive. They will frame their own rules, which will take years, and then they will be enforced. At that time, they will say "we want to make some changes". I do not know why they are not appreciating this. The spirit of the Bill is all right. But what is most important is how it is implemented. If the provisions of the Bill stand as they are, I do not think the intentions of the Bill can be achieved.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): I am very thankful to the hon. Members who have participated in the debate on this Bill and extended their whole-hearted support though with some reservation in certain cases.



[Shri Raghunatha Reddy]

At the very outset, I would like strongly to repudiate the suggestion made by Shri Indrajit Gupta with reference to pressures being brought on the Government or being built up by some other agencies. Shri Ramavatar Shastri and Shri Dinen Bhattacharyya wanted the coverage of the Bill to be extended to all the employees in the pharmaceutical side, whether engaged in sales, production or distribution. Regarding this point I may mention that the intention of the Government is not providing minimum protection to the weaker sections of the employees. We are not at present having such protection, and those who are engaged in production or distribution are already covered by the provisions of the Industrial Disputes Act or the Shops and Establishments Act of the States. Sales promotion employees who are not covered by the existing enactments are sought to be given minimum legal protection.

A major point that has been agitated by various members here is with regard to the limit. Hon. Members wanted the deletion of the provision in the Bill relating to salary limit or enhancing this limit. It is not without consideration or thought being given to this that this provision has been limited to a particular salary limit or remuneration limit. This aspect has been examined thoroughly and, though I do not want to enter into any controversy with regard to the social philosophy of elitist trade unionism which my hon. friend Shri Amrit Nahata has mentioned, or the other criticisms which have been mentioned by other hon. Members, I can say without any hesitation that considerable thought has been given to this aspect and it has been decided by the Government that the limit can be fixed for this purpose in order to give protection to such class of persons with such salary limits, so that such class of persons may have the

necessary benefits by way of protection and others many have the necessary wherewithal to protect themselves without the provisions of law. Well, in the future, if an occasion arises and if it is found to be absolutely necessary to give protection to such persons even beyond this limit, such a suggestion would certainly be considered. Government will not feel hesitant to consider such suggestions. But for the time being it is felt that such persons are capable of protecting themselves without the help of the law. Therefore, we thought that people getting only about Rs. 750 as salary or remuneration should be protected by bringing them within the purview of the law. That is the whole philosophy behind this law, of protecting the weaker sections, whether they belong to the white-collar elitist trade union section or otherwise.

SHRI K. GOPAL (Karur): Does this ceiling apply to the other people also? For the others, it is Rs. 1,000. We have peons who are getting Rs. 900.

SHRI RAGHUNATHA REDDY: I may tell the hon. Member that the Industrial Disputes Act is of a different character and does not cover sales representatives. If it was such a simple proposition, we could have amended the definition of the industrial Disputes Act in regard to "workman", instead of bringing special legislation for this purpose.

Shri Dinen Bhattacharyya suggested a special provision for protecting the annual bonus for certain classes of industrial workers in this country. I need not refer to it because when the provisions of the bonus law and various other laws are extended to give benefit to this class of persons, they will be covered by them.

So far the question of the definition of the term "representative" raised by Shri Dinen Bhattacharyya

and other friends is concerned, the term "sales promotion employee" is already defined in the Bill and all those who are engaged in work relating to sales promotion or business of that kind are covered subject to other conditions being satisfied. It is, therefore, not considered necessary to separately define the term "representative".

I can assure my hon. friend Shri Daga that we will try to appoint a date for bringing this law into force as early as possible, as soon as we make the necessary arrangements for the purpose of enforcing this law. I have no doubt about it that the purpose is to enforce law and that it will be done with as much expedition as possible.

MR. SPEAKER: The question is:

"That the Bill to regulate certain conditions of service of sales promotion employees in certain establishments, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted*

### Clause 2

*(Definitions)*

MR. SPEAKER: Clause 2, Amendments.

SHRI K. GOPAL: In view of the hon. Minister's assurance that he will look into the matter, I am not moving my amendment.

SHRI INDRAJIT GUPTA: I beg to move:

'Page 2,—

"omit lines 9 to 18." (2)

MR. SPEAKER: Amendment No. 3. Shri Dinen Bhattacharyya. Absent.

SHRI RAMAVTAR SHASTRI (Patna): I beg to move:

'Page 1, lines 16 and 17,—

for "pharmaceutical industry or in any notified industry".

**substitute—**

"production, distribution, and/or sales of drugs and pharmaceuticals partly or wholly or in any other notified industry" (7).

'Page 2, line 8,—

*add at the end—*

"who draws wages and commission or both" (8).

MR. SPEAKER: Amendment Nos. 12, 13 and 14, Shri Saroj Mukherjee. Absent.

13.00 hrs.

श्री. रामावतार शास्त्री : मैं यह कहना चाहता हूँ कि मंत्री महोदय ने वीकर सेक्शन का नाम ले कर के लोगों की ज़बान बन्द करने की कोशिश की है ।

बिक्री के सिलसिले में या प्रोडक्शन के सिलसिले में या डिस्ट्रीब्यूशन के सिलसिले में जितने भी लोग हों, वह कम तनख्वाह पाने वाले हों, साढ़े 700 से कम पाने वाले हों या ज्यादा पाने वाले हों, उन का वाटर टाइट कम्पार्टमेंट बनाने या उन में विभेद पैदा करने का ठेका सरकार ने कब से उठा लिया कि वह लोगों को आपस में लड़ाने की कोशिश करे ? क्या इस तरह की बात नहीं की जा रही है ? आप साढ़े 700 से नीचे वालों को वीकर सेक्शन कहते हैं और ऊपर वालोंको उस से अलग करते हैं ।

दूसरी बात— यह सीलिंग क्यों रख रहे हैं ? आप ने देखा आप की पार्टी के लोगों ने आम तौर पर सीलिंग को अपोज़ किया है कि सीलिंग रखने की क्या ज़रूरत है ।

ये दोनों बड़े अहम सवाल हैं । यह आप उन के साथ दया नहीं कर रहे हैं । जैसा आप ने सुना यह आप को मजबूर ही कर करना

[ श्री रामावतार शास्त्री ]

पड़ रहा है और यह भी आप ने सुना कि अभी इस से फायदा शायद मुश्किल से 15-20 फीसदी एम्प्लॉईज को होगा। आप बिल बना रहे हैं जिसमें 80-90 फीसदी लोग छूट जाएंगे। तो इस तरह का कानून बनाने का क्या मललव है? यह केवल आंसू पोछने के नाम पर आप क्या कर रहे हैं? ज्यादा से ज्यादा लोगों को फायदा हो ऐसा कानून बनाना चाहिए। आप तो कानून बना रहे हैं जिस से कम से कम लोगों को फायदा होगा। आप उन की यूनियन को ब्रेक कर रहे हैं। यह यूनियन ब्रेक करने का जिम्मा सरकार ने कब से ले रखा है। उन की यूनियन बनी रहनी चाहिए। आप सीरिंग बिल्कुल मत रखिए और साथ साथ जितने भी इस इंडस्ट्री से तालुलक रखने वाले लोग हैं, केवल सेल्स प्रेजेन्टेटिव नहीं, तमाम लोगों को जो प्रोडक्शन करते हैं या वितरण करते हैं, सब को रखना चाहिए।

SHRI RAGHUNATHA REDDY: I have already replied I am opposing it.

MR. SPEAKER: Now, I put amendment No. 2 to the vote of the House.

The question is:—

‘Page 2,—

“omit lines 9 to 18.” (2).

*The Lok Sabha divided.*

**Division No. 4**

13.07 hrs.

AYES

Bade, Shri R. V.

Bhattacharyya, Shri Jagadish

Chandra Shekhar Singh, Shri

Chandrappan, Shri C. K.

Chowhan, Shri Bharat Singh  
 Deb, Shri Dasaratha  
 Deshpande, Shrimati Roza  
 Gupta, Shri Indrajit  
 Haldar, Shri Madhuryya  
 Kathamuthu, Shri M.

‘Madhukar’, Shri K. M.

Manjhi, Shri Bhola

Narendra Singh, Shri

Parmar, Shri Bhaljibhai

Roy, Dr. Saradish

Sambhali, Shri Ishaque

Sen, Dr. Ranen

\*Sharma, Shri Madhoram

Shastri, Shri Ramavatar

Singh, Shri D. N.

NOES

Aga, Shri Syed Ahmed

Austin, Dr. Henry

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Banerjee, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Barupal, Shri Panna Lal

Bhagat, Shri H. K. L.

Bhargava, Shri Basheshwar Nath

Brahmanandji, Shri Swami

Buta Singh, Shri

Chakleshwar Singh, Shri

Chandrika Prasad, Shri

Chaturvedi, Shri Rohan Lal

Choudhury, Shri Moinul Haque

Daga, Shri M. C.

Dalbir Singh, Shri

Dalip Singh, Shri

Daschowdhury, Shri B. K.

Deo, Shri S. N. Singh

Dinesh Singh, Shri

Dhumada, Shri L. K.

\*Wrongly voted for AYES.

Dwivedi, Shri Nageshar  
Gavit, Shri T. H.  
Gogoi, Shri Tarun  
Gomango, Shri Giridhar  
Gopal, Shri K.  
Goswami, Shri Dinesh Chandra  
Gotkhinde, Shri Annasaheb  
Hari Kishore Singh, Shri  
Hari Singh, Shri  
Ishaque, Shri A. K. M.  
Jagjivan Ram, Shri  
Joshi, Shrimati Subhadra  
Kadannappalli, Shri Ramachandran  
Kureel, Shri B. N.  
Laskar, Shri Nihar  
Mahajan, Shri Vikram  
Maharaj Singh, Shri  
Majhi, Shri Kumar  
Malaviya, Shri K. D.  
Mallikarjun, Shri  
Mirdha, Shri Nathu Ram  
Mishra, Shri Bibhuti  
Mishra, Shri Jagannath  
Munsi, Shri Priya Ranjan Das  
Naik, Shri B. V.  
Nimbalkar, Shri  
Oraon, Shri Tuna  
Pahadia, Shri Jagannath  
Painuli, Shri Paripoornanand  
Pandey, Shri Damodar  
Pandey, Shri Krishna Chandra  
Pandey, Shri Narsingh Narain  
Pandey, Shri R. S.  
Pandey, Shri Tarkeshwar  
Panigrahi, Shri Chintamani  
Pant, Shri K. C.  
Paokai Haokip, Shri  
Parashar, Prof. Narain Chand  
Paswan, Shri Ram Bhagat

Patel, Shri Arvind M.  
Peje, Shri S. L.  
Pradhan, Shri Dhan Shah  
Pradhani, Shri K.  
Qureshi, Shri Mohd. Shafi  
Raghu Ramaiah, Shri K.  
Rai Shrimati Sahodrabai  
Ram, Shri Tulmohan  
Ram Prakash, Shri  
Ram Singh Bhai, Shri  
Ram Surat Prasad, Shri  
Rao, Shri Jagannath  
Rao, Dr. K. L.  
Rao, Shri M. Satyanarayan  
Reddy, Shri K. Kodanda Rami  
Richhariya, Dr. Govind Das  
Rudra Pratap Singh, Shri  
Sarkar, Shri Sakti Kumar  
Satpathy, Shri Devendra  
Savitri Shyam, Shrimati  
Sethi, Shri Arjun  
Shafquat Jung, Shri  
Shahnawaz Khan, Shri  
Shankar Dayal Singh, Shri  
Shankar Dev, Shri  
Shankaranand, Shri B.  
Sharma, Shri A. P.  
Sharma, Shri Nawal Kishore  
Sharma, Shri R. N.  
Shastri, Shri Sheopujan  
Shenoy, Shri P. R.  
Shetty, Shri K. K.  
Sinha, Shri Nawal Kishore  
Sinha, Shri R. K.  
Stephen, Shri C. M.  
Sunder Lal, Shri  
Swamy, Shri Sidrameshwar  
Swaran Singh, Shri  
Tayyab Hussain, Shri  
Tula Ram, Shri  
Vekaria, Shri  
Verma, Shri Sukhdeo Prasad

Virbhadra Singh, Shri  
Yadav, Shri Chandrajit  
Yadav, Shri Karan Singh  
Yadav, Shri R. P.

MR. SPEAKER: The result\* of the division is:

Ayes: 20, Noes: 109.

*The motion was negatived*

MR. SPEAKER: I put amendments Nos. 7 and 8 moved by Shri Ram Avtar Shastri to the vote of the House.

*Amendments Nos. 7 and 8 were put and negatived.*

MR. SPEAKER: 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 6 was added to the Bill.*

*Clauses 7 to 12 were added to the Bill.*

### Clause 1

*(Short title, extent commencement and application)*

SHRI RAGHUNATHA REDDY: I beg to move:—

'Page 1, line 4,—

for "1975" substitute "1976" (5)

MR. SPEAKER: The question is:

'Page 1, line 4,—

for "1975" substitute "1976" (5)

*The motion was adopted.*

SHRI RAMAVTAR SHASTRI: I beg to move:

'Page 1, line 10,—

for "pharmaceutical industry" substitute—

"Production, distribution and/or sales of drugs and pharmaceutical partly or wholly" (6)

MR. SPEAKER: I put Amendment No. 6 moved by Shri Ramavatar Shastri to the vote of the House.

*Amendment No. 6 was put and negatived.*

MR. SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill".

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill*

MR. SPEAKER: The question is:

"That the Enacting Formula and the Title stand part of the Bill".

*The motion was adopted.*

*The Enacting Formula and the Title were added to the Bill*

SHRI RAGHUNATHA REDDY: I beg to move:

"That the Bill, as amended, be passed".

MR. SPEAKER: The question is:

"That the Bill, as amended, be passed"

*The motion was adopted.*

MR. SPEAKER: We now adjourn for lunch to meet again at 2.15 p.m.

13.15 hrs.

*The Lok Sabha adjourned for Lunch till Fifteen Minutes past Fourteen of the Clock.*

*The Lok Sabha reassembled after Lunch at Eighteen Minutes past Fourteen of the Clock.*

\*Shri Madhoram Sharma also recorded his vote for NOES.