

[ श्री जगदम्बो प्रसाद यादव ]

वहाँ के उद्योग को जिम्मा करे तो हम उनको वहीं पर ट्रेनिंग दे सकते थे लेकिन मैं समझता हूँ, सरकार के पास इस तरह की कोई योजना नहीं है, कोई कल्पना नहीं है और जब एम्प्लॉयमेंट नॉट हा हा डिडिक्शन और डिडिक्शन का बात हा नहीं उठता है, तो सफलता की बात कहा उठता है ? ग्रामीण अंचल का विषय अछूता न रहे, इसलिये मंजूर जा आज या जब कभी अमेंडमेंट लायें तो इसको भी समेत लें, जिससे ग्रामीण-अंचल के लोगों का भी पता लगे कि भारत सरकार का हर विभाग उनके लिये हो सोचता है ।

श्री सत्य प्रकाश मालवीय : माननीय उपसभाध्यक्ष जी, मैं और अन्य सदस्यों ने भी यह सुझाव दिया था कि बढ़ता हुई मंहगाई का देखते हुए 400 रुपये का स्टाइपेंड बहुत कम है और उसमें वृद्धि करने पर मंजूर जा विचार करें। वे इसमें वृद्धि कर दें तो बहुत अच्छा होगा क्योंकि सच्चा तो बहुत कम है, केवल 4 हजार है मैं इस संबंध में मंजूर जा से आश्वासन चाहूँगा ।

SHRI P. A. SANGMA: I have never said that this will not be extended to the rural areas. Nor the Bill confines itself only to urban areas. It is meant for the whole country and I agree with the hon. Member that we should go much more to the rural areas. I entirely agree with that.

Now, Sir, in regard to the point which has been made about ITIs in minority areas, I have just got the information. There is a special scheme of strengthening the ITIs in the minority areas and we have written to the State Governments to identify through the ITIs. Some amount has already been earmarked for this purpose.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

“That the Bill be passed.”

*The question was adopted.*

# THE SALES PROMOTION EMPLOYEES (CONDITIONS OF SERVICE) AMENDMENT BILL, 1986

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): Sir, I move:

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

Sir, the Sales Promotion Employees (Conditions of Service) Act, 1976, was enacted to regulate certain conditions of service of sales promotion employees as defined in that Act. The definition of ‘sales promotion employees’ covers only sales promotion employees drawing wages not exceeding Rs. 750 per month 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 employees’ contained in the Act so as to bring within the purview of the definition all sales promotion employees other than persons who are employed in a supervisory capacity and who draw wages exceeding Rs. 1600 per month, and persons employed or engaged mainly in a managerial or administrative capacity, and 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 few words, I commend the Bill for the consideration of the House.

*The question was proposed.*

SHRI M. A. BABY (Kerala): Mr. Vice-Chairman, Sir, there is no reason why this Bill should be opposed, as in the case of the earlier Bill which we have just discussed and adopted. The main purpose of the Bill

is to remove the existing ceiling in the case of wages of sales promotion employees, which was fixed, if my information is correct, at Rs. 750 per month more than a decade ago. This Bill seeks to include medical and sales promotion representatives within the purview of the 'sales promotion employees' in order to extend all amenities and allowances to them. This much is welcome; this much is good also. There is no doubt about it. But the real burning problems which the sales promotion employees suffer from, are not going to be solved through these two steps only, though these two steps are welcome. In this connection, I would like to bring certain aspects to the notice of this House as well as for the consideration of the Ministry in relation to the important problems that the medical representatives and sales promotion employees highlight. The Federation of Medical Representatives Association of India has placed a 27-point charter of demands before the Government sometime ago. Even in the year 1978 they had submitted this memorandum before the Government. Though almost all the demands incorporated in the charter of demands are genuine, the Government has not been taking appropriate steps and measures to look into them and to solve them. I do not want to narrate all the demands raised by the medical representatives. The most important problem that they face today is the inhuman torture and victimisation perpetrated on them from the part of the authorities and the management of the pharmaceutical and drug industries in our country. All of us know that till date the drug industry is under the control of the multi-national corporation. Not only they take away huge profits from our country, they subject these employees to victimisation, harassment and inhuman torture. These employees are being thrown to the mercy of multi-national corporation. Most of the managements of drug industry today in our country are either directly controlled by multi-

national corporation or subsidiaries of multi-national corporation. So, if the employees are thrown to the mercy of these managements who are notorious for their cruelty, one can imagine what would be their plight. Most of the activists of the Federation are subjected to victimisation on flimsy grounds. Employees are thrown out of employment. The most interesting aspect is that despite continued agitations and representations, the Government who claim to be sympathetic towards the problem of workers, is not paying heed to the concrete proposals and by the Federation of Medical Representatives Association of India. Moreover, there was a tripartite meeting in the month of March 1984 wherein certain recommendations were unanimously accepted. In that meeting the representatives of the Centre of Indian Trade Union identified some 22 other industries which should be brought under the purview of the Sales Promotion Employees Act but that is not being accepted by the Government. Identification of these 22 industries was also accepted by other national trade unions. Apart from this, this tripartite meeting proposed that a standing committee be formed under the Labour Ministry to look into the problems of the sales promotion employees and their working conditions and other problems arising out of the disputes between the management and employees. This standing committee is also not formed under the Labour Ministry although it was unanimous proposal from the tripartite meeting. Thirdly, Sir, till date the medical representatives and other sales promotion employees are not brought under the purview of the Industrial Disputes Act as amended in the year 1984 and as came into force on 24th August, 1984. Until and unless the medical representatives and sales promotion employees are brought under the purview of the Industrial Disputes Act, their genuine problems cannot be represented to the management and the management which is mainly controlled by multi-national corporations cannot be

[Shri M. A. Baby]  
 brought to their senses. So this standing demand of the medical representatives and sales promotion employees should be accepted by the Government. I would like to know from the Minister why this most genuine and democratic demand is not yet accepted by the Government.

Sir, we know that the present Government is taking an anti-imperialist position on so many issues—though it is not naming the real culprit—in the international political arena. But in the economic sphere, more and more collaborations are being arrived at. I do not know if the political will of Central Government is lacking in relation to economic decisions. If you are going in for more and more collaborations with multi-national corporations, whose parents are imperialist forces—all of us are aware of that—in that situation it would be difficult—we can understand—for the Government to take firm positions against multi-national corporations. Especially in the sphere of drug industry, long back the Hathi Committee proposed nationalisation of the drug industry; but the Government is still not coming forward with any concrete proposals to implement the Hathi Committee's report. This itself proves that the Central Government does not want to antagonise or irritate the imperialist forces who are controlling most of the multi-national corporations by taking some political decisions against them. When we raise the problems of the medical representatives of our country, we know that it has more connotations and different dimensions. Unless the Government comes forward with concrete proposals to mend the management of the drug industry, to bridle the multi-national corporations who control the drug industry and pharmaceutical industry in our country, this window-dressing will not solve the problem. While supporting the meagre measures that have been proposed by the Government in relation to the service conditions of the sales promotion em-

ployees, I do hope that the Government will have to come forward with more stringent proposals, otherwise the problems of the medical representatives and sales promotion employees cannot be solved.

SHRI V. RAMANATHAN (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to support this Bill not because it completely helps the working class but because to some extent it goes to help the working class. It will help the employees to some extent. To that extent I support this Bill. Mere passing of his Bill will not be sufficient; it must be seen that it is properly implemented by all concerned industries. Now the working force is increasing; the private workers are also getting increased. The percentage of workers is multiplying. The fact is that the industry and the people getting benefit out of these employees are also getting a lot of benefit. So instead of fixing some amount, a percentage of profit must be given to the workers. If it is given like that, it will work like an incentive and will also promote the workers as well as the person employing them. Again, the organised labour alone is getting all benefits. There are so many unorganised workers. The Government is not able to help them and they are not helping them. Those working in the unorganised sectors are not getting any benefit. There is no security of job. The benefit of so many Acts on labour, the Industrial Disputes Act, the Compensation Act, whatever they are, passed for the workers' benefit, is not reaching the sector which is not organised. For example, in the agricultural sector, for the people who are working in the fields, there is no security for their labour, there is no security for their accidents and what all befalls them. Therefore, that also must be considered.

Agriculture also should be treated as an industry, and the workers in it also must be given all sorts of benefits that are being given to other industrial sector employees.

Further, I want to say that sales-promotion employees are not in the

drug industry only. There are other industries also having sales-promotion employees. Sales-promotion employees are in different fields. They also must be covered. This must go to the extent of covering that section of employees also.

With these words, I conclude.

Thank you very much.

**डा० बापू कालदाते (महाराष्ट्र) :** उप-सभाध्यक्ष महोदय, यह जो संशोधित विधेयक आया है इसका समर्थन करते हुए एक बात जो बार-बार हमारे मन में उठती है वह यह है कि सरकार कभी भी दूरदर्शी पर्सपेक्टिवली, कम्परोहेन्सिव तरीके से विधेयक नहीं लाती। जैसे हर रोज काम करने वाले डेली वेजर होते हैं वे आज के खाने के लिये ही काम करते हैं और फिर कल के खाने के लिये कल फिर से सोचना शुरू कर देते हैं। क्या इस ढंग से कोई एक संशोधित विधेयक यहां आप ला रहे हैं? जैसे कि इसके पहले का पारित विधेयक है या यह विधेयक हो इसमें हम देखते हैं कि कोई एक कम्परी-हेन्सिव दृष्टि इस सरकार के सामने किसी भी, संशोधित विधेयक के सामने हमने देखी नहीं है। मैं इस विधेयक की तरफ आपका ध्यान खींचना चाहता हूं। 9 जनवरी, 1976 को जब यह विधेयक लोक सभा के सामने पहले आया तो उस वक्त के श्रम मंत्री श्री रघुनाथ रेड्डी ने एक बात ज़रूर कही थी

I just quote what he had said:

"The Government has by way of provision in the Bill to extend the provisions of the Bill to sales representatives of any other industry or other undertaking or any other trade."

तो 1976 में यह कहा गया था कि यह सिर्फ उन्हीं लोगों के लिये मर्यादित नहीं है। लेकिन अगर कोई अन्य उद्योग हो या कोई अन्य प्रक्रिया वाला संशोधन है उस ढंग से उस सब के लिये हम रास्ता खुला कर रहे हैं। मैं पूछना चाहता हूं कि 10 साल के बाद इस संशोधित विधेयक में भी नयी इंडस्ट्री का विचार क्या आपने किया है।

**श्री पी० ए० संगमा :** हाँ।

**डा० बापू कालदाते :** अगर किया हो तो कौन-कौन सी इंडस्ट्री को आपने किया है? दूसरी बात यह है कि हम को लगता है कि इसमें भी एक दूसरे के साथ तालमेल चाहिये। यह ठीक ही है जो आपने किया है लेकिन यह साढ़े सात सौ रुपये की मर्यादा बढ़ा कर आपने कुछ थोड़ा बढ़ा कर 1600 तक ले गये हैं लेकिन बोनस एक्ट की लिमिट आपने जो रखी है वह 2500 तक की है। मेरी समझ में यह बात नहीं आ रही है कि आपने इसमें 1600 की मर्यादा क्यों रखी है। आपका इसमें कोआर्डिनेशन क्यों नहीं है। जिस तरह से बोनस एक्ट की लिमिट 2500 तक रखी है उसी तरह से इसकी लिमिट भी आपको 1600 नहीं 2500 ही करना चाहिये। इसमें एक संतुलन पैदा हो जाना चाहिए। संतुलन न होने से जो कर्मचारी आते हैं उनमें भी एक ढंग का मनमुटाव पैदा हो जाता है, एक ढंग का तनाव पैदा हो जाता है, ऊंच-नीच की भावना मन में पैदा हो जाती है। मेरी यह समझ में नहीं आ रहा है कि आपने इस विधेयक में 1600 की मर्यादा रखते हुए अन्य जो कानून की कर्मचारियों के लिये बताया है इसका उसमें से विचार किया है या नहीं? दूसरी बात यह है इसमें आपने कहा कि सिर्फ फर्मस्टूयों, कल इंडस्ट्री, इससे संबंधित है लेकिन कई अन्य संस्थाएँ भी इससे संबंधित रही हैं, जैसे हम कहते हैं कि इम्पोर्ट-एक्सपोर्ट हाउसेज हैं जो इस तरह के व्यवसाय करते हैं। जैसे क्राम्पटन इंडस्ट्री है, क्या इन लोगों को भी आप इस संशोधन में लाते हैं या नहीं, यह मेरा प्रश्न है। क्या ये लोग इसके आंचल में आते हैं या नहीं, यह मैं जानना चाहता हूं।

हमारे मित्र ने अभी एक बात कही, लेकिन मैं उसका जिक्र नहीं करना चाहता हूं क्योंकि बराबर हम वह देखते हैं कि जब कभी वर्कर्स की बात आती है तो सरकार की तरफ से उनको राहत देने की बात कही जाती है। लेकिन उनकी समस्याएँ पूरी तरह से हल नहीं हो पाती हैं। थोड़ी राहत देने के बाद

[डा० बापू कालदास]

सरकार चुप बैठ जाती है। इस ढंग से छोट-छोटी बातें करने से समस्याएँ हल नहीं होती हैं और उनसे मजदूरों को फायदा भी नहीं पहुँचता है। जैसा आप जानते हैं, सन 1976 में एक विधेयक पारित हुआ। उसके बाद 27 पाइन्ट्स की बात आई। सन 1985 में त्रिपक्षीय बैठक हुई। हर बार यह कहा जाता है कि जो भी लेबर लाज बनते हैं वे कर्मचारियों के हितों को ध्यान में रख कर बनाये जाते हैं। लेकिन आप फिर दूसरा संशोधन लेकर सामने आ जाते हैं। यह प्रक्रिया ठीक नहीं है। अभी आपने इसको 1600 तक किया है। हर साल आप आश्वासन देते हैं कि हम और संशोधन बाद में लायेंगे और आप कुछ समय के बाद दूसरा एमैन्डमेंट लाकर हमारे सामने आ जाते हैं। इसमें आपको भी कुछ कठिनाई होती है। हर साल कुछ न कुछ आपको करना पड़ता है। हमारे लिये भी थोड़ा इसमें कठिनाई होता है मैं थोड़ा विरोध और थोड़े समय के साथ हमको इसको स्वीकार करना पड़ता है। इसलिये अच्छा रहेगा कि आप सारे मामलों पर कम्प्रोमिस तरीके से सोचकर एक विधेयक लाते, क्योंकि सवाल आज का नहीं है। सरकार को सही ढंग से सोचना चाहिये। सरकार को 20-25 वर्ष की बात सोचनी चाहिये और उसके मुताबिक विधेयक लाना चाहिये। हमें कम से कम 20-25 साल की बात को सोच कर संशोधन लाने की आवश्यकता है। अगर हम हर रोज, हर महीने और हर साल इस प्रकार के संशोधन विधेयक लायेंगे तो इससे समस्याओं का समाधान नहीं हो सकता है। यह आपके लिये भी अच्छा नहीं है और हमारे लिये भी अच्छा नहीं है। इसलिये मैं दर्शास्त करता हूँ कि जो ये बातें इसमें मर्यादित हैं उनकी दृष्टि से मैं इसका समर्थन करता हूँ। लेकिन इसमें मुझे लगता है कि जो 1600 की मर्यादा आपने रखी है, इसको 2500 तक ले जाना चाहिये। जिन इंडस्ट्रीज में अभी तक यह लागू नहीं है वहाँ भी इसको लागू करना चाहिये।

एक बात में सेक्शन 10 के संबंध में याद दिलाना चाहता हूँ। मैं जानना चाहता हूँ कि आपने अब तक कितने लोगों को सजा दी है? इसमें यह जो सेक्शन 10 है, इसके बारे में कहा जाता है कि इस पर ठीक से अमल नहीं किया जाता है इसलिये मैं यह जानना चाहता हूँ कि आपने कितने लोगों को सजा दी है? सबसे बड़ी बात यह है कि इस पर ठीक ढंग से अमल होना चाहिये, खास करके जो बड़े बड़े लोग हैं, वे लोग इससे भागने की कोशिश करते हैं। वे किसी का भी विक्टिमाइजेशन कर सकते हैं। कर्मचारियों के पास कोई रास्ता नहीं होता है। इसलिये मैं चाहता हूँ कि कानूनों पर कड़ाई से अमल किया जाना चाहिये और कड़ाई से उनका लागू किया जाना चाहिये। कितनी इंडस्ट्रीज हैं जिनको आपने सजा दी है? अगर आप सजा देने का प्रयास करेंगे तो कर्मचारियों में एक नया विश्वास पैदा होगा। इस दृष्टि से आपने जो यह विधेयक प्रस्तुत किया है, इसकी मर्यादित बातों का मैं समर्थन करता हूँ और इसमें जो अन्य बातें हैं उनको ठीक करने के लिये आप थोड़े दिनों में फिर एक संशोधन लायेंगे, यह मेरा सुझाव है और मैं आपसे अपेक्षा करता हूँ कि आप इस पर इसी दृष्टि से अमल करेंगे।

6.00 P.M.

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): Mr. Vice-Chairman, Sir, my predecessor speaker has put the problem very nicely. I also want to state that whenever the interests of the workers and the capitalist class come, this Government sits on the wall. Therefore, as my previous speaker has stated, broadly speaking, we welcome the amendment Bill as it enlarges the scope, only thing? is that this Bill is coming after ten years and that is why, the benefit will be to a very small extent. The increase in slab from Rs. 750 to Rs. 1600 per mensem is also a welcome step. With regard to earned leave which is not availed, the cash compensation provided is also a good sign. All the problems which the industries are facing today will naturally fall

to the lot of these employees. The most important question is the security of employment. The same security of employment also applies to contract labour, casual labourers and workers in all industries. This question of permanency which is continuity of the bread for the working class is not at all tackled by this Government. That is why, as I told previously, this Government will not sail with the workers but will always side with the employers who are the capitalists and today, as my friends have expressed, the Government is in the grip of the multi-nationals. These sales promotion employees live in the cities with a very high cost of living and move from place to place and if they have no job security and if the hire and fire policy which is the law of the jungle operates in relation to these employees, the vicissitudes and vagaries of the trade rule the roost and if no human justice comes to them, then these highly educated youths will join once more the big stream of the discontented and frustrated ranks of the unemployed. Therefore, Sir, before the Nemesis overtakes you must do something. I am not pessimistic like my other friends who were telling that these unemployed youth will not bring about a social revolution in this country and change the entire structure of the society but I am confident about it. I do not think that Indian working masses or the Indian tradition of the national movement will allow it to go into disruptive channel. It will not happen in this country. In spite of imperialism, in spite of all these capitalists who are going hand-in-glove with these forces, in spite of Pakistan, in spite of all the stooges of imperialism which are surrounding our country, we will go ahead and change the society structurally to see that justice comes to the working class. These sales promotion employees are part and parcel of the industry and these are the persons who, in almost, all the cases, lose their employment because of the vagaries of the trade and because of the exploiters. As a matter of fact, the purchasing power of the people of the

country is not good. That is why more and more lock-outs, lay-offs and such other crisis in the system will force unemployment on this category also. That is why I want the hon. Minister to kindly note these factors and try to see, first and foremost, that there is job security for these employees. He should also see that all these categories of employees are brought under the Industrial Disputes Act, though it is only partially effective and is not in a position to serve the actual needs, and that some kind of an agency for joint bargaining is allowed and some kind of a discipline is brought into the system so that their job security is protected.

Also as our friend has suggested the slab should be increased to Rs. 2,500 so that more and more categories of these employees get these benefits.

Another thing which I want to suggest is that the sales promotion employees of other industries also should be brought under this Act. Thank you.

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** Discussion concluded. The Minister will reply tomorrow.

#### **MESSAGE FROM THE LOK SABHA** **The National Security Guard Bill, 1986**

**SECRETARY-GENERAL:** Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the National Security Guard Bill, 1986 as passed by Lok Sabha at its sitting held on the 29th August, 1986."

Sir, I lay the Bill on the Table.

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** The House stands adjourned till 11 o'clock tomorrow.

The House then adjourned at seven minutes past six of the clock, till eleven of the clock, on Thursday, the 21st