

MR. DEPUTY CHAIRMAN: Now, we go to the next Bill. (*Interruptions*)

SOME HON. MEMBERS: No, Sir.

MR. DEPUTY CHAIRMAN: The Minister is here; he can move it. There is still some time. (*Interruptions*) There is nothing in the Bill.

THE SALES PROMOTION EMPLOYEES (CONDITIONS OF SERVICE) AMENDMENT BILL, 1979

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI P. VENKATA REDDY): Sir, I beg to move:

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

Sir, the House is aware, the Sales Promotion Employees (Conditions of Service) Act was enacted in 1976 and came into force on the 6th March of that year. The Act at present regulates the conditions of service of sales promotion employees in establishments engaged in the pharmaceutical industry. It extends to the sales promotion employees the benefits of various labour laws relating to security of employment, minimum wages, maternity benefits, workmen's compensation, payment of bonus and gratuity, and contains provisions for leave and other matters.

The Rules framed under the Act, which came into force on the 8th March, 1976, give details of holdings and leave admissible to sales promo-

tion employees, form of letter of appointment and registers and other documents to be maintained for such employees. Rule 3 provides that the provisions of Chapter II of the Rules relating to holidays and leave shall effect notwithstanding anything inconsistent therewith contained in any agreement or contract of service or award applicable to a sales promotion employee.

The Committee on Subordinate Legislation of the Rajya Sabha, after examining the Rules, expressed the view in 1976, that it was the prerogative of the legislature to annul private agreements, which might be inconsistent with the provisions of any Act or Rule framed thereunder by means of a statute. Rule 3 in the Committee's opinion, therefore, appeared to go beyond the rule making power conferred upon the Central Government by the Act. The Committee suggested that the Sales Promotion Employees (Conditions of Service) Act should be suitably amended so as to give legislative backing to Rule 3. Government accepted this suggestion.

Sir, it is in this background that the Government propose to amend the Sales Promotion Employees (Conditions of Service) Act, 1976, with retrospective effect by adding a new Section—Section 11A—so as to implement the recommendations of the Committee on Subordinate Legislation of the Rajya Sabha. The amendment proposed in the Bill which was introduced in this House on the 5th March, 1979, is, therefore, of a formal nature.

Sir, with these remarks, I appeal to the Hon. Members to pass this Bill.

The question was proposed.

MR. DEPUTY CHAIRMAN: Mr. Dhabe. (*Interruptions*).

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): No, Sir. There is a large gathering.

MR. DEPUTY CHAIRMAN: Mr. Dhabe, you just start. (*Interruptions*)

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Sir, the Bill

requires a lot of consideration. It involves the interests of employees. This will require. . . (*Interruptions*).

MR. DEPUTY CHAIRMAN: All right, we will continue it next day.

सदन की कार्यवाही कल प्रातः 11 बजे तक स्थगित की जाती है।

The House then adjourned at nineteen minutes past five of the clock till eleven of the clock on Thursday, the 11th December, 1980.