

SHRI MALLIKARJUN : Sir, railway is taking adequate safety measures. After the major accident of October, a high-level staff team has been constituted to ensure complete co-operation between the traffic, civil engineering, mechanical engineering, signal telecommunication and other departments which are concerned with the safety measures. Apart from that, the General Managers have also been instructed to see that they will have a monthly review of the happenings. Apart from that, since the hon. Member desires to know how preventive measures we are taking because of the advancement of the technology also, some sophisticated ultrasonic device has been used to detect flaws in the rails, and so on and so forth we are taking measures.

**THE SALES PROMOTION
EMPLOYEES (CONDITIONS
OF SERVICE) AMENDMENT
BILL, 1979—contd.**

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Deputy Chairman, Sir, this Amendment Bill has been brought to implement the recommendations of the Committee on Subordinate Legislation which said that rule 3 should be given legislative backing. Therefore, section 11A is being added by this Amending Bill.

Sir, while supporting this Bill—it is a very laudable Bill—I would like to say that there are certain questions which the sales promotion employees are directly concerned with. The Sales Promotion Employees (Conditions of Service) Act, was passed in 1976, and in fact as far back as 1972 an assurance was given by Mr. R.K. Khadilkar, the Minister at that time, to the House that the provisions of the Industrial Disputes Act of 1947

would be made applicable to them. When the Sales Promotion Employees (Conditions of Service) Act, 1976 was enacted, surprisingly the Industrial Disputes Act was not made applicable directly by amending that Act, but certain provisions were made therein which were at that time criticised. Again I would like the Minister to seriously consider whether this opportunity should have been taken to amend the Act so as to give relief to all the sales promotion employees.

Sir, this mainly arose out of the pharmaceutical or drug industry in which a very large number of employees are working having no protection under the Industrial Disputes Act. In fact the annual sales turn-over of the multinational companies in the drug industry, is about Rs. 400 crores. The majority of the employees in this industry are the sales promotion employees or the medical representatives. Sir, their average salary is more than Rs. 1,200 P.M. and much more than that. Even the clerks in this industry get Rs. 1,000. Under section 2 D of the Act a provision has been made that it will apply only to those employees whose salary is not more than Rs. 750. At that time also criticism was made against the Act because the protection was not given to all the sales promotion employees, medical representatives and others who were working for sales promotion. Hardly 20 per cent of the employees are covered by this Act. Therefore, this measure in practice has not been useful to a large number of sales promotion employees working in this ind.

Sir, in this connection I would also like to say about the Industrial Disputes Act, which is a major Act which has been made applicable under the provision of section 8 of this Act. And the other Acts which have also been made applicable relate to maternity benefit, payment of bonus, minimum wages and payment of gratuity. Sir, there is a large-

[Shri Shridhar Wasudev Dhabe]

scale closure of industries in the drug and other fields in the country, and a large number of lock-outs are also taking place. But, Sir, the most important amendment which should have been made about closure has not even been brought forward up till by the Government though it has got a reputation that it is an Ordinance-making Government.

Sir, in its decision on 29-9-1978, the Supreme Court, in the case *Excise Wear and others v. the Union of India*, declared that the closure section of the Industrial Disputes Act, section 25 (o) as a whole is ultra vires and in violation of article 19 (1) (g) and thus invalid. That means, closure being a fundamental right of the employers, legislation cannot be made to regulate it. The Act provided that three months notice is to be given before a closure is undertaken. And if a closure is made in violation of the Industrial Disputes Act, 1947, prosecution could be made under section 25(R). And this provision has also been held ultra vires. Therefore, it is a very serious question which is facing the workers, even the sales promotion employees in the drug and other industries. What will happen now? They will have no compensation rights, nor protection against arbitrary closure. In reply to my Unstarred Question No. 2064 today, the Minister has replied: "Government are considering the legitimate changes necessary in the existing law in order to safeguard the interests of the working class." Sir, the Industrial Relations Bill was thrown out by this House and the other House. Even a select Committee could not be formed. But it is regrettable that no positive steps have been taken to change the Industrial Disputes Act, 1947 which is so old and requires a lot of amendments. Apart from the question of recognition of unions which may be a controversial matter, there are other provisions which can be considered immediately like the definition of "employer" and "employee", the

implementation machinery for the awards of the tribunal, giving powers to the labour courts and industrial courts to get them directly executed, and so on. There are many matters in the Industrial Disputes Act which need to be given a second look so that the law is made up-to-date, in view of the Supreme Court and other judicial decisions also. Therefore, I would like to take this opportunity to appeal to the Minister concerned that the definition of "sales promotion employee" restricting it to persons with a salary of Rs. 750 should be changed so that all the sales promotion employees who are working in this field are able to get relief. In fact, Sir, under the Industrial Disputes Act, in the Indian Airlines even the pilot and others who are getting Rs. 1,700 as salary are held to be workmen. But so far as this definition is concerned, a large number of employees, about 80 per cent of the employees, including those who are doing clerical work, are out of purview of the Act. Therefore, the general demand of the working class working in this industry as well as sales promotion employees is that the definition should be widened and they should be given protection. Secondly, I would like him immediately to take steps so that the decision of the Supreme Court on closures is set right and the Act is amended in such a way that workers do not suffer because of the arbitrary closure of industries in many places.

Lastly, I would like to say that Industrial Disputes Act, 1947 requires a large number of amendments and there is no reason why it should be delayed. I would like the Government immediately to consider the proposals which are already pending with them so that Act is suitably amended. The controversial matters may be taken up after, but other amendments on matters like definition of "workman", "employer", execution of awards and so on, may be made immediately to make the Act up-to-date so that the workers will be able to get the benefit which they are entitled to get.

Therefore, while supporting this Bill, I would like to request the Minister to consider overhauling the whole Act and bringing suitable amendments to the Act so that all the sales promotion employees are brought on par and they get all the benefit which the working class are entitled to get. Thank you.

Dr. M.M.S. SIDDHU (Uttar Pradesh) : Mr. Deputy Chairman, this Bill, as it has been rightly pointed out by the honourable Shri Dhabe, is an enabling Bill to get over certain lacunae which were pointed out by the Committee on Subordinate Legislation where the rule might have been challenged if this provision were not included in the Act. So far it is a welcome move. It protects a certain class of employees whose rights could have been challenged. But I also join with him, whether it serves the purpose of giving them full protection. The purpose of this Bill has been to give those who are employed in sales promotion complete protection if possible. But as it has been rightly pointed out, even at the time when these lacunae were pointed out when a Bill was being considered, the Government did not take note of the debate at that time. Even at that time it was pointed out that hardly 20 per cent of those employed in sales promotion would be covered within the provisions of this Act. Eighty per cent are left out. In other words out of 20,000 persons who are employed hardly a few persons get this benefit and that is due to the fact that the definition is such that those who are drawing total emoluments of Rs. 750 and more are not covered within that. A strange logic was put forward by the honourable Minister, Shri Raghunatha Reddy. In his wisdom he said that if there is any difficulty later on, we will bring it out I may be permitted to quote his words. He said that those persons who draw a salary of whose total emoluments are more than Rs. 750, or may be

Rs. 751, take care of themselves. I quote from the Lok Sabha debate dated January 12, 1976,—“But for the time being it is felt that such persons are capable of protecting themselves without the help of law.” “Therefore, we.....”—the honourable Minister—“.....thought that people getting only about Rs. 750 as salary or remuneration should be protected by bringing them within the purview of the law.” This was a strange logic that 20 per cent will be covered and 80 per cent will remain uncovered. If you go through the debates at that time, even at that time what was agitating the minds of the Members was that the multinationals are those who did not want these employees to be covered by them; they had two ways of doing it: one was to pay them more so that their employees do not get the benefit of this provision. And what are those benefits will they be covered by the Industrial disputes Act or the Gratuity Act? Will they get maternity leave, bonus, etc. Can anybody say that a person who draws Rs. 751/- should not be covered and a person who draws Rs. 749/- will only be covered ?

Secondly, these multinationals have done one another thing to exclude these persons from the purview of the law. They have designated their sales promotion employees as officers rather than calling them workers or employees. They want to remove these employees from the ambit of these clauses. I would request the hon. Minister to think over whether it would not have been better if a comprehensive legislation had been brought forward. Even today, in reply to Starred Question No. 345 in this House in the name of Shrimati Kanak Mukherjee, the hon. Minister of Labour has stated :

[Dr. M.M.S. Siddhu]

The Federation of the Medical Representatives' Associations of India has submitted a charter of demands on various occasions—in November 1978 and more recently in October 1980. The Government has examined this charter of demands carefully and certain amendments to the Act of 1976 are under consideration.

Therefore, the Government itself realises that the demand of these medical representatives are genuine and are worthy of consideration and that they are thinking of modifying the Act. Therefore, there was no hurry to bring forward this piece of legislation now and another one later.

Another factor which causes concern is how far the principal Act has been implemented in the States. Section 8 of the principal Act empowers the State Governments to notify their Inspectors. According to my information these Inspectors have not been appointed in all the States. I have no means of verifying this. The representatives have told me that some of the States have not done it. If my information is correct, the hon. Minister may ensure that the States do implement the provisions of the Act. At any rate, I wish to draw the attention of the hon. Labour Minister to this point as well.

Now, pharmaceutical industry has been chosen; but I feel this law should have been extended to other industries as well. The hon. Minister may point out to us to how many other industries this Act has been extended. To my knowledge this has been extended only to the pharmaceutical industry.

Another factor I wish to mention is that the workers generally get some social security benefits. For instance, the Employees State Insurance Act gives certain benefits to those who are working in an

industry, I am not sure whether these employees in the pharmaceutical industry come under the ESI scheme. If they have not been covered, they should be covered, because this one covers the pharmaceutical industry as well. But there is another thing which has exercised my mind and it is that the workers do not get some of the socially good things that the Labour Ministry wants to do under the ESI Scheme, especially the medical benefits. The workers do not get these benefits. May I point out in this very connection, the news item which has been published in the newspapers only yesterday?

“Industrialist given ESI hospital land in South Delhi:

One of the big concerns of the Modi's has been given the land which was earmarked for the ESI hospital for the workers and that land under some pretext has been given to the industrialist.”

That land, under some pretext, has been given to an industrialist though the Department had paid the money and had not taken possession of the land because the jhuggis and jhopris were not removed by the DDA, Sir, I may be permitted to quote the item :

“Ten acres of land had been earmarked for the ESI hospital in Saket, a South Delhi colony. This hospital would have served lakhs of workers who find it hard to commute between the South Delhi locality and the distant Basai Darapur Hospital and reason for the sudden cancellation before the actual possession of the land was the presence of some jhuggis. After the money had been paid by the Department, the ESI authorities said that they would take possession of the land after the jhuggis were removed by the DDA. But, when the time came, they were

told that they had failed to take possession of the land, and, therefore, the allotment had been cancelled."

And, Sir, this land has been given to the Modis for construction of a hospital. For what ? For providing facilities comparable to those available in the medical centres in the cities like New York, Tokyo and London. A laudable objective! But, Sir, may I ask whether the interests of the labour, interests of the workers, should not be taken into consideration especially when that hospital was to come up in South Delhi? Why on earth should an industrialist be given this piece of land? On another plot of land no hospital would come up for years to come. Therefore, taking this into account, we can try to have an overall view of the picture. I am not going into the demands of the Federation of Medical Representatives as given in their petition as I have been given an assurance that the Government is sympathetically considering their case and I do hope that they would take a humanitarian view of it and I would request them to take a humanitarian view of it and to see that Rs. 750/- is not a great amount these days. If it is Rs. 750/- p.m. decided in 1976, in terms of purchasing power, you can see what it would be today.

Another point that I would like to bring to your notice is that many of the things which the sales promotion representatives do or get are added to their salary. For example, the samples that they sell under sales promotion are shown as so much spent on those sale representatives and the literature that they pass on or the travel facilities that they get are all added. But they forget how much sales promotion work they do. As far as I am concerned, I would like to say that the sales promotion done by the multinationals and others has been a source of malpractice to which attention has been drawn by the Director of the

WHO in New Delhi, Dr. Gunaratne. The way the multi-nationals work, the sales promotion works, the kick-backs that they give, the free samples that they give, is not healthy for a pharmaceutical industry and even for the health of the profession as well. Therefore, while I am welcoming this measure, as it is in the interests of the employees, I would implore upon the Minister that he should bring in a comprehensive Bill and cover them so that the benefits are available to a larger section of the people who have been left out.

Thank you, Sir.

MR. DEPUTY CHAIRMAN:
Shri Gupta.

श्री राम लखन प्रसाद गुप्त (बिहार):
उपमहापति महोदय, दी सेल्स प्रमोशन एम्प्लायी (कडीशन आफ सर्विस एक्ट) 1976 में सेक्शन 11ए जोड़ने का प्रस्ताव इस विधेयक के द्वारा लाया गया है। जहाँ तक यह जोड़ने का प्रश्न है इसमें कोई आपत्ति नहीं हो सकती है और मैं इसका सहर्ष समर्थन करता हूँ क्योंकि इसके द्वारा जो इस तरह के एम्प्लायी हैं उन्हें जो इस नियम और इसके कायदे में सुविधा मिली है अगर उससे भी अधिक सुविधा किसी करार-नामे के जरिये या और किसी तरह के ऐग्रीमेंट के जरिये मिल सकती हो तो उसे भी कानूनन हक रहे। वह कोई गैरकानूनी न हो इसके लिए इससे बचने के लिए यह संशोधन लाया गया है। परन्तु आज मैं मंत्री महोदय का ध्यान दो तीन बातों की ओर लाना चाहता हूँ। यह कानून जो उन्हें लाना चाहिए था और सचमुच में जब यह संशोधन आया ही है तो उन सारी बातों के ऊपर विचार करना बहुत ही उचित था जैसे सेक्शन 9 में पैनल्टी का प्राविजन है। पैनल्टी के प्राविजन में सिर्फ यह रखा

[श्री राम लखन प्रसाद गुप्त]

गया है कि एक हजार रुपये का जुर्माना हो। उपसभापति महोदय, जहां पर यह प्रावधान है कि एम्प्लॉयमेंट लेटर नहीं देने के कारण उन्हें जुर्माना किया जा सकता है, यहां जहां पर और भी किसी तरह की दिक्कत या उसके सेक्शन 6 में जितने प्राविजन हैं उन सारे प्राविजन के मुताबिक उन्हें सुविधा नहीं मिलती हो अर्थात् वर्क मैन कम्पेन्सेशन एक्ट, इंडस्ट्रियल डिस्प्यूट एक्ट, मेटरनिटी बेनीफिट एक्ट, मिनिमम वेजेज एक्ट, पेमेंट आफ बोनस एक्ट, पेमेंट आफ ग्रेच्यूटी एक्ट, इतनी सारी सुविधायें न मिलने पर या अगर कोई नहीं देता हो तो उस पर जुर्माना क्या होगा? वह मैक्सीमम एक हजार रुपये होगा। उपसभापति महोदय, कोई भी एम्प्लायर, उसके यहां जितने भी एम्प्लायीज हैं सभी के साथ या किसी एम्प्लायी के साथ वह इस तरह की गड़बड़ी करता जाय और इसके बावजूद उस पर एक हजार रुपये जुर्माना हो तो ऐसी गलती सभी करने के लिए हमेशा तैयार रहेंगे। इसलिए मैं मंत्री महोदय का ध्यान आकर्षित करना चाहता हूं कि इसमें सजा कुछ जरूर चाहिए छः महीने ही क्यों न हो लेकिन सजा का प्रावधान न हो और सिर्फ जुर्माने का प्राविजन हो तो इसमें कोई कार्य को इफेक्टिवली लागू नहीं कराया जा सकता है। यही कारण है कि आज जिस तरह के कानून आपने बनाये हैं, आज जितनी भी सुविधायें एम्प्लायी के लिए आपने बनायी है वह उसे नहीं मिल पा रही है। इसलिए इसमें सजा का प्रावधान होना चाहिए।

इस तरह से दूसरा सेक्शन 10 है और इसमें यह कहकर एम्प्लायर को बिल्कुल छोड़ दिया गया है, सेक्शन 10 (1) प्रोवीजो में कहा गया है :

“Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in the section if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.”

अब यह जो लास्ट पार्ट है :

“that he exercised due diligence to prevent the commission of such offence.”

यह शब्द रहने के बाद, क्या कोई भी एम्प्लायर इसके फंदे में आ सकता है। क्या किसी भी एम्प्लायर को इससे सिद्ध किया जा सकता है कि उसने कोशिश नहीं की, हमेशा कोई भी चिट्ठी लिखते हैं, कुछ भी कहा जा सकता है, यह भी कहा जा सकता है कि हमने जुबानी इस बात को कह दिया था नीचे के सर्वाइनेट आफिसर को बावजूद इसके उसने गलत किया इसलिए मैं जिम्मेवार नहीं हूं। अर्थात्, जो एम्प्लायर है वह बिल्कुल हर हालत से बच सकता है। इसमें कोई भी रास्ता नहीं है कि जिसमें कि वह फंस सकता है। इसलिए भी इस ला का इम्प्लीमेंटेशन नहीं हो रहा है।

मैं मंत्री महोदय का ध्यान इस तरफ लाऊंगा—ब्रह ठीक है ‘If he proves that the offence was committed without his knowledge’. यहां तक रहना यह उचित होगा, ज्यूरिस-प्रूडेंस के लिए भी ठीक है। परन्तु उसका दूसरा पार्ट—‘He has exercised all due diligence to prevent the commission of such offence’ यह इतना बड़ा भेद है जिसको रख कर हम ला को इम्प्लीमेंट नहीं कर सकते।

इसलिए इस शब्द को, इतना तो हटाना ही चाहिए और अंत में यह सैक्शन 11 में ही सब-सैक्शन (2) है, उसमें है—

“No court shall take cognizance of the offence under this Act unless the complaint thereof is made within six months of the day on which the offence is alleged to have been committed.” यह ‘within six months of the day on which the offence is alleged to have been committed’

उसमें कई आफेंस तो ऐसे भी होंगे, या न्यू एम्प्लॉयज ऐसे भी होंगे जिन्हें पता भी नहीं चल सकेगा कि इस तरह का कानून भी उसके लिए है। अगर यह भी पता न चल सके कि उसके लिए इस तरह का कानून भी है, तो यह छह महीने का समय देने का अर्थ यह होगा कि तब भी कोई भी एम्प्लायर उसमें नहीं फस सकता।

मैं तो शायद कहूंगा कि यह समूचा कानून जो फार्मस्यूटिकल कम्पनियों में जो ऐसे सेल्स प्रमोशन एम्प्लॉयज ऐसे सब थे और उन लोगों ने जो यहां धरना दिया, गिरफ्तारियां करवाई, उनकी सिर्फ फेस-सेविंग के लिए कानून रख दिया गया है। हकीकत में इस कानून को लागू करने की नीयत नहीं थी। यह इस बात का द्योतक है, अन्यथा यह छह महीने का निमिटेशन देना यह इस बात का द्योतक है कि यह एम्प्लायर के लिए कुछ भी नहीं करना चाहते थे। मेरा ख्याल है कि छह महीने बहुत ही कम समय है और छह महीने के अंदर सारी बातों की जानकारी करके और फिर से कंप्लेंट्स फाइल करना जिसमें कागिनसैस हो सके, इसके लिए छह महीने बहुत कम समय होता है। कम से कम तीन वर्ष का समय इस पर रहना चाहिए।

मैं चाहूंगा कि मंत्री महोदय यह जो तीन चार सुझाव मैंने दिये हैं इसके ऊपर भी

विचार करके एक कम्प्रीहेंसिव ग्रमैडेंड लावें। मैं अपने मित्र सिद्धू बाबू के विचार से बिल्कुल सहमत हूं कि यह सिर्फ पीएम मील और यह छोटी सी राज्य सभा की रिपोर्ट के अनुसार सिर्फ इतना सा ले आना उचित नहीं होगा, बल्कि यह समुचित एक्ट के अंदर सब बातों का ख्याल रखते हुए इसका सशोधन लाना चाहिए। इतना ही कह कर मैं अपनी बात समाप्त करता हूं।

श्री लाइल, सोहन नि.म (मध्य प्रदेश):

उसभापति जी, मैं ज्यादा तो इस पर कुछ विस्तार से नहीं कहना चाहता। यह बात जरूर है कि इस विधेयक पर या इसमें जो कुछ बढ़ान-घटान करना है, उसका उद्देश्य बहुत अच्छा भी हो, लेकिन उद्देश्य की पूर्ति हो नहीं सकती जब तक कि उसके अंदर जो छेद डाल दिये गये हैं जिससे बचाव का रास्ता निकल सकता है, जब तक कि वे भरे नहीं जाएं, यह तो उसी तरह से हुआ कि हड्डी टूटे और आदमी उस पर पट्टी बांधे, उस पर पलस्तर न करे।

यह बात सही है और आपको शायद मालूम है कि हिंदुस्तान में खास कर फार्मस्यूटिकल, दवाइयां और दूसरी इसके साथ जुड़ी हुई चीजें बनाने वाली कम्पनियां जो हैं, उसमें से 70 फीसदी हिस्सा विदेशी कम्पनियों का है। कुछ विदेशी कम्पनियां सीधे, कुछ बहुदेशीय कम्पनियां मिल करके 70 फीसदी इस व्यापार को अपने नियन्त्रण में किये हुए हैं।

सवाल यह है कि इससे जो वचन होगी उन लोगों को जो खून-पसीना एक करके उनकी चीजों को किसी तरीके से, दो पैसे की चीज को झूठ बोल करके पन्द्रह पैसे में बेचने की कोशिश करते हैं और हिंदुस्तान की जनता उसको खरीदती है और आपको ताज्जुब होगा कि यह कम्प-

[श्री लाडली मोहन निगम]

नियां करीब-करीब आठ सौ करोड़ रुपये का मुनाफा कमाती हैं। मुश्किल से पूंजी अगर उनकी देखी जाए तो एक एक कम्पनी में पचास लाख, एक करोड़ या दो करोड़ की पूंजी लगी हुई है और मैंने जैसा निवेदन किया कि 70 फी सदी धंधा तो बहुदेशीय कम्पनियों के पास और कुछ विदेशी कम्पनियों के पास है। तो फिर उनके माल को बेचने वाले जो हमारे भारतीय लोग हैं, उनको किसी तरीके की कोई गारन्टी नहीं दी गई, उनको कोई बात की मुनमैनी नहीं है कि उनकी जो भी नौकरियों को अनिवार्य शर्तें हैं, जो मामूली से मामूली सभ्य समाज में दी जा सकती है, वे भी उनको न मिलें इससे ज्यादा हास्यस्पद चीज और क्या हो सकती है ?

तो उपसभापति जी, मैं उन बातों को नहीं दोहराऊंगा जो सिद्ध साहब ने और गुप्त साहब ने कहीं। मैं उन बातों में बिल्कुल अपनी राय रखता हूँ। मैं यह कहना चाहता हूँ कि अगर सरकार चाहती है और सही माने में चाहती है कि उनके मुलाजमीन को, जो लोग उनकी दवाइयाँ बेचने का काम करते हैं, उसकी बिक्री बढ़ाने का काम करते हैं, उनको जब तक वे न्यूनतम सुविधाएँ नहीं दी जाती जो एक कर्मचारी को होती है, तब तक यह मामला कुछ अच्छा है ही नहीं, क्योंकि एक तरफ हम यह बात कहते हैं कि हम बहुजन कल्याण की सरकार हैं, हम यह भी चाहते हैं कि यहां एक सामजवादी सभ्यता की व्यवस्था कायम हो, तो फिर उस व्यवस्था को कायम करने के लिए तभी हो सकती है कि जब चन्द लोग जो सारी पूंजी खा जाते हैं, उससे ही हिस्सा निकाल करके इनको देना चाहिए जैसे कि इन्होंने कहा और मैं भी आपसे कहता हूँ कि इतनी बड़ी वचत इसके अन्दर है क्योंकि आर्थिक दण्ड जो आपने रखा है वह इतना ज्यादा है—इतना पैसा तो उस कम्पनी का कोई एक अफसर एक शाम की चाय पर खर्च कर

देता है। जो लोग कम्पनी एक्सपेंस एकाउण्ट में लोगों को खाना-पाना, मंत्रियों को देते हैं, उसकी तो आप कल्पना ही नहीं कर सकते। सिर्फ एक शाम की चाय का खर्च एक हजार रुपया हो सकता है और आप दण्ड रख रहे हैं एक हजार रुपया।

मैं आपसे निवेदन करूंगा कि अगर आर्थिक दण्ड ही आपके पास इलाज है इन चोरियों को रोकने का, तो इतना ज्यादा आर्थिक दण्ड रखिये ताकि उसके मुनाफे पर ज्यादा चोट हो सके और मैं यह भी चाहूंगा कि इस दण्ड का जो कानून है, इसको अमल दरांमद करने में जो भी गुरेज करता है, तो फिर इसके लिए मजबूत दण्ड बना लिया जाए और इन कम्पनियों का हमको राष्ट्रीयकरण कर लेना चाहिए।

मैं अर्ज करना चाहता हूँ कि बीमारी इंसानों की सबसे बड़ी मजबूरी है और बीमारी से जो मुनाफा कमाता है, उससे जलील आदमी दुनिया में कोई और हो नहीं सकता। एक तरफ होना तो यह चाहिए था कि यह औषधियाँ बनाने वाली कम्पनिया फार्मैस्यूटिकल कम्पनियाँ सिर्फ लागत खर्च से थोड़ा सा, उसमें से 10-15 फीसदी मुनाफा लगा करके आम जनता को मुलभ हो जाती। वह हम लोग नहीं कर सके। तो मैं इतना चाहता हूँ कि उनके कर्मचारियों को जो उनको आठ सौ करोड़ रुपये मुनाफा कमा करके देते हैं और उन पर बोनस या सेल्स-प्रोसीड्स के नाम पर इनाम इकराम बांट दिया करते हैं, वह तो बहुत थोड़ा हिस्सा है। इसलिए मैं इस बिल का समर्थन करते हुए आपसे कहूंगा कि आप एक मुगम एकज्जा सभी चीजों से जुड़ी हुई कोई बिल लाइये।

अब ठीक है कि फौरी सन् 1976 के कानून में कुछ बदलाव आप करना चाहते हैं। कर लीजिए, हम आपके साथ हैं। लेकिन मैं चाहता हूँ कि संपूर्ण नौकरी और दूसरी

सुविधाओं और सुरक्षाओं को ध्यान में रखते हुए आपको कोई एक कम्प्रीहेंसिव बिल, कोई एक विधेयक कोई एक मनसूबा इस सदन के सामने अगली सत्र तक लाना चाहिए ताकि हिन्दुस्तान में यह जो लूट-मार चल रही है, जो कर्मचारियों के ऊपर मनमौजी चल रही है, इस पर नियन्त्रण किया जा सके।

इन्हीं शब्दों के साथ मैं इस बिल का, जो मंत्री जी लाए हैं, उसका तो समर्थन करता हूँ, लेकिन साथ ही साथ चाहता हूँ कि यह टुकड़े-टुकड़े वाली बातों से कोई मामला बनेगा नहीं जब तक कि आप सम्पूर्ण चीज न लाएं जिसमें कोई छेद न हो, जिसमें कोई बचाव का कोई रास्ता न हो जिससे हिन्दुस्तान में वे बहुदेशीय कम्पनियाँ और विदेशी कम्पनियाँ जो खाली अर्थ पर ही कब्जा नहीं किये हुए हैं, बल्कि आपकी और हमारे स्वास्थ्य पर कब्जा करके बैठे हैं, उन पर अंकुश लगाइये।

आपने और हमने एक लम्बी लड़ाई करके इस देश को आजाद करवाया, अपनी राजनीति आजाद कराई। लेकिन मुझे बड़ा अफसोस है कि हमने हाथ तो जरूर आजाद कराया, लेकिन पैट और शरीर आज भी हमारा गुलाम है। अगर आप चाहते हैं कि सही मायने में मुल्क आजाद बने, तो जितनी जल्दी हो, बहुदेशीय कम्पनियों और विदेशी कम्पनियों का राष्ट्रीयकरण का प्रस्ताव तो लावे और जब तक न लावे तब तक ऐसा मुकम्मिल कदम उठाने का फैसला करें ताकि देश की गरीब जनता को और उसके साथ जुड़े हुए कर्मचारियों को भी सुविधा मिल सके। बहुत-बहुत धन्यवाद।

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): Mr. Deputy Chairman, Sir, while supporting the provisions of this Bill, I have to make certain observations. This Bill is thoroughly inadequate for the protection of the service and jobs of the sales promotion employees. They

have no security of service.. They have to work under very hard conditions. They are not amply compensated so far as their wages and earnings are concerned. The women employees are specially put to very hard and difficult arrangements. They go from house to house, completely insecure because they have to visit houses during the day-time and they have to go inside the houses and nobody ever knows whether the girl will come back because there are miscreants in the society and there are people who take advantage of the poverty, and, therefore, I would like the Government to take note of the insecure conditions under which these women workers on the sales promotion jobs have to work. I can give you hundreds and thousands of examples where on flimsy grounds those who are employed on sales promotion in different pharmaceutical industries have been checked out. There is absolutely no security of their job. Although there are some provisions under various employees' benefits Acts which are applicable to them but those provisions are so meagre that the employees cannot go to the courts to get legal justice when they are retrenched or when some injustice is done to them. Then they are employed on so meagre salaries that they do not have money to go to legal authorities for redress of their grievances. I would like the Government to take note of these insecure conditions and the inadequacy of the salary or the commission that they get.

Sir, the original Act was applicable only in case of pharmaceutical industry but by sub-section 5.

it is said that by a Notification, the Government will include more industries under the provisions of this Act. But unfortunately, though this Act was passed in 1976 it is 1980 now and during all these four years, not even one single industry was brought under the purview of this Act. It started with pharmaceutical industry; it is still going on with pharmaceutical industry and no other industry to my knowledge—I may be wrong; let the Minister correct me—has been brought under the purview of this Act. Why is it that the Government is ignoring the legitimate demands and legitimate needs of hundreds and thousands of privately employed people? They are not getting any justice from their employers. Why is the Government not coming forward with adequate legislation? I would urge upon the Government to bring in more industries under the provisions of this Act.

Secondly, Sir, even under this Bill, only 20 per cent of the employees will be covered, not more than that, because the upper limit is Rs. 750 per month. The Government should have extended the upper limit of the income bracket so that more and more employees could be brought under the purview of this Act. This is not a comprehensive Act. What the Government did was what the Committee on Subordinate Legislation had said, because in the original Act, the rule-making power is there. The Committee on Subordinate Legislation had said: "When the rules are made, it will immediately be placed before both Houses of Parliament." It is not a comprehensive Bill; it is not adequate and therefore, the Government was requested to bring in a new legislation. But this is only a modification of the rules, and not a new Act. Not even a single section has been added to it to make it more comprehensive and to make it applicable to other sales promotion employees. I know

that even those who are working there for years together, continue to do so on daily wages and at the time of recruitment, people from outside are taken and the employees who have been working there either on daily wage basis or on monthly wage or on commission basis do not get a chance. They should be given preferential treatment and whenever there is a vacancy in the regular appointments, they should be given preference to get these appointments. Specially in regard to the maternity benefits and other things which they have mentioned. I have already told you that the working conditions of these employees are very precarious; this is specially so from the point of view of the women employees. The Government should, therefore, think of other methods by which they can bring justice to these poor women employees, to these poor employees who are working in very difficult conditions. They are not organised like any other industry. They are scattered all over the country. They do not know each other. They do not have time. They do not have the means to meet. Hence, they are not able to organise themselves. Because they are not organised, there is no reason why the Government should not do justice to them.

While I congratulate the Government for bringing forward this Bill, at the same time, I am sorry, it is not more comprehensive. There should have been more provisions for security of job and other benefits and more and more people should be brought under this. The income bracket should be higher and more industries should be brought within the purview of this Act.

श्री शिव चन्द्र झा (बिहार) : उप-महापति महोदय, मैं इस विधेयक का स्वागत करना हूँ लेकिन सरकार को और सदन को जान लेना चाहिए कि यह विधेयक जनता सरकार के टाइम में पेश किया गया था ।

जनता सरकार आप जानते हैं कि इंग्लैंड जाहे वह दवाइयों के बेचने वाले हों या दूसरी तरह के हों या ग्राम मजदूर हों उनकी भलाई के लिये वह सरकार थी और हर पहलू में वह चाहती थी कि तरक्की हो और लोगों की भलाई हो, लेकिन बद किस्मती से या लोगों की साजिस से कहें जनता सरकार नहीं रह सकी और यह क्रेडिट इन को मिल रहा है। लेकिन यह उन को ही मिले, मैं इस का समर्थन करता हूँ।

अब जो दवा बेचते हैं, सेल करते हैं उन को सर्विसेज में सुविधा हो उस के मुताल्लिक यह बिल आया है। इस का मैं समर्थन करता हूँ, लेकिन एक बात की ओर ध्यान दिलाना चाहता हूँ कि कुछ खराब दवाइयाँ भी बाजार में चलती हैं। दिल्ली में यदि उन को पता न हो तो देहाती इलाके में यह सब बातें बहुत होती हैं। सरकार को ख्याल रखना चाहिए कि दवाइयों का जिन्दगी के साथ संबंध रहता है। (व्यवधान) और इस लिये जाली दवाइयों की बिक्री न हो इस का आप ख्याल रखें और दूसरी बात मैं यह कहना चाहता हूँ कि (Interruptions) यह फार्मैसीट्यूकल कंपनीज के बारे में है, दवाओं के बारे में है, आप को घबराना नहीं चाहिए...

श्री उपसभापति : मैं नहीं घबरा रहा हूँ। आप कहिये।

श्री शिव चन्द्र झा : दूसरी बात यह कि देहाती इलाकों में डाक्टरों की कमी है...

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : अगर न घबरायें तो भी उन को शिकायत है और अगर घबरायें तो भी शिकायत है।

श्री शिव चन्द्र झा : देहाती इलाकों में आबादी के रेश्यो के अनुसार जितने डाक्टरों को होना चाहिए वे नहीं हैं और वहाँ बहुत से डाक्टर्स ट्रेन्ड नहीं हैं। जो पहले कंपाउन्डर थे, लेकिन कंपाउन्डरी करते करते उन को इनना तजुर्बा हो गया कि अपने इलाको में जहाँ डाक्टर्स नहीं जाते हैं वहाँ वे जाने लगते हैं और लोगों का इलाज करते हैं और यह बात भी

सही है कि उन की दवा में लोगों को फायदा होता है और लोग अच्छे हो जाते हैं, तो मेरा कहना है कि आप का जो सर्टिफिकेट टेनिंग कोर्स है जिस को पा कर एक आदमी प्रेक्टिस कर सकता है, वह सेंकिड ग्रेड कीकैटेगरी के ऐसे तजर्बेकार लोगों के लिये हो और ऐसे लोगों के लिये आप कुछ स्कीम

3 P.M. बनायें। आप नहीं बनाते हैं, फिर भी देहातों में वह लोग काम करते हैं और लोग अच्छे हो जाते हैं। मरते भी हैं, लेकिन अच्छे भी हो जाते हैं। मैं खुद ऐसे डाक्टर को बुलाने दरिया पार करके जा चुका हूँ। जो रेगुलर डाक्टर हैं वह नहीं आ पाते हैं। (व्यवधान)

श्री उपसभापति : आप बीमारी की हालत में पार करते हैं कि दूसरों की बीमारी के लिए ?

श्री शिव चन्द्र झा : इसीलिए ऐसे लोगों के इस्तेमाल के लिए सरकार को बड़े पैमाने पर एक स्कीम बनानी चाहिए।

इस बिल में दूसरे इंग्लैंड के मुताल्लिक जो प्रावधान किया गया है, मैं इसका समर्थन करता हूँ।

SHRI AMARPROSAD CHAKRABORTY (West Bengal) : Mr. Deputy Chairman, Sir, I welcome this Bill and support it, but I do not understand only one thing, why the Government is shy in extending the provisions of the Bill to other industries. From my personal experience I can tell you that in Standard Literature Company and other book companies hundreds of people are engaged, but there is a legal lacuna, they are not given the status of an employee or a workman. Although they say that the provisions of this Bill would not affect the original Act, I do not know why they are silent about the definition of 'workman' because, as you know, that would attract the provisions of the I.D. Act. On the question of 'workman' there is a serious dispute, whether they are working in a super-

[Shri Amarprosa Chakraborty]

visory capacity or in a managerial capacity. According to the Act those working in managerial capacity are not included. Even then there are many industries. I am president of that union and I am fighting for a long time for applying the provisions of the Dharangadhara Chemical case of the Supreme Court to those industries. I say if the controlling authority is the management, then they must be given all the benefits, but this Bill is silent about that. It will be very difficult to attract those people under the provisions of this Bill. The Bill is silent about the workers who are engaged for sales promotion in different industries. So, may I request the Minister to extend this provision to all industries like pharmaceutical or some other companies where hundreds of people are engaged, but they are not getting any benefit ?

Their position is very bad. One fine morning they find that they are not getting the orders and they cannot go to the market. So, it is a very pathetic condition. Hundreds of workers throughout the country are living in a situation of unemployment. There is a lot of transaction of foreign exchange in those companies. Why should these companies deprive these persons of the benefits of a workman or an employee and make discrimination.

Therefore, I would like to draw the attention of the hon. Minister to this and request him to think on these lines because it will save and help thousands of people who are working as agents, or in other words, who are working as salesmen in the sales promotion departments. So, this is in brief.

Regarding the Bill, if the Government takes a very reasonable attitude towards these people, I think the other purposes of the Bill are welcome. With these words I finish my speech.

श्री नगेश्वर प्रसाद शर्मा : उपसभापति जी, मुझे सिर्फ एक ही बात कहनी है कि पीस मील लेजिस्लेशन में सरकार क्या फायदा उठायेगी यह बात मेरी समझ में नहीं आती। एक लाइन का ऐक्ट बना देने से कि सेल्स प्रमोशन एम्पलाइज पर भी इंडस्ट्रियल डिस्प्यूट एक्ट लागू होगा यह मामला समाप्त हो जाता। लेकिन सरकार इन कर्मचारियों को इंडस्ट्रियल डिस्प्यूट एक्ट के अंदर नहीं लाना चाहती है। इसकी कोई वजह न तो आपने 1976 में जबकि प्रिंसिपल एक्ट पास हुआ उसमें बताई और न इममें बताई जा रही है। इसका नतीजा यह होगा कि एम्पलायर्स जैसा कि इंग इंडस्ट्री में होता है, वह इसका लाभ उठायेंगे। अगर इंडस्ट्रियल डिस्प्यूट एक्ट लागू होता तो वे भी उससे बाउंड होते लेकिन इस पीस मील एक्ट से कोई लाभ अपने वर्कर्स का, इन एम्पलाइज का नहीं होता। कोई वजह सरकार ने नहीं बताई कि इन कर्मचारियों को अन्य कर्मचारियों से क्यों अलग रखा जा रहा है। इनको अलग रख कर मल्टी नेशनल्स को क्यों फायदा पहुंचाया जा रहा है इसका कोई कारण सरकार ने नहीं बताया। जैसा मेरे पूर्व वक्ताओं ने बताया कि क्योंकि यह अन-आगनाइज्ड सेक्शन है इसलिये इनको कोई बेनिफिट नहीं मिलता जब कि जो आर्गनाइज्ड लेबर हैं वे मेक्सिमम बेनिफिट ले लेते हैं। एल०आई०सी० के लोग कभी भी हड़ताल करके अपना बेनिफिट ले लेंगे। बैंक एम्पलाइज भी कभी हड़ताल करके बेनिफिट ले लेंगे लेकिन अन-आर्गनाइज्ड लोग जो हैं उसको आप अपनी ओर से कुछ देने को तैयार नहीं हैं। जो दूसरे लोग आपसे रिच लें, आपसे ऐंट ले, आपसे निकाल ले उनको आप दे देंगे लेकिन जो संगठित नहीं हैं जिनके पीछे संगठन की शक्ति नहीं है उनके साथ आप अपनी ओर से न्याय करने की तैयार नहीं हैं। सभी को ज्ञात है कि ये कर्मचारी जितने हैं वे सभी अधिकांशतः टेम्पोरेरी हैं। उनकी नौकरी अस्थायी है। उनकी नौकरी की कोई सिक्योरिटी नहीं है। अगर किसी कारण से उनको अलग

कर दिया जाए चाकरी से तो वह कही जा नहीं सकता। इंडस्ट्रीयल डिस्प्यूट एक्ट उन पर क्योंकि लागू नहीं होता, इसके कारण उनको ज्यादा कवरेज मिलना चाहिये, मगर आप देने को तैयार नहीं। यह कानून सब पर एप्लीकेबल नहीं है इसलिए कि आपने 750 तक सीमित कर दिया। 750 के अंदर उनका डी०ए०, महंगाई सब शामिल है। इसलिये केवल लगभग 300-350 रुपये मूल वेतन महावार पाने वालों पर ही एप्लीकेबल होगा। बाकी के लिये क्या व्यवस्था है? बाकियों के लिये यह है कि जिस तरह से मल्टी नेशनल्स के एम्प्लाइज के लिये हैं कि वह शोषण करना चाहें तो वह शोषण करें उसी तरह से इनके लिये है। मैं मंत्री महोदय से निवेदन करूंगा कि इस तरह के पीस मील लेजिस्लेशन से कोई फायदा नहीं होने वाला है। उनको चाहिये कि एक स्ट्राक से सभी कर्मचारियों को इंडस्ट्रीयल डिस्प्यूट एक्ट के अंदर ला दे। उसमें कोई दोष हो तो उसको आप दूर करें। इसके लिये कोई औचित्य नहीं है कि एक पर्टीकुलर संगठन के एम्प्लाइज को, वर्कर्स को उस एक्ट के प्रोविजन से बाहर रखें। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Deputy Chairman, Sir, this is a very welcome Bill. Although our Opposition friends have said the Government proposes to do away with the difficulties of these employees and others like them piecemeal, still I say this is a very welcome move, this is a very welcome Bill because at last the Government seems to be conscious about their difficulties and proposes to do away with them. The only thing I have to say is, assume hon. Members from that side have said, the pay limit for being covered under the provisions of this Bill is rather less, that is, Rs. 750.

Today we know that class IV employees in the Reserve Bank and such other establishments get Rs. 800,

Rs. 900 and like that. Now, if class III employees getting only up to Rs. 750 are to be covered, it is not a very good step. Our hon. Minister should reconsider this thing, and personally I suggest that at least those who are getting up to Rs. 1,200 or Rs. 1,250 should be covered under the provisions of this Bill. We know that these employees do a great service to the nation and to humanity and their industry is a life-giving industry. Now, if the working conditions and living conditions of employees engaged in such industries are not up to the mark, the adverse impact will be on the citizens, on the nation itself. So I suggest that at least those getting up to Rs. 1,200 or Rs. 1,250 should be covered under this Bill.

There is no doubt that the Bill is not exhaustive or comprehensive and I join some of my opposition friends in suggesting to the hon. Minister that a comprehensive Bill on the subject should be brought as early as possible to cover others to who are not proposed to be covered under this Bill at present.

The Government must ensure that the employees are personally secured, specially the women employees—as somebody from that side has said—and these employees must also be given a chance to enjoy at least normal living and working conditions. I have been the Chairman of the U.P. State Government Employees and also the Chairman of the All-India State Government Employees Federation. From time to time so many persons engaged in the pharmaceutical industry come to me and tell me about their difficulties and inconveniences, and it is true that their employers are not generally very kind to them. If these employees try to organise themselves and they want to raise their demands and want that those demands are conceded through agitations and all that, naturally they lose the favour of their employers and they are sacked. So it is very necessary that the security of their service is ensured by the Government.

[Shri P. N. Sukul]

As regards multi-nationals, well, I do want the nationalisation of these multi-national pharmaceutical concerns. But, perhaps, here, as some of our Opposition friends have said, our Government does not propose to let them escape only because all are not multi-national concerns. There are our own Indian concerns also. So, likewise the same treatment is going to be meted out to them whether they are multi-nationals or they are not multi-nationals. However, if the multi-national concerns do not obey the law and if they do not ensure proper working and living conditions to the employees, they should be taken to task and, if necessary, they should also be nationalised. There is no difficulty in doing that. Some of our friends have said that there is great scope for raising the period for filing complaints. Within six months of the commission of an offence a complaint is to be filed in a court of law. Otherwise, justice cannot be obtained by the suffering employees. Some suggested that it should be three years. I would suggest it to be one year. At least provision of one year should be there so that within one year one can go to a court of law and get justice. So this should also be taken into account.

I do not want to repeat all that has been said. Much has been said. With these two suggestions only, that the pay limit should be raised to Rs. 1,200 or Rs. 1,250 and the defaulting employers should be taken to task, and instead of a period of six months the period for filing a complaint in a court of law be raised to one year, I welcome this Bill and I appeal to the House to pass it.

THE DEPUTY MINISTER IN
THE MINISTRY OF LABOUR
(SHRI P. VENKATA REDDY) :
Mr. Deputy Chairman, Sir, . . .

MR. DEPUTY CHAIRMAN :
There are various suggestions. You try to meet them.

SHRI P. VENKATA REDDY :

. . . I thank the hon. Members for their unanimous support to the Bill. At the same time, they have given many valuable suggestions. Sir, this Bill is of a formal nature. As the Members are aware, it is just to give legislative backing to Rule 3, because that may be challenged in a court of law. On the recommendation of the Subordinate Legislation Committee of the Rajya Sabha, this Bill has been brought. Nine Members have taken part in the debate : Mr. Dhabe, Mr. Siddhu, Mr. Gupta, Mr. Ladli Mohan Nigam, Mrs. Purabi Mukhopadhyay, Mr. Shiv Chandra Jha, Mr. A.P. Chakraborty, Mr. N.P. Shahi and Mr. Sukul. More or less, all the Members have welcomed the Bill and supported it unanimously. Even the demands made are also unanimous, more or less. Summing up all the suggestions made, broadly speaking, there are four main suggestions. One is that the ceiling should be raised because only 20 per cent of the employees are being benefited. 80 per cent are not. The second is that it should be extended to other industries. So far, this is confined to the pharmaceutical industry only. So many other industries may be covered so that in respect of their employees engaged in sales promotion they may get benefits. Another thing is that the terms "workman" and "wage" may be redefined so that more benefits could be given to these employees. And, at the end, the fourth suggestion is in regard to a comprehensive legislation. Most of the members—in fact, all the Members—have criticised in this respect saying : "Why don't you bring in a comprehensive legislation instead of this piecemeal legislation ?" They have suggested that a comprehensive legislation should be brought so that many anomalies may be done away with and many benefits may be given to the employees. Sir, I would deal with them one by one.

About raising the wage ceiling I agree with the sentiments expressed

by the hon. Members. Four years back, in 1976, this was enacted. At that time, the information was that about 15,000 employees were being benefited. But now a good number of the employees may not get this benefit because in these four years the total emoluments of a number of employees have increased and so they may not get the benefit. The Government is actively considering to raise the wage ceiling. At the same time for other industries also, it is being considered. Most of the State Governments have approved it. They have recommended that this Act may be extended to 11 industries.

Mainly, Sir, the State Governments have recommended to extend this Act to other industries, that is the cosmetics and soaps, the rubber products including the tyres, the automobiles including the accessories and the spare parts, the ready-made garments, the footwears, the breweries, the electrical appliances, the agricultural implements, the paints and varnishes, the beedi, cigarette and other tobacco products and the soft drinks. For these eleven industries, they recommended that this Act should be extended. Therefore, these recommendations should be taken care of. The Government is also considering these favourably. It is also under the consideration of the Government. I can say, Sir.

Next thing, Sir, is that the Government is examining to amend the I.D. Act. The Government is contemplating to convene a tripartite meeting as early as possible. It is being examined, Sir.

SHRI SHRIDHAR WASUDEO DHABE : I have pointed out to him that the Supreme Court in 1978 held that the penal offence for closure and the requirement of notice to be given to the Labour Commissioner three months in advance *ultra vires*. I would like to know from the Minister why action cannot be taken under the provision which is already existing. The workers are losing compensation, and the management is taking full advan-

tage and closing the undertakings on small pretexts. I would like to know from the Minister why this aspect of the case should wait for the tripartite meeting. Why not an amendment of the Act be suitably made so that the workers of the closed industries get compensation, and also relief? I would like to know what the reaction is. I have specifically raised the question.

SHRI P. VENKATA REDDY : Sir, to bring a comprehensive legislation to do all those things, naturally we have to convene a tripartite meeting. We have to take the views of the employers as well as the employees.

SHRI SHRIDHAR WASUDEO DHABE : It is already there. The I.D. Act was amended in 1976. Therefore, the question of the tripartite meeting does not arise in the matter. That is what I am saying.

SHRI P. VENKATA REDDY : The idea is that for redefining workman or wages, for all those things, a tripartite meeting is required.

SHRI SHRIDHAR WASUDEO DHABE : I am not saying about wages. I am saying about the closure of the undertakings.

SHRI P. VENKATA REDDY : Regarding bringing a Bill to amend the I.D. Act and a comprehensive Bill, as you said, all these things are to be taken into consideration.

MR. DEPUTY CHAIRMAN : This matter should not wait for a tripartite conference because the Supreme Court has already given the judgement.

SHRI SHRIDHAR WASUDEO DHABE : On 24-9-1978.

DR. M.M.S. SIDDHU : Sir, I have raised two or three points which have not been answered, whether inspectors have been appointed . . .

SHRI P. VENKATA REDDY : I am coming to it Sir. I have not finished.

SHRI SHRIDHAR WASUDEO DHABE : I am saying that the Supreme Court decision is there. The I.D. Act got a provision while amending it in 1976 that no closure should be made without giving notice to the Labour Commissioner and that if no notice was given it was a penal offence. The Supreme Court as back as 24-9-1978 held it *ultra vires* the Constitution. You say that the matter is under consideration. I would like to know why it should wait for a tripartite meeting. Why not bring an amendment directly ?

SHRI P. VENKATA REDDY : Not with regard to this point. I told that with regard to the definition of workman. And with regard to this thing I have taken note of it and I will get it examined, Sir.

So many Members have criticised that I have brought a piecemeal legislation instead of bringing a comprehensive legislation. In this respect, the Government really wanted to bring a comprehensive legislation without bringing this small, as said by you, piecemeal legislation. Sir, it takes time to bring a comprehensive legislation because so many aspects have to be considered, and a tripartite meeting has to be held. Therefore, in this session it would not be possible. Sir, this amendment Bill was moved in 1979. Long back during the regime of the Janata Government it was moved. Therefore, it was pending in the Rajya Sabha. And anybody could challenge in a court of law the existence of rule 3 because the Subordinate Legislation Committee has pointed out that it may be challenged in a court of law because the scope of this rule is beyond the rule-making

powers conferred on the Government by the Act ; and, therefore, this should be amended. The Subordinate Legislation Committee had recommended this in 1976 itself. In 1979 it was introduced in the Rajya Sabha and now it has come up. We are not bringing this legislation just now. It was pending there long back. So a comprehensive legislation should be brought. There can be no second opinion on that. It is being considered and I can say that as early as possible a tripartite meeting will be held and necessary steps will be taken to extend this Act to other industries also. It is quite essential. As I said, the State Governments have recommended some 1100 industries. Even for other industries it will be considered. It will be considered in the meeting. On wage ceiling, the consensus of the House is the same as the Government's thinking. That may also be considered favourably. About the I.D. Act, it is a somewhat complicated affair. It should be discussed in the tripartite meeting and the Government is examining the case.

The hon. Member, Dr. Siddhu, pointed out that inspectors are not being appointed in all the States. Sir, I will get it examined and see that the Act is implemented without any lapse. Another hon. Member, Shri Gupta, also made some suggestions. While bringing this comprehensive legislation, all these things will be kept in mind. He said a fine of Rs. 1,000 is very meagre and they may not be afraid of a fine of Rs. 1,000. Therefore, he has suggested imprisonment for three months or six months or whatever the period. Likewise other hon. Members have made suggestions to plug loopholes in the Act. They have said that some amendments should be made to this Act by bringing a comprehensive Bill.

Therefore, Sir, I once again thank the hon. Members for having supported this Bill and for giving so many valuable suggestions for our guidance.

SHRI BHUPESH GUPTA (West Bengal): Speak a little more.

DR. M.M.S. SIDDHU: I asked whether the ESI scheme is being extended to them or not. If not, will the Government consider that these employees should also be covered by the provisions of that Act. Secondly, I have brought to your notice ...

SHRI P. VENKATA REDDY : Which employees ?

DR. M.M.S. SIDDHU : The Employees State Insurance Act is the one under which the industrial workers are covered. These people belong to the pharmaceutical industry. Do these employees enjoy the benefits of the provisions of the ESI Act ? If so, will he also look into the matter regarding the site in South Delhi which I have brought to his notice ? I did not want to use strong words. The way the DDA has done it—I did not want to use any words which might have led to acrimony—the way it was given to Modis is a matter which the Government may go into. For the sake of the private sector, they have sacrificed a site for workers' hospital.

SHRI P. VENKATA REDDY: Sir, regarding ESI hospitals or any hospital...

MR. DEPUTY CHAIRMAN : No, no, he wants to know whether to the ESI scheme is applicable to the employees.

SHRI P. VENKATA REDDY : That is different. Workers who are working in all the industries do not come under this Act. Only the sales promotion employees, in Pharmaceutical industry will come under it. Therefore...

SHRI ERA SEZHIYAN (Tamil-Nadu) Do they get that benefit?

SHRI P. VENKATA REDDY: No, they must be sales promotion

employees. I think the ESI employees do not come under this provision.

SHRI ERA SEZHIYAN : Do these people covered by the Bill get the benefit of the ESI scheme ?

SHRI P. VENKATA REDDY : That is to be found out. At the moment, I have no information. Once again I thank the honourable Members for giving unanimous support to this measure, and I commend that this be passed.

MR. DEPUTY CHAIRMAN : The question is—

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

The motion was adopted.

MR. DEPUTY CHAIRMAN : We shall now take up the Clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 1 : Short title

SHRI P. VENKATA REDDY : Sir, I move—

2. “That at page 1, line 4, for the figure ‘1979’ the figure ‘1980’ be substituted.”

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN : 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.

The Enacting Formula

SHRI P. VENKATA REDDY :
Sir, I move—

1. "That at page 1, line 1, for the word 'Thirtieth' the word 'Thirty-first' be *substituted*."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN :
The question is—

"That the Enacting Formula, as amended stand part of the Bill."

The motion was adopted.

The enacting Formula as amended, was added to the Bill.

The title was added to the Bill.

SHRI P. VENKATA REDDY :
Sir, I move—

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

The question was proposed.

SHRI BHUPESH GUPTA : Sir, I support this provision. They have also supported it, yes. I support it despite the fact that there the students have been brutally beaten. I have got the report. Even with that anguished heart, though very annoyed. I still support the Bill...

MR. DEPUTY CHAIRMAN :
The question is—

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

The motion was adopted.

STATEMENT BY MINISTER

Joint Indo-Soviet Declaration

THE MINISTER OF COMMERCE AND STEEL AND MINES (SHRI PRANAB MUKHERJEE):
Mr Deputy Chairman, with your

permission, on behalf of the Minister in charge of External Affairs, I beg to lay on the Table of the House a copy of the Joint Indo-Soviet Declaration.

SHRI BHUPESH GUPTA (West Bengal) : What is the gist? I would like to have a gist of it.

SHRI PRANAB MUKHERJEE :
No, it is a long statement.

SHRI BHUPESH GUPTA :
I don't mind, just give the gist.

SHRI PRANAB MUKHERJEE :
All right. I shall read it then.

The Republic of India and the Union of Soviet Socialist Republics.

Recalling the relations of close and traditional friendship established between them and expressing the firm resolve of their Governments and peoples for the further development of these relations.

Aware of their responsibility for the promotion of international peace ...

SHRI LADLI MOHAN NIGAM (Madhya Pradesh) : Why not you give us just the operating clause ?

SHRI PRANAB MUKHERJEE :
Sir, if you permit me I can do that. I shall read the other portion.

India and the Soviet Union note with profound satisfaction that the relations between them which have been fruitfully developing for decades in an atmosphere of friendship and trust, provide an eloquent example of practical implementation of the principle of peaceful coexistence of states with differing socio-economic systems. These relations are developing to the mutual benefit of the peoples of both the countries on the basis of equality and mutual respect, strict observance of sovereignty and non-interference in each other's internal affairs.

The two sides are convinced that the Treaty of Peace, Friendship and