

Therefore, it is not correct to say that they have been removed to far off places where transport facilities are not available. I would submit that transport facilities are there and other facilities are available there. Wherever they are found inadequate, attempts are being made to provide adequate facilities. Therefore, DDA is actually engaged in this new and important task of resettling the people permanently and I think it is our duty to help settle the poor people instead of leaving them without adequate amenities for a long time. Now, that is what is being done.

Sir, I would respectfully submit that it is not correct to say that in some colonies houses have been demolished although the plans for the same were sanctioned and land allotted by Government. Of course, allegations made are rather allegations of a general nature and are generally not correct. Concrete steps have been taken in providing necessary facilities to people who were dislocated when it is necessary to widen the road, to keep certain places open for parks, schools and other things. But there also people have been provided with alternative residential accommodation in different localities. About 30,000 families have been permanently resettled. I know that people have been put to some inconvenience on account of this and I have every sympathy for them. It is somewhat natural and somewhat unavoidable in any dislocation. But I would say that best efforts have been made to minimise the inconvenience and I can assure my hon. friends if any precise case is brought to my notice. I will certainly look into it.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Delhi Development Act, 1957 be taken into consideration."

*The motion was adopted*

MR. DEPUTY-SPEAKER: Now, we shall take up clause-by-clause consideration.

The question is:

"That clauses 2 to 4 and 1, the Enacting Formula and the Long Title stand part of the Bill"

*The motion was adopted*

*Clauses 2 to 4 and 1, the Enacting Formula and the Long Title were added to the Bill.*

SHRI H. K. L. BHAGAT: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

*The motion was adopted.*

14.58 hrs.

**SALES PROMOTION EMPLOYEES  
(CONDITIONS OF SERVICE) BILL,  
1975**

THE MINISTER OF LABOUR  
(SHRI RAGHUNATHA REDDY): Sir,  
with your kind permission, I beg to  
move: \*\*

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

Sir, as would be seen from the Statement of Objects and Reasons attached to the Sales Promotion Employees (Conditions of Service) Bill, 1975, the main purpose of the Bill is to give to the persons engaged in sales promotion the benefits under the various labour laws. At present, as a result of the Supreme Court judgement, these persons are not "workmen" under the Industrial Disputes Act, 1947. The medical representatives and other representatives of many associations of salesmen had been demanding for a long time that they should be covered under the Industrial Disputes Act!

[Shri Raghunatha Reddy]

The Committee on Petitions of Rajya Sabha also supported their demand and came to the conclusion that the ends of social justice to this class of employees could be met only by suitably amending the definition of 'workmen' in the Industrial Disputes Act. The Committee also felt that other workers engaged in sales promotion should be similarly considered 'workmen'. I may recall Sir, that my distinguished predecessor, Shri Khadiolkar, also assured the Lok Sabha on 3rd May 72 that when the Industrial Disputes Act was amended, a provision would be made to cover the medical representatives.

Keeping in view the justification of the demand of the sales promotion employees, and the recommendation made by the Committee on Petitions, and taking other relevant aspect for consideration, it is considered more appropriate to have a separate legislation for governing the conditions of sales promotion employees, instead of amending the Industrial Disputes Act, 1947 to bring such employees within its purview.

Though the Bill before the House is immediately applicable to the medical representatives, Government have also taken by way of a provision in the Bill to extend the provisions of the Bill to the sales representatives of any other industry or other undertaking or any other trade. Having regard to the merits of the case, steadily the provisions of this Act and benefits of the provisions of this legislation would be extended to other sales representatives also.

I would also take this opportunity, Sir, to impress thing upon the various pharmaceutical undertakings who, understand, are unfortunately indulging in such wrong process as harassing their representatives, terminating their services, retrenching some of them and dismissing some, all kinds

of wrong and unhealthy practices. I would apply to them not to indulge in such practices and not to create problems by way of retrenchment, lay-off, etc. I want to deal with these people as human beings and workmen not to resort to unfair labour practices.

With these words, I move this Bill for the consideration of this House.

MR. DEPUTY-SPEAKER: Motion moved:

"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 रामबिहार शास्त्री (पटना) :  
उपाध्यक्ष जी, सेल्स प्रमोशन एम्प्लॉईज,  
(कंडीशन्स ऑफ सर्विस) नामक जो विधेयक  
यहां प्रस्तुत किया गया है, मैं इसका समर्थन  
करता हूँ। लेकिन समर्थन करने का मतलब  
यह नहीं समझा जाना चाहिए कि यह विधेयक  
सम्पूर्ण रूप में हमारे सामने मौजूद है।  
इसमें कई खामियां हैं, जिनकी तरफ मैं  
मंत्री महोदय का ध्यान आपकी मार्फत  
दिलाना चाहता हूँ।

यह विधेयक बहुत ही आन्दोलन,  
मेहनत और संघर्ष के बाद आया है।  
बहुत मुझे मालूम है क्योंकि मैं इस तरह के  
आन्दोलनों से सम्बन्धित रहा हूँ। दबा  
उद्योग में काम करने वाले कर्मचारी, चाहे  
वे उत्पादन का काम करते हों, वितरण  
भ्रमण बिक्री का काम करते हों,  
वे क्यों से इस बात का संघर्ष कर रहे थे  
कि औद्योगिक विवाद कानून, 1947 के  
मुताबिक उन्हें भी वर्कमैन माना जाये।  
अब तक वे नहीं माने गये थे। इस कानून  
के मुताबिक वे माने जायेंगे। इस सदन  
के माध्यम से बहुत सारे माननीय सदस्यों  
ने समय-समय पर इस सवाल को बार-बार

उठाया था। हमारा ऐसा ध्रन्द्व या कि दवा उद्योग के मालिकों के दबाव में आकर सरकार इस विधेयक को पेश करने में हिचकिचाती रही थी। लेकिन अब मैं माननीय मंत्री जी को धन्यवाद देना चाहता हूँ कि इस उद्योग में लगे हजारों कर्मचारी और इनकी समर्थक तमाम ट्रेड यूनियनों की भावनाओं को ध्यान में रखते हुए इन्होंने इस विधेयक को इस सदन के सम्मुख उपस्थित किया है।

लेकिन इस में एक कमी यह है कि केवल सेल्ज, बिक्री, से सम्बन्धित कर्मचारियों को वर्कमैन माना जा रहा है, और इस दवा उद्योग में जो कर्मचारी उत्पादन यानी प्रोडक्शन और वितरण यानी डिस्ट्रीब्यूशन का काम करते हैं, उन्हें इस बिल के परब्यू, दायरे, से बाहर रखा जा रहा है, जो मुनासिब नहीं है। दवा उद्योग में बिक्री, उत्पादन और वितरण का काम करने वाले सभी कर्मचारियों को वर्कमैन माना जाना चाहिए। तभी हम लाखों कर्मचारियों की भावनाओं का आदर कर सकेंगे, उन की समस्याओं का समाधान कर सकेंगे और उन के लिए ठीक वेतन और छुट्टी आदि ट्रेड यूनियन कानून के मुताबिक मजदूरों को मिलने वाली सभी सुविधाओं की व्यवस्था कर सकेंगे।

इस बिल में यह सीमा रखी गई है कि 750 रुपये तनख्वाह पाने वाले कर्मचारियों को ही वर्कमैन माना जायेगा, और उससे ज्यादा तनख्वाह पाने वाले लोगों को इस बिल के दायरे से बाहर रखा गया है। मैं इस का विरोध करता हूँ। सरकार का यह दृष्टिकोण ठीक नहीं है। इस

से वह तमाम बकिंग क्लास को संतुष्ट नहीं कर सकती है। आज महंगाई का जो आलम है, उस में 750 रुपये से अधिक तनख्वाह पाने वाले लोगों की स्थिति भी कैसी है, यह बात आप और हम से छिपी हुई नहीं है। इसलिए तनख्वाह की कोई बंदिश नहीं होनी चाहिए और उत्पादन, वितरण तथा बिक्री के काम में लगे सभी कर्मचारियों को इस बिल का लाभ मिलना चाहिए।

इस बात को ध्यान में रखते हुए मैंने धारा 1(4) में यह संशोधन रखा है कि इस में जो ये शब्द हैं :

"It shall apply in the first instance to every establishment engaged in pharmaceutical industry",

इस में "फार्मास्युटिकल इण्डस्ट्री" शब्दों को हटा कर ये शब्द जोड़ दिए जायें :

"production, distribution and/or sales of drugs and pharmaceuticals partly or wholly."

इस संशोधन को मान लेने से तमाम कर्मचारी इस बिल के दायरे में आ जायेंगे।

धारा 2(ए) में कहा गया है।

"establishment" means an establishment engaged in pharmaceutical industry or in any notified industry.

मैं चाहता हूँ कि "फार्मास्युटिकल इण्डस्ट्री और इन एनी नोटिफाइड इण्डस्ट्री" को डिलीट कर दिया जाये और उस के स्थान पर ये शब्द जोड़ दिये जायें :

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

[श्री रामावतार शास्त्री]

मैंने ये संशोधन प्राज सबेरे दिये हैं। अगर आप इजाजत देंगे, तो मेरे इन संशोधनों को प्रस्तुत करने का अवसर मिल जायेगा।

इस के बाद मेरा संशोधन यह है कि धारा 2 (डी) के अन्धिर में ये शब्द जोड़ दिये जायें :

"who draws wages and commission or both."

मैंने यह भी संशोधन रखा है कि धारा 2 (डी) में भाग (i) और (ii) को डिलीट कर दिया जाये।

MR. DEPUTY-SPEAKER: You know, there are three stages of the Bill.

You should speak on the amendments

You should not speak on the general principles. You should follow a certain order. When we come to the clauses, you should speak on them.

SHRI RAMAVATAR SHASTRI: I am speaking generally. I am expressing my opinions.

MR. DEPUTY-SPEAKER: No, no. Don't take clauses. Otherwise, the rules should be changed.

श्री रामावतार शास्त्री : हमारा यह संशोधन है कि धारा 2 की उपधारा (डी) की (1) और (2) में जहाँ 750 रुपये का जिक्र है और साल में 9000 है, इन दोनों उपधाराओं को निकाल दिया जाय, तभी सही मानें में इस से सेल्फ रेजिस्ट्रेशन या इग इन्डस्ट्री में काम करने वाले तमाम मजदूरों और तमाम कर्मचारियों का फायदा होगा। अगर इस तरह से रहेगा तो उन में आपस में झगड़े होंगे। आप उनकी यूनियन को तोड़ने के लिए यह सारा इतजाम कर रहे हैं। ऐसा मत कीजिए। उन की यूनिटी को डिसरप्ट मत कीजिए।

आप उन की यूनिटी से बचड़ाते हैं। इसी लिए आप उस को डिसरप्ट करने की कोशिश कर रहे हैं।

SHRI DINEN BHATTACHARYYA (Serampore): Something unnatural has happened to-day.

MR. DEPUTY-SPEAKER: There is nothing unnatural. I think the Bills were very very well discussed, from both sides. As far as I am concerned, I am not going by the time; I am going by the business before me, by the relevancy, by the purpose of the debate. If that is achieved other things are extraneous. I think we should emphasize on quality, rather than the quantity of time.

SHRI DINEN BHATTACHARYYA: This is a very important Bill. For a pretty a long time, the medical representatives were agitating that they should be covered by the Industrial Disputes Act and that all the privileges that are enjoyed under that Act should be given to them also. Last year, I know there was a big demonstration by the medical representatives coming from all over the country. They had also presented a memorandum and offered satyagraha in front of Parliament. A large number of them were arrested. They also submitted a petition to the Rajya Sabha which was discussed by the Petitions Committee there. On the basis of the recommendations of that Petitions Committee, this bill has been brought forward by the hon. Labour Minister. That is good, no doubt. But he has done it in a half-hearted way, as Mr. Shastri has already mentioned. Why should there be a wage limit of Rs. 750 beyond which it is said that this Act will not apply. I think this clause should be deleted. And some of the Members, including Members belonging to Mr. Reddy's party also, have given amendment for deletion of the restrictive clause. I think the Minister will be good enough to accept the amendment.

MR. DEPUTY SPEAKER: You are talking on clauses now.

SHRI DINEN BHATTACHARYYA: I am drawing his attention.

MR. DEPUTY SPEAKER: We will come to clauses.

SHRI DINEN BHATTACHARYYA: This aspect of the bill should have been dealt with by the authorities with more sympathy.

There are so many points which require thorough discussion, and more opportunity should have been given to Members.

MR. DEPUTY SPEAKER: I am not preventing anybody.

SHRI DINEN BHATTACHARYYA: You are not preventing, but when two hours were given to the two previous Bills, how could one expect that they would lapse in this way?

MR. DEPUTY SPEAKER: It is not lapsing. We have passed them.

SHRI DINEN BHATTACHARYYA: The coverage which is now only in respect of medical representatives should be extended to all others connected with the pharmaceutical industry and trade.

The term "representative" has also not been properly defined. There should be a proper definition, as otherwise it will give rise to many disputes and complications. Only the wage limit is given here, but it is not actually clear as to who will be called a medical representative, who will get all these benefits, whether those persons connected with any trade establishment of pharmaceutical goods will also be covered.

I know that in many cases they are getting commission, and there also the Bill has prescribed a limitation which

should be removed, because Government themselves have amended the definition of workers under the Industrial Disputes Act raising the salary to Rs. 1,000 and extending the benefits of ESI to other employees who are drawing more than Rs. 500. So, if Government really wants all persons connected with the sales of pharmaceutical products should be benefited, then this sort of limitations should be removed and the scope should be extended to cover all connected with this industry and trade.

It is good that this Bill has been brought forward, but the restrictions regarding commission should be withdrawn. It is provided here that they will get bonus according to the Bonus Act, but the Bonus Act is no longer there and has been replaced by an Ordinance.

MR. DEPUTY SPEAKER: That is a different question. It is a subject by itself.

SHRI DINEN BHATTACHARYYA: It is provided in a Clause here that they will get annual bonus as per the Bonus Act, and the Bonus Act has been thoroughly changed by an ordinance.

MR. DEPUTY SPEAKER: That Ordinance will come up for discussion. That is a different question.

SHRI DINEN BHATTACHARYYA: But what will be the fate of these persons covered by this Bill?

MR. DEPUTY SPEAKER: It will be applied as the Bonus Act stands.

**SHRI DINEN BHATTACHARYYA:**

There are cases where there is an agreement regarding bonus. If by such agreements one gets more bonus such persons should not be deprived of the same.

There should be a provision that the medical representatives should get more bonus as per the agreement which might exist in any establishment and that should continue.

**श्री नरसिंह नारायण पाण्डेय (गोरखपुर)**

उपाध्यक्ष जी, पिछले सेशन में भी यह विधेयक विचार के लिये आया था और उस समय भी सैलज प्रमोशन एम्पलाइज के रिप्रेजेंटेटिव्स ने माननीय श्रम मंत्री जी को अपता जानन दिया था। थोमन् आप जानते हैं कि हमारे देश में जो अफ्रेजी कम्पनियां या जो विदेशी कम्पनियां हैं, दो तिहाई सैलज प्रमोशन एम्पलाइज उन्हीं कम्पनियों में भरती हैं, और वे लोग ही इस काम को करते हैं। उन समय यह शंका उठाई गई थी कि अगर कोई पे-रेस्ट्रिक्शन रखी जायगी, जैसा कि इस में एनुअली 19 हजार रुपये का रखा गया है, अगर ऐसी लिमिट इस में रखी जायगी तो वे एम्पलाइज जो विदेशी फर्मों के अन्दर ज्यादा तनखाह पा रहे हैं, आप के विधेयक से उन को लाभ नहीं पहुंचेगा। मैं चाहता हूँ कि आप इस तरह की व्यवस्था करें कि जिस से वे भी वर्क मैन कम्पनीशन एक्ट के अन्दर या इण्डस्ट्रीयल डिस्प्यूट्स एक्ट या वर्क मैन की डीफिनीशन के अन्दर आ सकें। यह शंका उस समय भी माननीय मंत्री जी के सामने उपस्थित की गई थी और कहा गया था कि इस सेशन में

इस बिल को पोस्टपोन कर के इस पर फिर से विचार करें और उन के रिप्रेजेंटेटिव्स के वियूज को भी इस के अन्दर रखने की कोशिश करें।

लेकिन थोमन् अब जो बिल हम देख रहे हैं, ऐसा लगता है कि इस को जल्दी में सदन के सामने ला कर रख दिया गया है और उन चीजों का, जिन का अभाव पिछले दिनों माननीय श्रम मंत्री जी को कराया गया था, मडिकल रिप्रेजेंटेटिव्स के द्वारा इस सदन के माननीय सदस्यों के द्वारा, उन के बारे में इस बिल के अन्दर कोई भी प्रीवियुका नहीं आई है, उन बातों के बारे में कोई भी मरकई नहीं हुई है। जसा माननीय मंत्री जी खुद जानते हैं कि इन तमाम विदेशी कम्पनियों के अन्दर जो सैलज प्रमोशन एम्पलाइज काम करते हैं, वे आज भी हजार-बारह सौ रुपये से ज्यादा तनखाह पाते हैं और उन की संख्या दो-तिहाई से भी ज्यादा है। अगर आप आंकड़े उठा कर देखेंगे तो आप को मालूम होगा कि इस बिल की जो भावना है तथा जिस पुनीन कनव्यू को दृष्टि में रखकर आप इस बिल को यहाँ लाये हैं— उस भावना का प्रतिकार इसमें नहीं हो पा रहा है।

मैं माननीय मंत्री जी से जानना चाहता हूँ— कि वे कृपा कर इस पर प्रकाश डालें कि विदेशी कम्पनियों में काम करने वाले एम्पलाइज इस बिल की परिभाषा में

कसे प्राते हैं। जब तक व इस बिल की परिभाषा में नहीं आयेंगे तब तक इस बिल का मकसद पूरा नहीं होगा। मैं चाहता हूँ कि आप इस के बारे में स्पष्टीकरण करें।

**SHRI ERASMO DE SEQUEIRA** (Marmagoa): Mr. Deputy-Speaker, Sir, I am sorry to have to say that this Bill is another good example of rather hasty and often *ad hoc* manner in which this Government used to work before the emergency and continues to work during the emergency.

As has been said by my friend who spoke earlier, this Bill has come in reply to a long outstanding demand of the employees of the pharmaceutical companies. It is very true that the employees of the pharmaceutical companies, who have, as you know, worked outside their office and in the field, have remained all these years outside the scope of Beneficial Labour Legislation, which applies to their colleagues who work inside the office. And it was as a result of this that this demand was made to Government and very often to Parliament. My question to the Government is whether these pharmaceutical employees are the only employees who work under such conditions.

We all know that every single company, every single partnership, every single proprietorship, in this country that has anything to do with selling requires precisely the same kind of employees as the sales promotion medical 'reps' as they are called in the pharmaceutical industry. These people work precisely under the same conditions as the medical 'reps' do. For example, you have the soap companies, you have the companies which sell baby milk powder and there are so many other companies.

15.25 hrs.

[MR. SPEAKER in the Chair]

There is one more thing which is also relevant here. I think, all of us will admit that in many ways the pharmaceutical companies are paying their employees better than other employees in the other sales promotion organisations that I am talking of. As a result of this, I would say, if the medical representatives require the protection of this beneficial legislation which all of us are in favour of, it is so much more necessary for the other employees who are working precisely under the same conditions, in the same business and doing the same job as the medical representatives do.

As I was saying earlier, this is a sort of *ad-hocism* that at all times creates problems in this country. Now, in one class of employees, you are going to create two classes when it was absolutely unnecessary. Why was it necessary for the Government to restrict this measure to the pharmaceutical industry? Then, in another clause, you give them the option of extending it to others. This only means that before bringing the Bill to this House and to the Rajya Sabha where it was previously passed, the Government did not take any time at all to go into the question to consider whether this was the only sort of class of employees who required protection. They have come forward before the House saying that they want to give this benefit to these people and let us decide who else should have it.

I would appeal to the hon. Minister across the well of the House—unfortunately, one gets a clear feeling that no appeals are heard either here or in courts—to please look into it even now. It is only a minor amendment that is required. Already on p. 2

[Shri Erasmo De Sequeira]

of the Bill, sub-clause (d), you have classified fairly clearly the sales promotion employee. You have already defined what is the type of person who should get this protection. Having done this, you have gone further and restricted it to only the employees of the pharmaceutical concerns. Our request to you is that you stick to the clause and remove the restriction. Let this Act, from the day it becomes law, apply to all those who work in sales promotion.

Another point is about the restriction that has been placed on the emoluments upto which this measure should apply. We all know that the figure that has been mentioned here in the Bill comes from another Act which was passed many years ago in which the restriction was placed. Through the mismanagement of the country, since that figure was put into law—it is this Government which is responsible for the mismanagement—this figure of Rs. 750 has very much depreciated and its value today is very much less. So, I would request the hon. Minister that this fact should be taken into consideration. All of us in the last two-three years have been saying that labour legislation should apply at least up to a limit of Rs. 1000. In my opinion, this is also inadequate. I do not think there is any reason why a welfare legislation should stop at a particular salary level. If there are employees who are doing the same job and get Rs. 1200 or whatever it is, why should they not get the benefit? For this reason, I say, the Government even now can have a look at this. Now that an opportunity is being given to it,—I believe, by the clock,—at 3.30 P.M. we take up the other business, the Private Members' Business—the Government should have another look at it and, I hope, they

will come forward before the House to extend the measure to other employees also.

MR. SPEAKER: We will now take up Private Members' Business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-SEVENTH REPORT

SHRI P. M. MEHTA (Bhavnagar):  
I beg to move:

"That this House do agree with the Fifty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to House on the 7th January, 1976."

MR. SPEAKER: The question is:

"That this House do agree with the Fifty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 7th January, 1976."

*The motion was adopted.*

MR. SPEAKER: Now, Bills to be introduced.

CONSTITUTION (AMENDMENT)  
BILL\*

(Amendment of articles 74 and 163)

SHRI C. K. CHANDRAPPAN (Tellicherry): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted.*

SHRI C. K. CHANDRAPPAN: Sir, I introduce the Bill.