

Organ of Federation of Medical And Sales Representatives' Associations of India

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Anti-Victimization Day observed with thunderous protest across the country on 19th July 2022



Anti Victimization Day at Lucknow by UPMSRA

The growing resentment of the fieldworkers against the oppressive policies of the employers burst out in the form of spontaneous participation in the streets, towns, districts and even in the remotest parts of the country on 19th July, 2022, by observing Anti Victimization Day. With the advent of pandemic and its aftermath the number of victimization in various forms like mass retrenchment, wage stoppage, not providing work in the field etc. of the sales promotion employees has aggravated to a great extent as the employers have accentuated attacks violating all provisions of

of several headquarters by one multinational after another. Starting from Bayer, MSD, Glaxo, Novartis, Sanofi and most recently Pfizer terminated the service of hundreds of sales promotion employees working across the country. These victimizations are taking place in the form of mass retrenchments due to closure of operations, slump sale of products. These recent spree of victimizations was reported in the media as strategic decisions in line with the global policy and citing "Redundancy" in job responsibilities of sales promotion employees in India. These Multinational giants are

Pfizer resorted to the path of victimization knowing full well that their activities are not legally tenable. In the Indian sector, Bharat Serum and TTK are most recent examples where after taking over the products of TTK by BSV, the fieldworkers who got job in the new company, were forced to accept derogatory service conditions and a large number of fieldworkers were terminated in gross violation of the laws of the land. Albert David management amassed tons of wealth by reaping all the benefits of bilateralism with FMRAI for more than three decades, but now resorting to all sorts of unfair practices ignoring long standing bilateral relation to impose barbaric working conditions on the SPEs. Starting from reduction of field working days during Covid, terminations, transfers, wage cuts and marking fieldworkers as LOP (Leave without pay), the management are strangulating the fieldworkers towards severe financial deprivation and victimizing the SPEs in all possible manner. The Himalaya Wellness

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Demonstration on 19th July, 2022 in front of Albert David at Chennai

law, though the pharmaceutical sector continued robust business, unlike many other sectors. The employers of the pharmaceutical industry are hell bent on increasing their profits by curtailing manpower. The lead role has been taken by the multinationals operating in the Indian Pharmaceutical market. Several of these companies have are experimenting on monopoly marketing enabled with technology with the definite intention of reducing the dependence and requirement of human capital in the job of sales promotion. This marked difference in the approach of the multinationals is getting substantiated by the recent declarations of closure of operations

ruthlessly exploring all possibilities to influence the government to change the labour laws to shield them from the disputes that are being raised by the workers for their unfair labour practices. Actually these multinational companies and their Indian counterparts are in the mood to replace the perennial nature of sales promotion work by franchise/ contractual marketing, where there will not be any statutory binding on the employers and no statutory benefits for the employees paving the way for hire and fire policy. This has become as clear as daylight due to the recent developments in Pfizer and TTK. Despite existing bilateral relation

Countrywide demonstration against illegal termination of fieldworkers by Pfizer

Strong protest action started all over the country against anti-worker activities of Pfizer. The endeavour to resolve the termination issues through mutual discussion by the committee of FMRAI fell flat due to adamant stance of the management. In this compelling circumstances, FMRAI decided to initiate industrial action against this company. All over the country in front of Pfizer establishment, state units exhibited agitation through mass gathering and demonstration

bargainable category without following the principles of natural justice, out of vengance. MSMRA organised demonstration program in front of Pfizer head office at Mumbai where a large number of members gathered and shouted slogan which drew attention of the public. WBMSRU arranged demonstration at state capital in Kolkata participated by victimized members of Pfizer displaying placards unmasking the unfair labour practices of this MNC. TMSRU



Demonstration in front of Pfizer office at Mumbai

program. After five successful settlements with FMRAI, all of a sudden Pfizer management declared VRS for their field workers and majority field workers refused to accept VRS at the call of the union. When the heinous ploy of management to reduce workforce through VRS failed, they terminated large section of field workers both in

demonstrated at Hyderabad in front of C&F of Pfizer in presence of all the leading functionaries of Secunderabad, Kukatpally subunits. BSSRU successfully conducted demonstration in different subunits in Bokaro, Patna and Jamshedpur which was covered by local news channel. Lucknow unit of UPMSRA

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Field workers of Caplet resorted to mass casual leave & dharna



Demonstration in front of Caplet office at Kolkata

In pursuance of their justified demands the fieldworkers of Caplet are relentlessly fighting against the atrocities of the management. After failure of bilateral discussion between the management and FMRAI leadership, it was decided to intensify movements against the management including industrial actions wherever the company is operational.

settlement of pending COD, stop harassment of sales promotion employees and for continuity of marketing operation from Uttar Pradesh. Prior to his termination Praveen was protesting against the unilateral imposition of GPS enabled reporting system meant to track the field workers. He was called to Kolkata H.O. for discussion and subsequently terminated without following the laws of natural justice. The details were published in the July edition of FMRAI news. In protest the sales promotion employees resorted to one day Mass Casual leave and dharna on 18th July, 2022. The spontaneous participation of Caplet fieldworkers were observed

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Com. D. P. Dubey
6th Death Anniversary.
26th August, 2022
Inauguration of new building of FMRAI at New Delhi by Tapan Sen General Secretary, CITU

The program will be live streamed

New GST rates: Pushing the common people into abyss

A quick look in the list of the recently added everyday items in the GST list and it becomes amply clear regarding the intentions of this union government. The 47th GST Council's meeting chaired by Finance Minister Nirmala Sitharaman and comprising her state counterparts, decided to ramp up the GST revenues by pruning the exemption list and imposed tax on a host of goods and services. This new list of items includes household items, bank services, hospitals and hotels. The prices of several essential commodities and services have increased from July 18, including pre-packed, labelled food items and hospital rooms. The Council had also removed duty inversion for goods where the taxes on inputs were higher than those on the output. The common man will certainly have to pay extra to buy day to day items, further increasing their kitchen budget. The prices of daily essential items like curd, lassi, rice and others are also to increase.

Pre-packaged and pre-labelled retail pack in terms of Legal Metrology Act, including pre-packed, pre-labelled curd, lassi and butter milk will attract a GST at a rate of 5 per cent. Prices will go up on daily essentials for end-consumer who cannot avail input

tax credit benefits. Exemptions were also withdrawn on daily needs such as pre-packaged or labelled rice, wheat, flour, etc adding to the price burden for the common man. The exemption was withdrawn on pre-packaged items even if unbranded to monitor branded suppliers/ manufacturers who escaped registration and claimed exemption of GST by keeping goods unlabelled.

Other than this, 18 per cent GST will be levied on fee charged by banks for the issue of cheques (loose or in book form). The prices of LED lights, fixtures, LED Lamps are set to see a price hike as the GST council has recommended increase in duty structure from 12 per cent to 18 per cent. Hospital room rent (excluding ICU) exceeding rupees five thousand per day per patient will be taxed to the extent of amount charged for the room at 5 per cent. Previously, this was exempt from Goods and Service Tax (GST). The GST Council also decided to bring hotel rooms under Rs 1,000 per day under the 12 per cent GST slab, as opposed to tax exemption category at present.

While the GST rate hike will affect the kitchen budget, retailers will also face certain consequences. This will increase the pressure on the

common man, who is already reeling under inflationary pressures, with the retail inflation being over 7 per cent in June this year, much above the RBI's threshold of 6 per cent. On the other hand, retailers and shopkeepers will face challenges with dealing with the price changes. It is also to be noted that not only do the organised retailers sell these everyday items in packed forms but to avoid the hassles in the shops, many small manufacturers including self-help groups also nowadays dish out their items in pre sealed plastic or paper packets. Small shopkeepers keep items packed and ready for sale so that the customers can readily purchase them from the shelf rather than spend time getting them weighed and packed. The customers also seem to prefer such arrangements now. To bring these unbranded local sellers in the same bracket as the branded sellers is nothing but a myopic and insensitive world view towards the unorganised economy of the country.

No wonder the decision has brought in a volley of criticisms including those from the opposition parties. The common people already reeling under the impact of inflationary pressures will be further burdened because of this decision.

The Kerala government has already expressed its reservations in implementing the new tax structure as it will adversely impact the self-help groups in the state. These groups also are providers of low cost loans to poor women so that they can start small businesses, shops or schools. The Chief Minister of the state has already written to the Prime Minister for a roll back of the decision as it impacts these social groups in the most adverse way.

It is also important to note that whereas above items have been charged with GST, the luxury goods have seen reduction of GST from 18% to 12%. The outlook of the government is amply clear from the above. It has been a serious allegation against the Modi government that it has taken decisions one after another to put the unorganised economy of the country in distress. The note ban was a classic example, the way the GST was implemented earlier also troubled the small unorganised sector the most. Now with this decision of bringing the everyday consumable items, used mostly by the poor people of India, into GST net, the government have exposed its teeth eager to eat away the resources of the small business and burdening the poor.

Anti-Victimization Day

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Company terminated several franchise fieldworkers and closed down the operation of Zeus division bypassing bilateral discussion. Several fieldworkers got victimised by job loss and even the fieldworkers protesting the action of the management are subjected to wage cut, transfers, purported enquiries along with inhuman torture on a section of SPEs. The AFD management also victimized the fieldworkers only to satisfy the intent of de-unionization.

All these incidences happening in different companies are closely associated and interlinked. The industry as a whole is aiming to create an environment of "hire and fire" and labour flexibility to replace organized section of fieldworkers by franchise/ casual workforce for imposing new workload, derogatory service conditions without any protest and resistance to maximize their profit. Hence, minus any protest and resistance the conflict between employer and employee shall not exist. In these circumstances FMRAI has given the clarion call to all the fieldworkers of the country to raise thunderous protest against all forms of victimization happening in the pharmaceuticals industry through unified struggle against victimization for protecting jobs and existing service conditions. The members of FMRAI and all the fieldworkers came out in the roads in their respective units and made the Anti Victimization Day a massive success by registering their resentment, anger and protest against the employers. Fieldworkers of Pfizer, TTK, Albert David, Himalaya Wellness and AFD participated in All India Strike on 19th July, 2022 and participated in dharna in their respective state units and subunits. The Sanofi workers also participated in the dharnaprogramme.

In Delhi, our state unit DSMRO organized day long dharna and demonstration where good number of members participated and submitted memorandum by visiting the Labour Commissioner and Additional Labour Commissioner. In Telangana, our state unit, TMSRU organised dharna and memorandum

submission to District collectors and Labour authorities in its 10 subunits. Hyderabad and Warangal subunits staged day long dharna, mass gathering took place. Slogans were shouted against anti worker policies of Central Government and Pfizer, Bayer, MSD, Glaxo, Novartis, Sanofi, TTK, Albert David, Himalaya, AFD managements. TMSRU president CH. Bhanukiran, General Secretary I. Raju Bhat and all state functionaries addressed in different subunits of TMSRU and K. Sunil Kumar Joint General Secretary of FMRAI and J. Venkatesh CITU state secretary addressed Hyderabad dharna and Mukundreddy, CITU District vice president addressed at Karimnagar. KMSRA organized several programmes in subunits with participation of huge number of members. Dharna was organized in the city of Tiruvananthapuram which was inaugurated by Kerala State CITU President. Malappuram district of KMSRA conducted Anti victimization day with protest rally and dharna organized in front of head post office. Malappura, CITU district vice president E K Velayudhan inaugurated the dharna. Venkateshwaran (Befi), E P Shibu (KMSRA), Lakshmi Narayanan (KMSRA) addressed the dharna. Several members attended including the victimized fieldworkers. In Madhya Pradesh and Chattisgarh, MPMSRU organized programmes in Bhopal, Balaghat, Sagar, Jabalpur, Raipur, Ujjain and other subunits. In Bhopal demonstration was held in front of labour commissioner's office which was addressed by Shailendra Sharma, General Secretary, MPMSRU. At Raipur memorandum was submitted to the Collectorate office and to Additional Labour Commissioner. Dharna was organized at Ambedkar Chowk near medical complex. In the dharnaprogrammes, the fieldworkers of Pfizer, TTK, AFD, Albert David and Himalaya Wellness participated. Anti-Victimization day was observed in Haryana by HSMSRU. Dharna was organized in two prominent places in which good number of members participated. Memorandum was submitted by three sub units on that day. In PCMSRU, memorandum was submitted in Ludhiana, Bhatinda

and other subunits. In Himachal, HPMRA submitted memorandum through Shimla, Solan, Bilaspur, Hamirpur, Mandi, Dharamsala subunits. In Maharashtra, MSMRA organized the Anti Victimization Day all throughout the state. Good number of subunits including Aurangabad, Akola, Chandrapura, Beed, Nasik, Sangli, Dhule, Gondia, Yavatmal, Jalgaon, Bhandara, Dhule implemented the programmes with lot of enthusiasm. In Bihar and Jarkhand, BSSRU organized Anti Victimization day in the subunits with mobilization of large number of members. Programmes were implemented at Jamshedpur, Ranchi, Dhanbad, Daltonganj, Begusarai, Samastipur, Muzaffarpur, Gaya, Siwan, and capital city of Patna. All the subunits submitted memorandum to the district majistrates office and organized protest dharna involving fieldworkers of their respective units. In Odisha, OSRU implemented the programmes at Cuttack, Rourkela, Sambalpur, Bhadrak, Bargarh, Angul, Bhawanipatna, Bhubaneswar and other subunits. Memoranda were submitted and demonstration was conducted at many places with sizeable number of the members participating in the programmes. In three of the 7 north eastern states, CRU conducted the programme with memorandum submission in 15 districts. In Andhra Pradesh, APMSRU implemented the programme in 17 subunits with members participating in the demonstration programmes. Rally was organised at Guntur. Memorandum was submitted in most of the subunits. In Karnataka, KSM&SRA implemented the programmes in 17 subunits including capital city of Bengaluru. In the state of Tamilnadu, TNMSRA organized the programmes at Madurai, Salem, Coimbatore and other subunits. Demonstration was also held in front of Albert David office at Chennai by TNMSRA members. In Uttar Pradesh and Uttarkhand, UPMSRA members conducted programme in 60 subunits including memorandum submission and dharna. At Lucknow, massive demonstration was staged which was addressed by UPMSRA General Secretary along with other state leadership. In all parts of West

Bengal, WBMSRU members in huge numbers participated in dharna, demonstrations. Subunits like Coochbehar, Darjeeling from the northern part of the state to subunits like East and West Midnapur, South 24 Parganas of the southern part, implemented all the programmes. Members of two largest sub-units of FMRAI, North 24 Parganas and Kolkata organized massive dharna and demonstration in front of state labour department at Kolkata. Members of Howrah and Hooghly also participated in that central programme which was addressed by Santanu Chatterjee, General Secretary FMRAI, Basab Roy Chowdhury, General secretary, WBMSRU, J S Naruka, vice president, FMRAI and the council leadership of the companies participating in the strike. Memorandum was submitted to State Labour Commissioner. After the central programme, demonstration was held in front of Albert David Head office at Kolkata. All throughout the country the programmes were implemented and the members of FMRAI and all fieldworkers exhibited their strong protest action opposing victimization happening in various companies involved in sales promotion work. The successful implementation of the programmes on 19th July, 2022 sends clear signal to the employers and the governments that the members of FMRAI are committed to remain in the path of persistent struggle and movement. The observance of Anti Victimization day on 19 July was just the beginning.

Himalaya: court imposes penalty for law violation

On 29/11/21 and 14/12/21 Complaint Petition was filed by FMRAI for violation of Minimum Wages Act, 1948 SPE (Conditions of Services) Act, 1976 and Industrial Employment (Standing Order) Act, 1946). Management of Himalaya pleaded guilty and paid a fine of Rs. 21000 in Lok Adalat of Bengaluru. The fine was imposed when the labour authority filed prosecution petition against the management for not responding their show cause notice.

Devendra Singh, based at Lucknow and a member of UPMSRA passed away on 30th June, 2022. He was working as a sales promotion employee in Alkem Bergen division. FMRAI deeply condole the sad demise of Devendra and conveys heartfelt condolences to his bereaved family.

Hari Mohan Mishra, based in Sitapur, member of UPMSRA passed away on 14th July, 2022. He was working as a sales promotion employee in Mission Happiness. FMRAI pays homage to the departed member and conveys condolence message to his bereaved family members.

Neeraj Sharma, was employed in Psychotropic India Ltd, based in Meerut HQ, working as a sales promotion employee, passed away on 9th July, 2022. He was a member of UPMSRA. FMRAI deeply mourns his sad and untimely demise and conveys condolences to the bereaved family.

Prakash Kumar, field worker of CharakPharma, based in Halwani passed away on 15 June, 2022. We deeply condole and express our heartfelt condolences to his bereaved family. UPMSRA Haldwani unit handed over draft of Rs.65,000/- to his wife for the necessary ritual formalities.

Dipankar Dalpati, member of WBMSRU, based in Egra of East Midnapur district met untimely death on 16 July 2022 due to massive road accident at Tamluk. He was a field worker of Sun Pharmaceuticals. FMRAI grieves his death and conveys condolences to his family, friends.

Gopal Dinda, member of WBMSRU, based in Egra of East Midnapur district passed away 16th July, 2022. Gopal was accompanying with Dipankar and both of them met with an accident. He was working as a sales promotion employee of Anthen Bio Pharma. We convey our heartfelt condolences to the bereaved family members.

Pfizer demonstration

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organized massive demonstration in front of Pfizer establishment. In CRU programme was organized in state capital. TNMSRA conducted the demonstration in state capital. Many of the state units submitted memorandum to the Pfizer management during demonstration. The programmes conducted by MPMSRU received wide press coverage. Leadership of FMRAI and state bodies gave deliberations explaining the nefarious activities of Pfizer management aided by the Central Government's new liberal policy. Multinational company get encouraged by the upcoming new Labour Codes and downsizing the field force to create mental pressure on remaining field worker for their survival. Pfizer stockists were met in deputation by the subunit members to unmask real face of Pfizer. FMRAI members are lodging strong protest against the franchisee workers who have been recruited in place of the terminated workers. Further intensification of industrial action and campaign against Pfizer will continue.

Caplet dharna

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throughout the eastern state units of FMRAI in OSRU, BSSRU and WBMSRU. Encouraging participation have been reported in Chattisgarh region of MPMSRU. At the gates of Kolkata head office a thunderous demonstration programme was organized, which was addressed by the leadership of FMRAI and WBMSRU. The intensity of agitation had earlier compelled the management to withdraw GPS enabled reporting system in Chattisgarh and some other parts of the country. Caplet field worker vowed to carry their fight in pursuance of their justified demands and against the various atrocities and unfair labour practices of the management.

Rise unitedly to achieve working class vision of independent India

Dr K. Hemalata, President, CITU:

India will be completing seventy five years of its independence from British rule in a few days. Our independence was the result of the struggle by the people of our country, men, women and children, workers, peasants and other sections sacrificing everything including their lives. What did they envision when they courageously fought British colonialism? Seventy five years is long enough a period to look back and examine if we are on track to realise the aspirations and dreams of the people who fought the once mightiest empire in the world where the 'sun never set' and won their independence. As explained by an illiterate worker of a textile mill in Bombay who actively participated in the non cooperation movement, for workers 'swaraj' meant that they would be free from indebtedness, from the inhuman treatment and oppression by the employers. They expected that the government of free India would enact laws to ensure their wages increased, their working conditions improved and the inhuman oppression of workers was stopped. Workers, angry at the denial of the freedom of expression, association and collective actions under the Rowlatt Act and other measures of the British, participated in freedom struggle in huge numbers with the expectation that they would get these freedoms in Independent India. People believed that free from colonial oppression and exploitation India would become a self reliant, industrially advanced country, providing decent employment and eradicating illiteracy, poverty and hunger. In the initial years after independence, certain measures were taken by those in power to meet the aspirations of the people. These aspirations of the common people found expression in the Constitution drafted by Ambedkar, which 'We, the people of India' adopted on 26th November 1949 and which came into force on 26th January 1950. The Constitution proclaimed its solemn resolve to 'constitute India into a sovereign, socialist

secular democratic republic and secure to all its citizens

Justice, social, economic and political

Liberty of thought, expression, belief, faith and worship

Equality of status and of opportunity And to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation

The Directive Principles of State Policy in the Constitution laid down 'certain principles of policy to be followed by the State', e.g. the right to an adequate means of livelihood for all citizens, ownership and control of material resources of the community to subserve the common good, operation of the economic system so that it does not result in concentration of wealth and means of production to the common detriment, equal pay for equal work for both men and women etc. among others.

The Planning Commission was established in 1950 to oversee economic and social development through Five Year Plans.

Several legislations were enacted in the initial years after independence to meet the aspirations of the workers expressed through their huge participation in the struggles on their immediate demands like wages and better working conditions as well as in the calls of the freedom struggle. In The Factories Act 1948, the Industrial Disputes Act, 1948, the Employees State Insurance Act, 1948, the Minimum Wages Act, 1948, the Employees Provident Fund and Miscellaneous Provisions Act, 1952, are some of the legislations that were enacted soon after independence.

These were followed by the Bonus Act 1965, Payment of Gratuity Act 1965, the Contract Labour (Regulation and Abolition) Act 1970, the Equal Remuneration Act 1976 etc.

In addition, workers in different sectors like the dock workers, plantation workers, mines workers, beedi workers, cine workers, working journalists, sales promotion employees etc, through their organised struggles were able to exert pressure on the government to enact sector specific legislations. Some of these are the Dock Workers (Regulation of

Employment) Act 1948, the Mines Act, 1952, Plantation Labour Act, 1951, the Working Journalists and Newspaper Employees

(Conditions of Service) and Miscellaneous Provisions Act, 1955, Beedi and Cigar Workers (Conditions of Employment) Act, 1966, Sales Promotion Employees (Conditions of Service) Act, 1976. But this of course did not mean that all these legislations were effectively implemented. The legislations to provide some protection, some relief, and some improvement in the conditions of the workers were the result of the huge struggles of the working class before independence as well as after independence. The workers had to fight for their implementation as well, at the factories, on the streets and in the courts.

What needs to be remembered, however, is that though India attained independence through a long drawn bitter struggle in which lakhs of workers and other sections of common people participated, the party that led the independence struggle, that came to power after independence represented the interests of the big capitalists and landlords, not that of the working class. Hence, though several legislations were enacted, their implementation could be ensured only where trade unions had a strong presence and workers fought for their implementation.

The industrial policy adopted after independence also reflected the compulsion of the ruling classes to meet the aspirations of the people, in the immediate aftermath of attaining Independence. At the time of Independence there were two broad alternative economic and industrial policies before the country. One was to adopt a Soviet type planning. A private member's resolution was introduced in the Constituent Assembly by a Congress member arguing that the country should follow a 'socialist economy based on the principle of nationalisation of key industries and cooperative and collective farming and socialisation of the material resources of the country'. But this was not acceptable to the Indian industrialists who had big influence on the leadership of the Congress. The resolution was withdrawn under pressure. The ruling classes in the

country chose the capitalist path.

1948 Industrial Policy Statement placed before the Assembly by Shyama Prasad Mookerjee, the then Minister for Industry and Supply was more in line with the suggestions made in the Bombay Plan, published in 1944 by leading industrialists of the time. Though the 1956 industrial policy talked of Parliament accepting the 'socialist pattern of society as the objective of social and economic policy', it made it clear that only those industries 'which are essential and require investment on a scale which only the State, in the present circumstances, could provide' would be in the public sector. That is, industries that required huge investment, which the private industrialists could not make or were not willing to make because these would not yield quick profits, were to be set up in the public sector.

This was the background in which the public sector in our country was set up. The reality is that the government was not interested either in 'equitable distribution' or 'socialist pattern of society'. Public investment was made in industries where the private sector was not ready to invest and hand them over to the private sector when it was ready to take over.

Within several constraints the public sector immensely contributed in the industrial development of the country, in creating employment including for SC/ST sections and in development of backward areas. One of its important contributions was in establishing the right to organise and collective bargaining of the workers, which is generally sought to be denied in the private sector.

The big capitalist class which immensely benefited and accumulated huge wealth in a few decades after Independence started demanding increased control over the entire economy. The economic crisis of the 1991 was utilised to usher in the neoliberal policies and officially change the industrial policy to enable handing over the economy to 'market forces' and negate the benefits and rights that the working class has achieved through struggles. While it was the Congress government that officially

launched the neoliberal policies successive governments led by the BJP or a coalition of parties followed the same policies at the diktats of the big capitalist class.

The Modi government has further speeded up the process, even more emboldened after coming to power for the second time in 2019. The privatisation spree, the National Monetisation Pipeline, the labour codes, the farm laws are all part of these neoliberal policies to reverse the gains made by the working class and other sections of toiling people who fought for India's independence from the British. They are meant to deprive the workers and common people of their hard won rights of freedom of expression, association and collective actions. They are meant to push the workers into slavery like conditions again and hand over the wealth of our country to the big corporates, including the foreign monopoly companies. To facilitate this process the Modi government is resorting to suppressing all the democratic and constitutional rights and even violating Parliamentary norms. Under the parental guidance of the RSS, it is promoting communal polarisation and disrupting unity of our people. It is destroying everything that our national independence movement stood for, that the toiling people of our country fought for.

It is an irony that the Modi government is observing 75 years of Independence the so called 'AzadiKaAmritMahotsav' by implementing policies that totally negate the aspirations of the people who sacrificed their lives in the independence struggle. It is imperative upon the working class of our country, which has fought against British colonialism to again rise in united struggles with much more intensity to protect the gains that the working class and the toiling people have made through that struggle; to ensure that the aspirations and dreams of our forefathers are realised. That is the commitment we have to make to ourselves on the occasion of the 75 years of our Independence.

Seminal court orders upholding the rights of workers

In the recent times the Modi government has attempted to squeeze the space of legal protection of the workers by changing the age old labour laws of our country. At the same time, various new legislations like the fixed term employment have been brought in to curtail the rights of the workers and offer the employers upper hand in terms of dealing with their employees. Nevertheless, the workers, especially the field workers in different companies have been waging valiant legal battles with their employers to seek respite and justice from the oppressive measures of the management.

On jurisdiction

One such judgement recently came from the Calcutta High Court on the issue of place of jurisdiction of the courts in accepting any legal dispute between the field worker and the management. Traditionally it has been observed that by highlighting one clause of

appointment letter, the employers have all along been challenging the jurisdiction of any court in or near the workplace (read HQ) of a field worker. They insist that as the appointment letter suggests, any dispute related to the employment will be subject to the jurisdiction of the court in the Head Office of the company. This clause of the appointment letter became a tool to frustrate the field worker who intends to fight the management as it is mostly impossible for a victimised field worker to travel to long distance places to pursue their individual cases; especially when his wages have already been stopped by the management. Under such circumstances many victimised worker actually were forced to drop their cases in view of lack of funds and support.

In the above background a significant judgement came from the high Court Kolkata, on the issue where cases were fought between the management of M/S Alembic

and the SPEs. The court stated, "Above all, the matter pertains to an industrial adjudication and considering the object of the Industrial Dispute Act, the employees who are engaged to work within the state of West Bengal by the appellants management shall be the Appropriate Government for the purposes of Section 10 of the Act.". The above opinion came from Hon'ble Justice T. S. Sivagnanam and Hon'ble Justice BivasPattanayak of Calcutta High Court while delivering judgment on 28.07.2022 in a Court Case {FMA 284 OF 2020 with IA No. CAN 2 OF 2019 (OLD NO. CAN 8942 OF 2019) M/S ALEMBIC LIMITED VERSUS STATE OF WEST BENGAL & OTHERS, where Federation of Medical And Sales Representatives' Associations of India was the Respondent No. 5. The above order of the Learned Division Bench of Calcutta High Court has cleared the legal validity

of the forum i.e. place of working state shall be the Appropriate Government for the Section 10 of The Industrial Disputes Act, 1947, which entailed about "Reference of disputes to Boards, Courts or Tribunals." There is plethora of related orders of higher judicial forums in this regard. But as the above order relates to sales promotion employees, therefore the importance of the said order is very high for the field workers. Nevertheless, the reference of the order needs to be used judiciously on a case to case basis.

Duties performed decide workman status not designation

Another judgement came from the Akola Labour Court that has significant implication in terms of deciding the trade union and legal rights of the field workers in future. Today most of the employers in the pharma industry have taken an oblique route to deprive the Sales Promotion Employees of their rights. There is no recruitment

taking place in the industry in the name of Medical Representative- once the most popular designation of the job. The employers have instead recruited field workers in the name of "officers", "managers", "executives" with various suffix and prefix to establish a false identity of executive cadre and keep them away from being unionised and exert their rights. The profession of sales promotion in the country is full of such nomenclatures, though none of them do any supervisory work. In a case filed by DipakDeshmukh against M/S Abbott India Ltd. under Section 28 read with Item 1 of Scheduled IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (In short, "The MRTU & PULP Act") to challenge his termination, Abbott India Limited raised objection to the maintainability of the complaint on the ground that the complainant is

State conference of GOA-MRA



24th conference of GOA-MRA was held on 22nd July, 2022 at Madgaon. The conference was presided by Nilesh Bagkar and commenced with placement of reports by General Secretary, Sanjay Rannware and Treasurer Leslie Fernandez. Forty five delegates including one woman fieldworker from the sub units of North and South Goa participated in the conference with enthusiasm and discussed on the reports. A resolution on Membership was unanimously adopted. Srikant Phopse, Secretary FMRAI attended the conference and greeted the members. He discussed in brief about the present scenario of the pharmaceutical

industry and the significance of observing anti-victimisation day, the adverse impact of labour codes on the sales promotion employees and FMRAI's movement for reduction of medicine prices. He emphasised for organisational and movemental advancement in the state of Goa in the coming days. Treasurer Leslie Fernandez was given felicitation for successful retirement from service. The conference unanimously elected 14 state committee members including 7 office bearers with Nilesh Bagkar as President, Sanjay Rannware as General Secretary and Suresh Kabbe as Treasurer.

Abbott Healthcare - interim relief: FMRAI succeeded in getting interim relief in 3 Abbott Healthcare terminations of Professional Sales Managers (SPEs) on sales performance (PEP). Hon'ble Judge directed the management to deposit 50% of monthly salary of the SPES in the court on or before 10th of every month.

Micro - I. T. raids: The I.T. dept on 6th July, 2022 conducted searches at the premises of Bengaluru based pharma company Micro labs, on the charges of alleged tax evasion.

Seminal court orders

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not a workman as contemplated u/s. 2(s) of Industrial Disputes Act. Accordingly, the preliminary issues are framed.

After carefully considering the arguments from both the sides and referring to the definition of a "Sales Promotion Employee" as per the SPE Act, 1976 and definition of "Workman" as per the Industrial Disputes Act, 1947, the Hon'ble Judge Sree Satish K Bangad opined the following: "As per the respondents the complainant was employed on the managerial post basically supervisory in nature so he cannot be termed as workman. But on perusal of both the definitions referred above and applying the ratio laid down by Hon'ble High Court and Supreme Court in the cases referred above, the designation of the employee is not the deciding factor but

the duties performed by the employees is necessary. In the present case, though the complainant was appointed as therapy business manager, he was doing the work of promoting the sales of products of the respondents. He was not assigned with any supervisory work to look, appoint or take decision to appoint any further employee under him. The work which is attributed to the complainant is not supervisory and managerial in nature. He was working as per the directions and conditions given as per schedule II. He was bound by the duties given by the respondents. So he is workman as per the definition u/s. 2(s) of I.D. Act." The above order goes on to prove without dispute that the various officer designations are all "Workmen" and can exercise their rights as per the labour laws of the country to organise and agitate. Thus another cunning ploy of the pharma management of India to divide the workers is put to rest by the court of law. This also goes on to prove the long held position of FMRAI that all these designations are "pseudo executive cadre" designations.

On Fixed Term Employment

The next order is also quite significant especially when the employers of various sectors are taking advantage of the dilution of the CLARA and the eagerness of the Modi government to initiate Fixed Term Employment in the industry circles. The order castigates the practise of employers to employ same worker intermittently without

offering job continuation and nullifies the demands of the employers to put such employees in the bracket of FTA.

In a case between Jamnagar Municipal Corporation Versus Avdesh Kishor Bhai Solanki, Hon'ble Justice A.Y. Kogje of the Gujarat High Court stated on the 25th July, 2022, "Actually, such practice of engaging workman by separate but consecutive appointment orders of short duration with a view to opposing workman's claim about continuity in service by citing separate appointment orders giving artificial breaks between two phases of appointments is unjust and runs counter to the object of the provision and such practice has been repeatedly deprecated by Courts. By adopting such practice, the employer actually engages the workman continuously but with a view to establishing that the person was engaged intermittently and was not engaged continuously, separate orders for short duration are issued and/or artificial breaks are given by issuing appointment letters for 3 months or 6 months duration or in some case 1 year tenure for 29 days (then break of one or two days is given) and the same workman is again appointed. In such arrangement, the appointment which, in reality and in actual effect, is continuous, is artificially interjected by such facade or smoke screen of separate orders despite the fact that the work, for which such person is engaged, continues and the need for engaging the workman also continues. Such action of engaging the workman in such manner and then abruptly discontinuing the person, would not fall within the preview of clause (bb) of Section 2 (oo) and such practice cannot get protection of the principles of fixed term appointment recognised by clause (bb) of Section 2(oo)(bb)." The aforesaid judgment of the Learned Justice if properly placed and used we can stop the miseries and exploitations of the sales promotion employees being employed by providing separate appointment orders giving artificial breaks between phases of appointments in order to deprive them from the statutory benefits of PF, Gratuity, Pension and others.

In the background of the efforts of the present central government to trample the rights of the workers, these judgements will go a long way to challenge the locus standi of the employers and the government as far as the field workers of the country is concerned.

Protest action against labour codes

In the farthest part of the country GOAMRA, raised their voice against Labour Codes. A good number of members gathered in front of Labour Department and deputation team submitted memorandum to the Labour Minister of the state. Members of HSMSRU also submitted memorandum and the deputation team explained the difficulties of Labour Codes to the state Labour Minister of Haryana. Some subunits of MPMSRU also implemented the labour related program as per FMRAI guideline. The 26th FMRAI conference took decision to intensify the continuous protest action against 4 Labour Codes, in this regard from the month May

onwards different state units have been conducting the programmes across the country. The only law which legally protects the Medical representative's job is SPE Act 1976 and through this act we get the coverage of other laws. Now the Central Government has changed all labour laws into four labour codes, through which the only craft act for sales promotion employees SPE Act will be repealed, so job security and job protection will be in jeopardy. FMRAI has been pursuing the issue with the Union Labour Ministry for protection of the provisions of SPE Act, since the notification of the codes.

Wallace – Demonstration in Kolkata against atrocities of the management



Demonstration in front of Wallace office at Kolkata

Massive demonstration took place in front of Wallace office at Kolkata on 8 July, 2022 against the motivated transfer of Kaberi Maity, a women field worker of Wallace life style DC. She has been transferred from Howrah to the distant district town of Malda. The vindictive attitude of the management is visible with clarity by the transfer of a woman field worker, when the Wallace other field workers have exhibited exemplary consolidation by participating in programmes at the call of FMRAI. Two other field workers have also

been facing the wrath of the management for their trade union activities, however, their issues were resolved with the intervention of WBMSRU. The demonstration programme was addressed by leadership of FMRAI and WBMSRU. During the demonstration programme a deputation team met the management for resolution of the issue, but the management is not showing any signs of resolving till date, under this circumstances the state unit has given a call to intensify agitation in the work place against this management.

Felicitation activities on Doctor's day



Doctor's day celebration at Guntur, APMSRU

1st July is both the birth day and death anniversary of Dr BC Roy, a renowned physician and second Chief Minister of West Bengal. This day is commemorated as National Doctor's Day in India. This year in 2022, the National Doctor's Day was celebrated in various units of FMRAI. On this day subunits of APMSRU, UPMSRA, KSM & SRA, MSMRA and other state units organized felicitation programmes in important medical colleges and hospitals, private clinics. Our members greeted the

medical professionals for their courageous efforts and tireless service towards the society, specially during COVID period. Doctors are closely associated with medical representatives not only for the professional reason but also for their contribution to individual lives and communities. Several doctors on this occasion also appreciated the continued struggle of our organization for reduction of medicine prices and removal of GST on essential medicines.

Training class conducted in TMSRU

TMSRU organised a Training Class on "TMSRU Building-Work Systems" for State and Subunit Office Bearers and State Working Committee members. Sub unit office bearers of Hyderabad, Kukatpally, Karimnagar, Secunderabad, Mahabubnagar, Nalgonda, and Warangal attended. The training class was presided by

ChBhanuKiran, President, note was placed by I Raju Bhat, General Secretary and after presentation 3 groups were formed for discussions, group leader placed the views. General Secretary summed up the discussion. J Venkatesh, Secretary, CITU State Committee also addressed the members on the occasion.