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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 24th November, 1986/Agrahayana 3, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 23rd November, 1986, and is hereby published for general information:—

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

No. 48 OF 1986

[*23rd November*, 1986.]

An Act further to amend the Sales Promotion Employees (Conditions of Service) Act, 1976

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Sales Promotion Employees (Conditions of Service) Amendment Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

11 of 1976.

2. In section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (hereinafter referred to as the principal Act), for clause (*d*), the following clause shall be substituted, namely:—

'(*d*) "sales promotion employee" means any person by whatever name called (including an apprentice) employed or engaged in any

establishment for hire or reward to do any work relating to promotion of sales or business, or both, but does not include any such person—

(*i*) who, being employed or engaged in a supervisory capacity, draws wages exceeding sixteen hundred rupees per mensem; or

(*ii*) who is employed or engaged mainly in a managerial or administrative capacity.

Explanation.—For the purposes of this clause, the wages per mensem of a person shall be deemed to be the amount equal to thirty times his total wages (whether or not including, or comprising only of, commission) in respect of the continuous period of his service falling within the period of twelve months immediately preceding the date with reference to which the calculation is to be made, divided by the number of days comprising that period of service;'.

Amendment of section 4.

3. Section 4 of the principal Act shall be re-numbered and shall be deemed to have been re-numbered with effect from the 8th day of March, 1976 as sub-section (*1*) thereof, and—

(*a*) in sub-section (*1*), as so re-numbered, in the opening portion, the words and brackets "drawing wages (being wages, not including any commission)" shall be omitted;

(*b*) after sub-section (*1*), as so re-numbered, the following sub-sections shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March, 1976, namely:—

"(*2*) The maximum limit up to which a sales promotion employee may accumulate earned leave shall be such as may be prescribed.

(*3*) The limit up to which the earned leave may be availed of at a time by a sales promotion employee and the reasons for which such limit may be exceeded shall be such as may be prescribed.

(*4*) A sales promotion employee shall,—

(*a*) when he voluntarily relinquishes his post or retires from service, or

(*b*) when his services are terminated for any reason whatsoever (not being termination as punishment),

be entitled to cash compensation, subject to such conditions and restrictions as may be prescribed (including conditions by way of specifying the maximum period for which such cash compensation shall be payable), in respect of the earned leave earned by him and not availed of.

(*5*) Where a sales promotion employee dies while in service, his heirs shall be entitled to cash compensation for the earned leave earned by him and not availed of.

(*6*) The cash compensation which will be payable to a sales promotion employee or, as the case may be, his heirs in respect

of any period of earned leave for which he or his heirs, as the case may be, is or are entitled to cash compensation under sub-section (4) or sub-section (5), as the case may be, shall be an amount equal to the wages due to such sales promotion employee for such period.".

Amendment of section 6.

4. In section 6 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) Notwithstanding anything contained in the foregoing sub-sections,—

(*a*) in the application of any Act referred to in any of the said sub-sections to sales promotion employees, the wages of a sales promotion employee for the purposes of such Act, shall be deemed to be his wages as computed in accordance with the provisions of this Act;

(*b*) where an Act referred to in any of the said sub-sections provides for a ceiling limit as to wages so as to exclude from the purview of the application of such Act persons whose wages exceed such ceiling limit, such Act shall not apply to any sales promotion employee whose wages as computed in accordance with the provisions of this Act exceed such ceiling limit.".

Amendment of section 12.

5. In section 12 of the principal Act, in sub-section (2), in clause (*a*), after the words "sales promotion employee", the words ", the limit up to which he may accumulate earned leave, the limit up to which he may avail of earned leave at a time and the reasons for which such limit may be exceeded, the conditions and restrictions subject to which he may be entitled to cash compensation" shall be inserted and shall be deemed to have been inserted with effect from the 8th day of March, 1976.

S. RAMAIAH,
Secy. to the Govt. of India.

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