

# Socio Legal Protection Of Beedi Workers Under Labour Welfare Legislations In India: An Assessment

Md. Rahmatullah<sup>1\*</sup>, S. Sabina Yasmin<sup>2</sup>, Aijaj A. Raj<sup>3</sup>, Sandhya Verma<sup>4</sup>, Radhey S. Jha<sup>5</sup>

<sup>1</sup>\*Professor, Faculty of Law, Aligarh Muslim University, Aligarh

<sup>2</sup>Research Scholar, Faculty of Law, Aligarh Muslim University, Aligarh

<sup>3</sup>Assistant Professor, Aligarh Muslim University Centre Murshidabad, West Bengal

<sup>4</sup>Assistant Professor, Law College Dehradun, Uttaranchal University, Dehradun

<sup>5</sup>Associate Professor, Law College Dehradun, Uttaranchal University, Dehradun

\*Corresponding Author: Md. Rahmatullah

\*Professor, Faculty of Law, Aligarh Muslim University, Aligarh

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## Abstract

The larger share of Beedi workers in India belong to the unorganized sector. The workers in this sector are facing innumerable issues like poor working condition, low wages, fraud by contractors and various other health hazards. They are basically from the weaker section of the society. In order to ameliorate their condition, the government has initiated various welfare legislations and enacted various schemes to give them better life and thereby trying to improve their standard of living. These Acts and schemes provide for various social security provisions like easy access to medical treatment, access to education, subsidised housing and entertainment facilities, etc. But in spite of the legislations and various schemes, the condition of the workers is far from satisfactory as they cannot reap the benefits given for them under those enactments. In order to deal with all the difficulties, government must take steps for uplifting this section of the society. This paper is an attempt to study the socio-economic conditions of the beedi workers in India and to suggest fruitful measures for effective enforcement and implementation of the social welfare legislations and schemes in favour of the beedi workers in India.

**Key words:** Beedi Workers, Women Labour, Child Labour, Minimum Wage

## INTRODUCTION

Beedi industry in India is one of the oldest industries which provide employment to a quite large section of unorganized workers. The distinctive feature of this industry is that it not only provides employment in the industrial site but also at the worker's residence. The process of beedi manufacturing in India is basically a traditional agro-forest based industry which is highly labour intensive as special skills are required. Tendu leaves and tobacco are the basic raw ingredients required in the process of making the beedis. There are almost 4.5millionworkers, engaged full time in this industry by the government of India, out of which, ninety to ninety five percent are women and children. Apart from full time workers the industry also employs an additional four million workers for other industry-related job. Various trade union claimed that if we encompass workers those engaged in trading of beedi and collection of the tendu leaf then the number of workers engaged in this sector will be elevated to almost above seven million. Children are also seen to be engaged in this sector although not employed formally. However, as per report of the Standing Committee on Labour, Ministry of Labour and Employment (2005) Madhya Pradesh has the highest number of workers i.e. almost 18.3%, followed by Andhra Pradesh (14.4 %) and Tamil Nadu (13.8 %). Women despite getting a very minimum wage prefers to work in this sector because the work is home-based and can be done without following any time frame like any other factory environment. They can easily attend their children and simultaneously carry out their other household tasks while rolling the beedis. Their continuous involvement makes them so adroit that they get used to the work and can roll the beedi more quickly. It is witnessed through various available literature that those workers engaged in this industry are basically very poor and they belong from very backward areas where they hardly have any other choice of employment. They have a very poor socio-economic status and their standard of living is very poor. The absence of a factory environment makes their condition worse as they do not fall under any law. Since beedi industry is a big unorganized and an unregulated sector hence it is causing difficulties for the government officials to implement the various legislations. Apart from these, the health hazards associated in this sector are enormous. Workers engaged in beedi making faces many health threats. Especially the health of women and children are largely affected because of the tobacco which they use in the process of beedimaking. They are attacked by various skin problems, tuberculosis, eyeproblems, asthma, etc. As noted in the International Labour Organization (ILO) 2001 report, bidi workers suffer from: "Postural problems (neck and low back pains), abdominal pains, eye problems, burning sensation in the throat, cough, asthma, T.B., bronchitis, excessive bleeding during menstruation, irregular and painful menstrual cycles, leucorrhoea, anaemia, anaemic body aches, dizziness from constant exposure to tobacco dust". Apart from health issues they also face many other problems like bad working

conditions, low wages, exploitation, fraud, irregular payments, long delayed payment, etc. They are often cheated by the management who gives less tobacco and leaves as a result of which they have to purchase the raw materials either from the market or from the agent. They are among the lowest paid employees in India. It is estimated that they get only 0.09% of all compensation provided in the manufacturing sector both in organised and unorganised.

Initially the production of beedi takes place in the factory premise but gradually over the last few decades the beedi making process got shifted to homebased sector. Now only ten percent of the workforce remains in the organized sector. The enactment of the *Beedi and Cigar (Conditions of Employment) Act, 1966*, also led the manufacturers of beedi to shift the work from factories into the households as the *Act* stipulated some rules and regulations for the welfare of the workers such as that no worker will work or allowed work for more than nine hours in a day or more than forty eight hour in any week, and he or she is entitled to a paid weekly holiday and an annual leave at the rate of one day per every twenty working days and maternity leave for three months and so on. Although the beedi barons left no stone unturned to challenge the *Act*, but fortunately the apex court upheld its validity in January 1974. Thus, the reasons behind shifting the factory-based system to home-based system of production are not very hard to understand. By shifting the sector to home based they can easily escape the law by not following the strict norms enacted in the legislations. Now it is witnessed that laws are easily violated by the manufacturers as they pay very low wages to the workers. Since the workers involved in this sector works informally, they barely have an appointment letter ora passbook and so in case if their rights get infringed, they hardly get any legal protection. Thus, they are work in such a state of affairs where the manufacturers can easily exercise undue influence over them and can easily exploit them financially by not providing them adequate payments to them. Here so the workers have no other choice but is bound to accept the norms set by the manufacturer and have to accept the wage given by them which is far lower than the legally prescribed in the legislations.

### Historical Evolution of Beedi Industry in India

The term “beedi” is derived from the word beeda, a Marwari word which is a mixture of herbs, condiments and betel nuts wrapped in a special kind of leaf (tendu).It is a thin inexpensive cigarette which is filled with the tobacco flakes and mostly seen to be smoked by poor people. Various studies witnessed that that practise of smoking of beedi is more dominant than the smoking of the conventional cigarettes. It is hard to find to trace out the accurate period as to when or where the practice of smoking of beedi in India has started because the facts available on its origin are not free from ambiguities. But it is evident from various sources that the tobacco was first introduced by the Portuguese in 1605. Subsequently it is seen from the Indian Council of Agricultural Research (ICAR) - Central Tobacco Research Institute's report that in 1787 Calcutta Botanical Garden was established where tobacco crop was also one of those to be cultivated and thereby a step has been taken to improve the tobacco cultivation in India. Apart from this, a model farm was also set up at Pusa, Bihar for cultivating tobacco in 1875, which was leased to Begg Dunlop & Co. in 1873, for continuation of tobacco trials. Further in 1903, Imperial Agricultural Research Institute was set up in the year 1903 to carry out the botanical and genetic studies of tobacco. The planting of virginia tobacco was first started in Pusa and Ghazipur (UP) and gradually in 1920 steps were taken to commercialize the crop. Thus after 1930, India holds a good position in the map of world tobacco. Earlier tobacco was cultivated in the districts of Gujarat and later spread to other parts of the country. Although the practise of Hookah smoking was mostly prevalent in colonial India but since people find it to be mundane to carry, a low priced and a portable form of the hookah was developed known as chillum. Thus beedi industry took its birth to prevent the practice of sharing hookahs. And soon Bidis were developed in the area of Kheda and Panchmahal districts of Gujarat, where the rate of tobacco plantation was very high. Workers roll the leftover tobacco in leaves of the various trees like astra, mango, jackfruit sal, kewda, etc and smokes at leisure. Earlier they prepare it for their own consumption but later they decided to trade it as it became more popular than hookahs because people can smoke it without hurting caste and then prevalent religious sentiments. Now the home-grown business converted to a large industry which is gaining popularity day by day. Not only people who lives in Gujarat started to trade the beedis but at the same time those families from Gujarat who were residing in Bombay got attracted by the flourishing beedi industry also stated to make bidis on large scale and thus bidi spread to other parts of the country. The credit of spreading this sector to other parts of the country also possibly goes to Mohanlal Patel of Gomtipur District, Ahmadabad who is considered to be the father of the modern industry. He along with his brother discovered the significance of tendu leaves in the preparation of beedis as it matched well with the taste of tobacco, without interfering with the flavour of tobacco. Thus, Bidis rolled in tendu leaf soon found wide consumer acceptance. Due to drought in 1899 many families were forced to migrate in search of livelihood where the beedi making sector became their best choice of engagements especially for women. This sector also became a widespread cottage industry after the World War II. Thus, within a very short span of time this sector became a role model for small Indian businesses. This sector further received impetus with the ‘Swadeshi Andolan’ which was started by Mahatma Gandhi in 1920. The movement was started to boycott all the foreign goods and thereby the status of the small cottage industry got uplifted. This movement led the educated class started shifting their cigarettes to beedis, therefore the purview of the beedi industry from the rural and lower-middle-class folks to the Indian elites has expanded. This beedi cult gained a strong foothold in the informal urban and rural economies as the habit of smoking trickled down from the cities to remote villages and towns. As the nation united in its battle for freedom, the beedi industry infused in all strata of Indian society. In about 150 years since its invention and less than a century since it began mass production, the beedi industry has truly evolved and permeated every stratum of society and every state in India. With the sourcing and selling of beedi, beedi branding also became more efficient with the rapid expansion of railways in Central India 1899. Many new tobacco markets opened up in this belt. Thus, this sector penetrates slowly into various parts of the country like Vidharba, Telangana, Hyderabad, Mangalore and Madras in 1912 and 1918. This practice of beedi smoking was not only confined to cities and towns but it also spread to places in remote areas.

## METHODS OF PRODUCTION

It is estimated by the ILO that beedi industry in India is producing almost between 750 billion and 1.2 trillion bidi sticks in a year. The report of ILO confirms that there are about three hundred major brands of beedis, but there are thousands of small-scale manufacturers and contractors who are responsible for the bulk of the bidi production in India. Factory system and the home-based system are two main process of production. Beedi industry is a popular homebased industry in India and is scattered in almost many parts of India like in Madhya Pradesh, Maharashtra, Gujarat, Tamil Nadu, Andhra Pradesh, West Bengal, Orissa, Uttar Pradesh, Rajasthan, Bihar, Kerala and Karnataka. It is a laborious work and most of the beedi making work is seen to be carried out in rural and semi urban areas under contractual, home based, piece rate system. In the factory system beedis making is done in the factory premise under the direct supervision of the employer or the managers. Sometimes it is seen that the beedi rolling is outsourced to other companies who work on behalf of the owner of the factory. But now only 10% of beedi manufacturing is seen to take place in organised system because in order to escape from the requirements of the Factories Act, employers generally split the establishments into smaller units consisting of less than twenty persons. But under the home-based system, workers are provided with the raw materials by the contractor or the agent and then they roll the beedis with those raw material and deliver the finished product to the contractor. However, the making activities vary from place to place in terms of size of bidi, gender and child composition of workers and so on. The manufacturers gave the work of rolling beedis to the contractors who later get the task done by the poor workers by paying them a minimal rate and thus the beedi manufacturing unit is not confined to a particular area but it's largely scattered. Since the production of beedis is completed through the chain of contractors and sub-contractors, it is difficult to establish the employer and employee relations among them which is necessary for the application of the labour laws. The four main steps involved in the production of a Beedi are- rewinding the thread, cutting the beedi leaves, rolling the beedis and folding the head of the beedi. The worker takes almost thirty minutes to one hour to rewind the thread. In the second step they are to cut the leaves so skilfully that they can get maximum pieces of the leaves. In the third step they roll tobacco in the leaf. While rolling the tobacco they must make sure the amount of tobacco must be accurate for the beedi i.e 0.2gms as because a standard beedi contains approximately 0.2 grams of tobacco flakes. Finally, the fourth step is folding the head of the beedis. When all these process gets completed, they then bundled up those beedis and deliver it to the employer or the contractor.

### Labour Welfare Legislations for the Protection Beedi Workers

Generally, people involved in beedi industry are very poor and illiterate and they are basically from a very backward society. They are very innocent and are unaware of their rights. They work for a very minimal wage. Manufacturers can easily exercise undue advantage on them. They not only exploited financially but also suffer many health threats. They are also affected by the continuous exposure to tobacco dust which causes them various diseases like neurological problems, cancer, Tuberculosis, eye infections, etc. As the nature of industry is unorganized, there arise these difficulties in regulating the working conditions of beedi workers and in implementing the various welfare laws available for their protection.

Though practice of beedi rolling comes under the purview of hazardous sector, yet it failed to attract much attention thereby neglecting their health and working conditions of workers. And so in order to protect them from all sort of evil they might face while carrying the work and in order to regulate them various laws and regulations were enacted. At same time social security measures were also taken to provide them some sort of assistance to them such as in 1976, *Beedi Workers Welfare Fund Act* was amended 1976, and a scheme was launched for proving various facilities like education, medical benefits, housing, health, group insurance, etc to the workers and their families. After the enactments of various legislations, manufacturers have to abide by the laws and regulations as set in the enactments like they must get themselves registered with the various labour departments and must seek permission from various sources. The legislations which directly regulates the beedi workers are as follows-

- a) *The Beedi and Cigar Workers (Conditions of Employment) Act, 1966*
- b) *The Beedi Workers Welfare Cess Act, 1976*
- c) *The Beedi Workers Welfare Fund Act, 1976*

Amongst the other existing laws, there also exist some other legislation which directly or indirectly applies to the workers of unorganised sector which has a bearing on beedi workers such as the *Minimum Wages Act, 1948*, the *Workmen's Compensation Act, 1923* and *Industrial Employment (Standing Orders) Act, 1946*, and the *Maternity benefits Act, 1961*, *The Child Labour (Prohibition and Regulation) Act, 1986* and the *Employees' Provident Funds and Miscellaneous Provisions Act, 1952*. The government has also constituted some welfare funds to provide social security to workers occupied in beedi manufacturing.

### *The Beedi and Cigar Workers (Conditions of Employment) Act, 1966*

Initially the provisions of the *Factories Act, 1948* were applicable for protecting the workers of the beedi industries. But the employers easily disdained those provision by breaking the larger unit into smaller unit so that they do not fall within the ambit of this *Act*. Since the work in this industry is done through contractors who get the work done by distributing in the private dwellings, the employer employee relation as set out in the *Factories Act* cannot be established. So, although this *Act* provides many welfare measures cannot be found very effective. Consequently, *Beedi and Cigar Workers (Conditions of Employment) Act, 1966* was enacted for regulation of the beedi workers. This *Act* seeks to regulate the

working condition of the workers engaged in beedi and cigar establishments. It also aims to protect the interest of the workers by protecting them from exploitation. It contains various provisions for the welfare of the workers such as wages for overtime work, working hours, weekly rest, first aid, leave with wages, Interval for rest, etc. It also provides provision which facilitates cleanliness, drinking water, toilet facilities, proper ventilation, canteen, etc. It also contains provision for crèches for children less than six years in every industrial premises. Such room must be sufficiently lighted and ventilated and must be maintained in a clean and sanitary condition. The rooms must be under the charge of women trained in the care of children and infants. Under this act if any person who intends to any premise as industrial premises, he must seek written permission from the competent authority. The competent authority while granting the license must see some prerequisites condition such as whether place or the premise is suitable or not for the manufacturing the beedi or cigar. The *Act* also prohibits the employment of children to work in any industrial premises. Moreover, it fixes the time duration i.e. from six am to seven pm within which women or young person will work in any industrial premises. Although the word “employee” in the *Act* also means to cover those labours who are given raw materials by an employer or a contractor for being made into beedi or cigar or both at home but in common practise it is seen that *Act* applies to the factory-based workers as most of the workers are not enrolled. The *Act* also contains provision permitting wetting or cutting of beedi or tobacco leaves outside the industrial premises but entry should be made for the same in the prescribed form. But the provisions of this *Act* will not apply to any labour who is given raw material by an employer or a contractor to make the beedi or cigar or both at home. This Act does not to apply to self-employed persons in private dwelling houses. It means that the *Act* will not be applied to the owner or occupier of a private dwelling house who carries the manufacturing process in any private dwelling house with the help of his family members living with him in such dwelling house, provided that the owner or occupier is not an employee of an employer to whom the Act is applicable. And this provision of the *Act* attracts the manufacturers to shift the manufacturing process from factory based to home-based so that they easily escape from following the norms.

#### ***The Bidi Workers Welfare Cess (Amendment) Act, 1976***

In order to ameliorate the living conditions of the labour engaged in the beedi industry the *Beedi and Cigar Workers (Conditions of Employment) Act, 1966*, was enacted but the *Act* has a very limited coverage. It only prescribes for some measures to improve the working conditions of the beedi and cigar workers in industrial premises such as cleanliness, ventilation, first aid, canteen, working hours, weekly holidays, etc. But it was silent on some provisions like medical facilities, educational, recreational facilities, etc. It is seen that there are many welfare funds constituted under many statutes like *Mica Labour Welfare Fund Act, 1946* for mica, *Coal Mines Labour Welfare Funds Act, 1947* for coal, *Iron Ore Mines Labour Welfare Cess Act, 1961* for iron-ore and the *Limestone and Dolomite Mines Labour Welfare Fund Act, 1972* for lime-stone and dolomite mining industries, etc. Thus in order to financially secure the workers engaged in the beedi establishments a welfare fund was proposed. And this *Act* was legislated under which a duty of excise will be levied by a way of cess on the manufacture beedis which will revised by the Central Government from time to time.

#### ***The Beedi Workers Welfare Fund Act, 1976***

The *Beedi and Cigar Workers (Conditions of Employment) Act, 1966*, has a limited coverage as it provisions like medical, educational, recreational facilities, etc. So in order to give these welfare facilities the *Bidi Workers Welfare Cess (Amendment) Act, 1976* and *The Beedi Workers Welfare Fund Act 1976* was enacted. These *Acts* aims to promote the welfare of the workers working in the beedi industry. About 49 lakhs of beedi workers are covered by *The Beedi Workers Welfare Fund Act, 1976*. The Labour Welfare Fund was developed to secure social assistance to workers engaged in the unorganized sector. The provisions of the *Act* provide for various facilities for the workers like health, maternity, medical facilities, educational facilities, housing and recreational facilities including standards of living, nutrition and amelioration of social conditions, etc. The *Act* also contains provision for financing the cost incurred for taking the measures for providing family welfare, including family planning education and services. All the expenses incurred while giving these facilities will be met out from a fund named as Beedi Workers Welfare Fund. The creation of this fund is a significant step taken by the government for benefitting the workers in the industry. This fund is managed mainly by the Director General, Labour Welfare, Ministry of Labour and have been set up under the *Acts* of Parliament for the welfare of the workers. In order to advise the central government on matters for administering the funds many advisory committees are constituted, provided such committees must be one for each of the principal beedi producing state.

The Central Government may constitute as many Advisory Committees as it thinks fit, but not exceeding one for each of the principal beedi producing States, to advise the Central Government on such matters arising out of the administration of this *Act* as may be referred to it by that Government, including matters relating to the application of the fund. This fund is basically financed through the collection of cess which was imposed on the manufactured beedis. Those workers who are not the subscribers of Employees Provident Fund scheme are covered the scheme of group insurance where they can avail the compensation of ten thousand in case of natural death and twenty-five thousand in case of accidental death, provide their age must be between eighteen to sixty years. There are also various schemes providing scholarships for the better education of the children of the beedi workers. But there are still many workers left which are not covered under the fund as they are not enrolled by the manufacturers because by not enrolling them, they can easily escape the law. So in order to cover those workmen the Labour Welfare Organisation under the Ministry of Labour also issues ID cards to the beedi workers through the Welfare Commissioners. It is estimated that 4.44 million identity cards have been issued to beedi workers. It was between 1920-1930 beedi industry was taken into consideration by various trade unions like BMS, INTUC, CITU, HMS and AITUC. Many efforts were taken to cover those uncovered workers under the fund. It also seeks to revise the minimum wage paid to the workers.

### ***The Beedi Workers Welfare Fund Rules, 1978***

By adhering to the *Beedi Workers Welfare Fund Act, 1976*, *Beedi Workers Welfare Fund Rules, 1978* was framed which contains various rules for the welfare of the workers of beedi industry. Under this rule the owner of the industry is required to maintain a register at the same time it is mandatory for him to furnish and statistics or any other information as required by the government. Welfare Measures are more emphasised in this sector as the workers falls under the category of workers working on industry of hazardous nature.

### ***The Minimum Wages Act, 1948***

Both the Central government and the state government is empowered to fix the minimum wage for workers. The workers must at least get a standard amount so that they can meet their basic requirements like food, clothing, shelter, children's education, medical facilities. The basic minimum wage recommended for the workers in the beedi industry was twenty-five rupees for one thousand beedis on an estimation that an average worker could roll eight hundred beedis per day. Although in January 2019 the union labour ministry appointed an expert committee which recommended rupees three seventy-five rupees must be paid as minimum wage to the workers but under the *Code of Wages, 2019*, the wage fixed is one seventy eight rupees per pay.

### ***The Cigarettes or Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act (COTPA), 2003***

The direct advertisement of beedis and tobacco product was made illegal under this *Act*. It also prohibits the practice of smoking in public places. Although this *Act* came into existence for regulation of trade and commerce in and on production supply and distribution of beedi and tobacco product, yet it has some loopholes which extends scope for employers to exploit the workers. Lack of effective enforcement mechanism to implement the laws are also responsible, for which the workers are still suffering.

### **Challenges for the Beedi Workers**

Despotic refusal of the finished product on the ground of quality was a very common practice which easily bamboozled the home-based workers. In order to protect them government has recommended that the on the ground of poor-quality employer or contractor cannot reject more than 2.5% of the beedis and if the percentage of rejection is more than the prescribed number then the reasons and amount should be entered in the register. But it is observed that he contractor hardly adhere to this rule. Since the sector involves contractors who distribute the work of manufacturing beedis in the private dwelling, the industry becomes highly mobile and it gets scattered to areas where no restrictive law prevails. To cover those workers who are not properly enrolled or registered, the contract system needs to be regulated and basic labour standards must be inserted to implement the various existing labour laws. Due to poverty and illiteracy, workers are unaware of their rights as legislated under various Acts. Programmes must be conducted for creating awareness among them.

Beedi manufacturing is generally seen in the very backward areas where workers hardly have any other source of employment. So, they have no other choice rather to work for wages as offered by the manufacturers. As the workers largely depend on the middle man, they become the easy target of exploitation. The supply of low standard quality and insufficient raw materials by the manufacturer adversely affect the workers income as they have to buy the product and meet the expense out of his own pocket (Such as tendu leaves, tobacco and thread).

The appropriate authority for notifying the minimum wage is the State governments. The revision of the minimum wages is often delayed. Moreover, the rates fixed for one state differs from the other as a result of which manufacturers seeks to shift the industry to the low wage areas. So, in order to curb this there is a need for uniform minimum wage for the workers working in the beedi industry Health care services must be improved. Although various schemes are there for availing the health care facilities, they are far reaching from properly implemented. There is a necessity of expanding the health care services under the Beedi Workers Welfare Fund. Continuous exposure to tobacco dust causes severe health threats to the workers working in this sector. Women workers are largely affected as because sometimes they could not give birth to a healthy baby or miscarriage etc. Although various welfare measures like good working condition is prescribed under the various labour Acts but such provision still has time to get implemented.

### **Engagement of Children in the sector**

Although children are not seen to be employed formally by the manufacturers yet the system of subcontracting the work to home-based workers creates the situation where the children get easily involved because whether they go to school or not, they end up helping their family in rolling of beedis or helping them in other things like cutting the tendu leaves or tying the threads etc. Thus, it is witnessed from various available sources that the concentration of children in this sector is very high i.e. more than 1.7 million. Initially, it is generally the mother who undertakes to roll the beedis but gradually the constant pressure of delivering the product in very less time forces the mother to involve their children in completing the work. Although the *Child Labour (Prohibition and Regulation) Act, 1986* bans the employment of child labourers in hazardous industries like beedi manufacturing factory. Yet the manufacturers can easily disdain the provision because it also contains a provision which allows children to work in the beedi manufacturing process with the aid of the family. Thus, the manufacturer can easily escape the law by providing work to families who in turn also engage their children in the manufacturing process. Various studies claim that a child works around twenty-eight hours a week manufacturing

almost 11,000 beedis. About fifty percent of the children i.e., around 0.85 million of them suffers from muscular problems and respiratory disorders. And almost seven percent of them have psychological disorders and more than forty percent leaves school to work in beedi factories. The government should take significant steps to liberate all those children employed in this industry by taking various welfare measures like providing incentives to their parents to look after their growth.

### Conditions of Women Workers in the Beedi Sector

Government estimates of the total number of beedi workers is about 4.5 million, majority of whom are home based women workers, accounting to almost 90%. The reason for high involvement of women is that since the industry is homebased, they can easily involve themselves in rolling the beedis while attending their children and doing the other household tasks. Although, this provides some sort of economic security, but at the same time they are easily exploited by the manufacturers as they are illiterate and ignorant of their rights. There are innumerable problems which the women workers are facing in this sector. Some of these are- they are often denied the minimum wage which is fixed under the *Minimum Wages Act*. The revisions of the minimum wage are often delayed and it differs from which results in shifting of the industry to the low wage areas. This shifting of beedi production leaves many women jobless, without alternative employment. It is often seen that the women workers are denied identity cards by their employers as a result of which they are deprived of many benefits which can be availed under the *Beedi Workers Welfare Fund*. It is also witnessed that employers often reject the finished good arbitrarily on the grounds of quality. Despite various laws which were enacted for their protection yet they are not really benefitted as the laws can easily be flouted in various ways by the employers. Apart from these they also face severe health hazards like severe pain in neck and back, abdominal cramps, tuberculosis, bronchitis, asthma etc. So, in order to better understand the issues of the women worker the NCW held various public hearing at various places- Ahmedabad (Gujarat), Nippani (Karnataka), Sagar (Madhya Pradesh), Tirunelveli (Tamil Nadu) and Warrangal (Telengana). Various recommendation were given in those hearings like – in order to apply the various labour legislations it is necessary to establish proper employer-employee relationship, standard quality of raw goods in sufficient amount must be provided to the workers, workers must be paid adequate wage so that they fulfil their basic requirements, permission must be given to the Labour Commissioner to become trustee of the tripartite provident fund trust, measures must be taken to include all the beedi workers under the provident fund scheme and identity cards should be provided to them by the Welfare Department, etc. To deal with these problems *International Labour Organization* has also taken important steps to ameliorate their conditions. It initiated an Action Programme on improvement on work opportunities for women beedi workers with the aim to deal with the many challenges which the women are going through. This program was initiated to provide assistance to the home based women workers by improving their working condition and at the same time to provide alternate employment to those who are jobless.

### Judiciary towards Bidi Workers

*“Ramkrishna Ramnath Bidi Factory ... vs Small Causes Court, Nagpur, in this case the petition was filed by the bidi roller workers for the payment of wages. It was contented by the worker that he has worked in the factory for 240 days that is why he is entitled for the wages according to the provisions of section 79 of the Factory Act for the period of fifteen days from 3 April, 1961 to 17 April, 1961, but that those wages had not been paid. It was held by the court that the worker was not full-time worker so the worker is not entitled to get the benefit of the provision of section 79 of the Act. Under S. 79, it is only every worker who has worked for a period of 240 days or more in a factory who can be entitled to the annual leave with wages or wages in lieu of leave, if no leave is taken and it is for the leave allowed to the worker under S. 79 that the worker has to be paid at a rate equal to the daily average of his total full-time earnings and the total full-time earnings can only be calculated upon the actual work he has done and not upon the number of days he ought to work or upon any term of his contract of employment”.*

In *“State v. Shankar* , a Division Bench of this Court dealing with the question of persons rolling bidis, held that “. . . applying the *prima facie* test of the existence of right to supervise and control the manner in which the work was to be done as determinative of the existence of the relationship of employer and employee, the facts of the case led to the conclusion that the bidi-rollers were in the employment of the owner of the factory and workers within the meaning of that expression in S. 2(l) of the Act.”

### CONCLUSION

In recent times, beedi rolling has become more popular than agricultural labour and construction work as it provides comparatively easy livelihood to the workers. In India, it is seen that beedi industry constitutes largest workforce who are basically from downtrodden society and are generally very poor. Women are seen to be the lions share among them because as the work is home based, they find it more convenient as they can roll the beedis without going anywhere and can do all other household chores. Though children are not employed formally but yet large number of children is also working in this sector. Thus, by sitting in one place they can roll the beedis and can easily earn the money. But in spite of getting the economic security they easily fall prey to the tricks of the employer. They are often short changed by the employer and have to work for a very low wage provided by the employer. Thus, their economic condition is very far from satisfactory. Apart from all this they also suffer from various diseases which are associated with this work. In order to protect them all these issues various laws as well as various schemes were enacted so that they provided with some rights and benefits. But in spite of all these laws and schemes it is seen that still the workers not reaping any benefit and still they are seen to be exploited. Because it is seen that those laws which was enacted for their benefit has various loopholes and thus the manufacturers can easily use these loopholes and can easily evade the law. Although the welfare

fund was created for providing financial security to them but it fails to achieve this aim because many workers were left out as this Act fails to cover all the workers so there needs some improvement in this aspect. It is also important to create awareness among the workers regarding various schemes so that they can utilize it to a maximum extent for their welfare. Moreover, the workers are facing other problems like provident fund rules were not implemented, they were not issued log books and identity cards because of this, they cannot avail the benefits which were given under the *Beedi Welfare Fund Rules*. It is also seen that children are not sent to school by their parents even though incentives are provided to them to for educating their children. The latest problem seen is that there is mutualisation of the health care benefits. So, to deal with this problem proper investigation must be done at almost all level so that the benefits must be reaped by the poor deserving workers.

## RECOMMENDATIONS

1. As it is witnessed through various reports that in spite of various laws enacted for the workers working in the beedi sector are getting a very low wage. The State Government and the Labour Authorities must take strict steps in implementing the minimum wage Act. It must ensure that no worker is paid less than what has been fixed as per the law. The wages provided to beedi rollers is very low as compared to minimum wages.
2. Workers of the beedi industry are generally exploited by the contractors or the subcontractors. So, provisions should be enacted for making them responsible for the workers and strict action must also be prescribed if they fail to comply any rules enacted therein and any kind of irregularities in terms of payments must also be controlled.
3. Government must take steps in establishing effective machinery for registering each and every worker. Effort must also be taken for proper documentation of each and every worker so that they avail all the benefits.
4. Preventive measures must be taken to protect the health of the workers, like wearing of masks must be made compulsory to them so that they don't get exposure to fumes or dust. Government and other Labour authorities must ensure that workers are getting proper medical facilities, their place of working has proper ventilation, it has proper sanitary condition etc.
5. Programmes should be conducted to create awareness among the workers about their rights and about various facilities which they can avail under various labour legislations and schemes. They must also be made aware about the health hazards they may face while manufacturing the beedis.
6. Steps must also be taken to provide education facility to the children of the beedi workers. Government must ensure that there exist primary schools in every beedi rolling communities. As right to education is a fundamental right so no such child must be deprived of this right. Those children must not only be with the primary education but they must also get the opportunity to get the higher education.
7. Although laws were enacted to protect the beedi workers but those laws have many loopholes. Manufacturers can easily flout the laws by using those loopholes. So, legislature must amend those laws by adding such provision which make the manufacturers liable for their acts.
8. Though children are not employed formally by the employer yet it is seen that they are involved indirectly. As a result of which they face severe health threats. So the State governments must take appropriate and strict measures to prohibit the employment of children in this sector thereby liberating all those children. Government should provide incentives to their parents for sending them to schools.
9. Continuous assessment should be done to assess the health problems or other issue being faced by the beedi workers. Apart from these, frequent investigations must also be made by the law enforcement agencies to ensure that workers are getting their benefits as per the law and no workers are exploited.
10. Both the Government agencies and NGO's must play an active role in protecting the beedi workers and assist them by promoting their interest and also must work for proper implementation of various welfare schemes initiated for them. They must also undertake various project for the betterment of the workers of beedi industry.

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