SURVEY OF STUDIES ON BEEDI INDUSTRY
With Special Emphasis on Women and Child Labour

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Introduction

Beedi sector is an agro-forestry based, labour intensive industry characterised by low fixed capital requirements, high wage sensitivity and a strong tendency to shift towards cheap labour. This sector encompasses workforce involved in the collection and processing of the two main raw materials, *tendu* (beedi wrapper) leaves and tobacco.[1] Of the total workforce in the sector (estimated by Ministry of Labour to be 41.42 lakhs)[2], more than two-thirds are engaged in beedi making, the most labour intensive segment.

The industry is spread across the country. Concentrated in the states of Madhya Pradesh, Maharashtra, Tamil Nadu, Karnataka, Andhra Pradesh, Uttar Pradesh and West Bengal, beedis are also manufactured in Gujarat, Kerala, Orissa, Bihar, Rajasthan, Assam, Tripura and Delhi. Most of the beedi making work is carried out in rural and semi-urban areas. It varies in the capital invested, size of beedi, extent of concentration, gender and child composition of workers and so on from place to place (Giriappa, 1987; Prasad and Prasad, 1985; IRA, 1988).

Most of the beedi making work is carried out under the contractual, homebased, piece rate system. Women and children predominate, constituting around 90 per cent of all homebased workers. Employed for their proficiency, yet ironically paid lower wages, these women and children involved in beedi rolling tasks are discriminated. Arbitrary and ingenious ways are practiced by the contractors/middlemen (know as *sattedars or commissiondars)* to exploit and harass these susceptible and vulnerable workers. Added

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1 See Appendix 1 for details on collection of beedi-wrapper leaves and tobacco processing.

2 This is pointed out to be an underestimate, as many homebased workers remain unidentified. Also, in every household, more than one person is employed in beedi making, increasing the numbers to double. The workforce involved in collection and processing raw materials is over and above this.

to this, they face tremendous health hazards. Levels of organisation are low and implementation of the legislations enacted for beedi workers' welfare (as early as in 1966 and 1976) remains ineffective.

Given this background, the present survey provides an overview of the beedi industry in the first section. The second section highlights the predominance of women and children in this sector as workers. The third section explores the living and working conditions of beedi workers in general and brings out the plight of women and child workers in particular. The associated issues of health hazards are undertaken in the fourth section, while the fifth section deals with various legislative provisions. The sixth section discusses the process of unionisation. In the last section, a few concluding remarks have been made.

I. Overview of the Beedi Industry

Beedi manufacturing on a commercial basis is about a century old, although beedi making for own consumption must have been practiced even earlier. Till today, the range of beedi manufacturing varies from individual, self-employed beedi workers (who operate and even market beedis locally) to the large branded beedi companies. Given its labour intensive nature of work, large numbers of men, women and children have been involved in making beedis.

A majority of the workforce is employed in the process of beedi rolling. It is this task which is subcontracted under different systems and undertaken at home. The literature[3] points out three systems under which production of beedis is organised – factory, outwork and contractual systems.

In the factory system, beedi manufacturing is carried out under the direct supervision of managers/owners. All tasks are performed within factory premises. Most of the formal

[3]. See Appendix-2 for a listing of studies reviewed and the places covered.

production, beginning in late nineteenth and early twentieth century was under this system (see Table 1 for the year/period when it started in different places).

Table 1

Beginnings of Formal Beedi Production

Year/Period	Place	Source
1885	Calcutta	Datar (1985)
1901	Nizamabad District, Andhra Pradesh	ILO(2001)
1902	Jabalpur, Madhya Pradesh	Labour Bureau (1996), ILO (2001)
1927	Nipani[4] (bordering Karnataka and Maharashtra)	Datar (1985), ILO (2001)
1930s	Kheda District, Gujarat	Mookerjee (1984)
1920s&1930s	Kerala and Tamil Nadu	ILO (2001), Gopal (1997)

Contracting out beedi rolling work through branches or companies which operate on behalf of the factory owners is another form of production followed. Generally, the branches hire workers either in common worksheds or in localities where work is taken home and the rolled beedis are returned to the factories, where sorting, grading, roasting, labeling, bundling and packing are done. Men generally perform these tasks, while most of the beedi rolling is done by women and children. In some of the worksheds, the latter tasks are also performed and only marketing responsibility lie on the factory-owners.

The third and most common system is that of the contractor/middlemen (*sattedars)* supplying raw materials to the workers who roll beedis in their respective homes and return the rolled beedis to the contractor. The contractor is a commission agent and this differs from outsourcing work in that the link with company is not direct as often the contractor operates as a self employed person.

[4] Nipani has been associated with a controversy pertaining to the state it belongs to (Avachat, 1978; Datar, 1985). The tobacco barons interest lies in keeping it so, to avert Maharashtras' stricter legislative provisions – which is why it is still unresolved!

Improvisations within this system have been recorded ever since the beedi workers legislation was enacted in 1966, which included homebased work in the definition of an employee. To evade the employer-employee relationship, the provision of raw materials by the contractor was recorded as a sale deed and returning the rolled beedis as a purchase deed by the contractor. This sale-purchase system is often designated as a new, fourth system of organising production (Department of Labour, 1973; Labour Bureau, 1996; Bagchi and Mukhopadhyay, 1996, among others).

The production of beedis under the homebased system using women and children is quite old. The Royal Commission on Labour (1931) mentions that beedi rolling is carried out in the dwellings of workers as well. Lakshmy Devi (1985) also mentions that outwork and contract system has been prevalent since 1930s.

The beedi industry has been a growing one, with more and more men, women and children working in it. The participation of men is seen to be higher among the factory system, while women and children form the bulk in the homebased system (about 90 per cent). Even within the factory system, women workers predominate in the task of beedi rolling.

Women's involvement in beedi rolling has been linked to the ease of learning the skill, its manual operations, the fact that work can be carried out at home and so on. However, there are references to women and children being better at the job, especially girl children (GOI, 1974; Nair, 1990; Pande, n.d.; Karunanidhi, n.d.). Simultaneously, it is noted that men earn more and their wages are higher (Labour Bureau, 1996; Banerjee, 1983). Bagchi and Mukhopadhyay (1996) find patriarchy at work, in addition to the illiteracy and ignorance among women which allows for their exploitation.

Over the years, with the homebased system becoming the common mode, beedi industry was becoming a cottage industry. This process began to peak at different points of time in different places. The enactment of Beedi and Cigar Workers (Conditions of Employment) Act, 1966 and its adoption and implementation in different states was an

influencing factor. Many units closed down or shifted production to homebased systems. There are many instances of beedi companies shifting from one state to another.

In Gujarat, when the government implemented the Factories Act, in 1952, beedi companies shifted across the border to Rajasthan, Andhra Pradesh and Madhya Pradesh (Mookerjee, 1984; ILO, 2001). Beedi firms in Maharashtra moved to Karnataka and Andhra Pradesh (Prasad and Prasad, 1985; IRA, 1988). In Kerala, when many beedi units closed down or shifted to Tamil Nadu and Karnataka, the government decided to help the large retrenched labourforce by forming a worker's cooperative. Thus, Kerala Dinesh Beedi Workers Cooperative Society came into being, as the first cooperative in the sector in 1969 (Mohandas, 1980; Mohandas and Kumar, 1992).

The periodic changes in the industry due to alterations in demand for the product, shifting of units to avoid punitive measures provided in various legislations and altering the existing system of production processes have resulted in discontinuous work for the workers, especially the homebased workers, who constitute a substantial proportion of the workforce. Thus, the homebased women workers, who constitute about 60-70 per cent of the total workforce in the industry, become the worst hit.

II. Predominance of Women and Children

Beedi making is always associated with women and very often known to be 'women's work' (Datar, 1985). The proportion or numbers involved in the early period of beedi manufacturing are not available, however their concentration came to light from the various surveys and studies[5] undertaken by researchers and government alike (Labour Bureau, 1996, 1983; Department of Labour, 1973; NCL, 1969; Ministry of Labour, 1991; GOI, 1974; NCSEW, 1988; Prasad and Prasad, 1985; Omvedt, 1981; IRA, 1988; Avachat, 1978; Bhatty, 1987; Gopal, 1998; Koli, 1990). Sudarshan and Kaur (1999)

[5] The National Commission on labour (1969) recommended that studies be undertaken in the sector to identify the workers, examine their extent of involvement, conditions of work and to also assess the levels of implementation of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

based on secondary source data state that women constitute 76 per cent of total employment in beedi manufacturing. Another estimate of CITU claims that there are 50 lakh beedi workers in the country, of whom 70 to 80 per cent are women and children (quoted in Bagchi and Mukhopadhyay, 1996). Given the substantial extent of invisible, hidden working hands in the industry and the employment of more than one person from each household involved, it is mostly likely that the numbers involved are far higher.

The proportion of workers, their gender and age composition vary from place to place. For instance, in Murshidabad, of 3 lakh homebased workers, females and minors (both male and female) constituted 65 per cent and 15 per cent respectively (Bagchi and Mukhopadhyay, 1996). Another study from West Bengal, Samsherganj (Murshidabad) reports 60 per cent of the labourforce in Beedi industry is women (Hossain, 1987). Abraham (1980) notes that in Bombay beedi industry, 90 per cent of the workers are women. In a village based study in Tirunelveli, Tamil Nadu covering 346 beedi workers, only 5 were male and 39 were assistant workers (mostly children) (Dharmalingam, 1993). In Kerala's cooperative, Kerala Dinesh Beedi Workers Cooperative Society (KDBWCS) however, out of 42,000 workers, 18,000 are women (Mohandas and Kumar, 1992). Bhuvana (2000) records 6 lakh women in Nellai district of Tamilnadu itself. Among the trade union records, estimates of beedi workers are generally higher. The beedi industry is estimated to be among the biggest unorganised sectors in the industry. Over and above beedi making, is the workforce engaged in the collection and processing of the two main raw materials, *tendu* leaves and tobacco, both of which also support a substantial number of women and children.

Most of the beedi workers belong to the poor, landless or land poor households. Among community groups, the backward castes (especially Other Backward Castes (OBCs)) and the muslims dominate in beedi work. Most areas of study in the literature report a predominance of muslim women in beedi work. This is linked to their adherence to religious strictures regarding mobility and social acceptability of homebased work (Bhatty, 1980, 1985; Bagchi and Mukhopadhyay, 1996; Koli, 1990; Pande, n.d., Jhabvala et al, 1985; Mohandas 1980; Gopal, 1997, among others).

ILO (2001) provides a religion and caste wise breakup of beedi workers (see Table 2). Most of the backward castes belong to artisan communities, weavers, potters, fishermen and so on. These households lost their traditional livelihood with the introduction of cheap industrial substitutes and changing consumer demand patterns. The participation of Scheduled Castes is high in certain centres of Maharashtra, Madhya Pradesh, Rajasthan and Andhra Pradesh (Labour Bureau, 1996; IRA, 1988; Prasad and Prasad, 1985; Pande, n.d.). However, Scheduled Tribes participation is pretty low, mostly concentrated in the eastern region (Labour Bureau, 1996).

Table 2

Breakup of Beedi Workers
Religion and Castewise

Category	Percentage
Scheduled Castes	15.2
Scheduled Tribes	3.3
Other Backward Castes	43.3
Other Hindus	17.1
Muslims	20.2
Others	0.9

Source: Das, S.K. (2000) as quoted in ILO (2001).

Children's participation is admittedly reported to be low in government records. Labour Bureau puts it at 1 per cent, which seems to be a gross underestimation. However, other survey based studies put the proportion around 15 to 20 per cent, which seems rather plausible (IRA, 1988; Bagchi and Mukhopadhyay, 1996). Most beedi workers are reported to start young as early as 4 to 6 years of age. More girls are seen working than boys. GOI (1974) reports boys tend to get restive and therefore contractors/owners prefer to hire girls.

Children and young are better at beedi rolling, thereby being preferred for employment. While it takes a child 5 to 6 years to master the skills of beedi making, an adult picks up the work in 6 months (Karunanidhi, n.d.; Dharmalingam 1993; Jhabvala, et al, 1985; Giriappa, 1987; Koli, 1990). The speed of work and making beedi with low rejection rate constitutes mastery in this trade. Age has an inverse relationship to productivity and earnings in beedi making.

The wages paid to children however, are the lowest. Even women who are preferred to men, as is obvious by their unambiguously large concentration in beedi rolling, are paid lower wages. It is the wage advantage together with the vulnerability of these women and children, stemming from their poverty, illiteracy, poor bargaining power and zero opportunity cost of their labour, which ensures their high levels of participation in the beedi industry.

The desperate situation of some of these households is seen in the practice of pledging their children and even adults to contractors against small amounts of loans. This is commonly reported from Tamilnadu (Nair, 1990; Dharmalingam, 1993; Gopal, 1998; Mehta, n.d.). Instances of this illegal practice are also reported from West Bengal and Andhra Pradesh (Bagchi and Mukhopadhyay, 1996; Pande, n.d.).

The manner in which work is organised and the various exploitative methods employed by the contractors are discussed in the following section.

III. Working and Living Conditions

The most common form of beedi making followed is the homebased, contractual, piece rate system where raw materials are given to women workers to roll a requisite number of beedis. Women or their men collect the raw materials,[6] tendu leaves, tobacco and thread

[6] Where the task includes labeling, gum and labels and provided.

from the *sattedar* or he delivers it at their dwellings. Women involve other available members of the household, young and old to finish the work.

The raw materials together with discarded leaves, cut pieces of the leaf, tobacco dust and so on lie scattered around in the homes of the beedi workers. The households being poor generally inhabit one room houses or small huts, which are ill equipped with respect to air, light and water. The scarcity of space where both living and working goes on, poses problems at times. Most dwellings are reported to be poorly maintained with unclean surroundings. All this added to the pungent fumes and dust of tobacco pose tremendous health hazards to women workers and other members of their family, especially children.

Children are exposed to this work very early in life. The tasks first handed over to them is folding the beedi ends and tying the thread. Their small hands and nimble fingers are ideal for these tasks, especially folding the open end of the beedi inwards (Prasad and Prasad, 1985; Gopal, 1998; Pande, n.d.) other tasks children are reported to be undertaking commonly are cutting leaves and bundling (Nair, 1990; Karunanidhi, n.d.). They are referred to as assistants or helpers in some areas[7] (Dharmalingam, 1993; Hossain, 1987; Mohandas, 1980).

As mentioned earlier, children manage to learn rolling beedis independently in 5-6 years, by the time they are 10 years old. Once the skill is mastered, they are considered to be more productive than adult workers. Mookerjee (1984) points out that young workers can roll 1000 beedis in 8 hours, while an aged worker only manages 400-450 a day.

An average worker can make 800 beedis in an 8 hour workday (Dharmalingam, 1993). Since the work is interspersed between household/domestic chores, it is often difficult to count the hours of work strictly devoted to beedi making. However, the pressure to fulfill targets being high, women often make adjustments with their time for food, sleep, rest entertainment and social obligations (Gopal, 1997, 1998). It is this pressure which

[7] These assistants are paid Rs. 2 per day for folding leaves (Mehta, n.d.). For cutting leaf and bundling, child helpers earn only Rs. 2 to Rs. 3 per day.

compels them to involve children as well. Whatever be the exact number of hours put in, most women as well as children are seen to be working from 6 a.m. to 10 p.m. Many workers put in an average of 10 to 12 hours of work. Although, the range of working hours vary between 3-4 to 16-18 hours a day.

The rolled beedis are handed over in bundles to the contractor/middleman. After checking them carefully and deducting for poor quality leaves and other reasons, the payment is made based on a piece rate wage fixed at a per 1000 beedis rate. Even the minimum wage applicable to beedi workers is fixed at 1000 beedi rolled rate (see Table 3).

Table 3

Statewise Minimum Wages Prescribed

Sl.No.	State	Minimum Wages Fixed for rolling of 1000 beedis under Minimum Wages Act		
		Wages (Rs.)	D.A (Rs.)	Total (Rs.)
1.	Andhra Pradesh	16.70	10.05	26.75
2.	Bihar	21.50	-	21.50
3.	Gujarat	20.70	-	20.70
4.	Karnataka	19.65	9.64	29.29
5.	Kerala	30.00	12.60	42.60
6.	Madhya Pradesh	22.50	-	22.50
7.	Maharashtra	16.00	9.08	25.08
8.	Orissa	27.00	-	27.00
9.	Rajasthan	27.10	-	27.10
10.	Tamil Nadu	16.05	8.65	24.70
11.	Uttar Pradesh	35.00	-	35.00
12.	West Bengal	13.35	26.22	39.57

Source: Labour Bureau (1996); ILO (2001).

In 1974 beedi workers in Sirnar, Maharashtra were paid Rs. 4 per 1000 beedis which required 12 to 16 hours to roll (quoted in GOI, 1974). Banerjee (1983) based on her study of the unorganised sector in Calcutta mentions the wage differentials among men beedi rollers in factories (Rs. 8/1000 beedis) and women homebased workers who are paid Rs.3 per 1000 beedis.

In Murshidabad, the range of wages paid to beedi workers is Rs. 18 to Rs. 33 per 1000 beedis (Bagchi and Mukhopadhyay, 1996). This study assessed over a period from 1985 to 1996 for West Bengal (Calcutta and Murshidabad), where the minimum wages (cited in 1986 per 1000 beedis) were Rs. 24.61 and Rs. 19.05 respectively, that wage rates were not obeyed anywhere. Almost all the studies show that minimum wages have not been adhered to. Even where they appeared to be followed (mostly for factory workers), a number of mechanisms were adopted to arbitrarily make deductions and in fact pay far less. IRA (1988) in their study of Maharashtra and Madhya Pradesh note that beedi workers got a flat wage of Rs. 9.40 per 1000 beedis which is the minimum wage fixed by the government, but after rejection, the take home wage was often not more than Rs. 6 to Rs. 7. Prasad and Prasad (1985) using the weekly wage received by a family, calculate per person earnings, which is a shocking low of Rs. 1.86 per day.

The total wage is distributed by tasks including a margin for wastage of leaves and tobacco mixture (Karunanidhi, n.d.). The wage for rolling beedis is Rs. 12.50, while wastage share is Rs. 2.50, both constituting a part of the total Rs. 23.50 along with other components. The payment for rolling beedis is however made after deducting the amount for wastage from the workers wage. Thus, for every 1000 beedis, rollers are given Rs. 10. In the case of pledged/bonded children who work at the contractor's workshed, the wages paid are halved, as one part is adjusted against the borrowed money.

Periodicity of payment varies from place to place, mostly weekly and in some places daily. Fortnightly or monthly wages are paid in the workshed/factory systems generally. There have been reports of non-payment or irregularities in paying wages. Women, therefore, have to make frequent visits and are harassed in the process.

The most exploitative part of homebased beedi work is the manner in which raw materials are given and the process of collecting rolled beedi bundles by contractors. The research studies have explained very elaborately various unfair means adopted to cheat or harass workers. Underweighing of raw materials is one means adopted (Srinivasulu,

1997; Prasad and Prasad, 1985; Giriappa, 1987; NCSEW, 1988). GOI, 1974 notes that often leaves were given without counting or checking for quality and subsequently deductions were made for bad leaves.

Another method is to give an imbalanced proportion of raw materials, *tendu* leaves and tobacco (Prasad and Prasad, 1985). Since the worker constantly remains short of one of the main raw materials, the required number of beedis and the actual rolled are varying, making it difficult for the illiterate workers to keep track. They trust the contractor entirely to make adjustments and calculate what is due to them. The wage cuts as a consequence of the discrepancy between expected and actual beedis rolled by a household goes up to 30 to 35 per cent of gross wage.

Even workers in commonplaces/sheds, etc., complain of victimisation by giving less tobacco and poor quality leaves (Pande, n.d.). Some of the urban, semi-urban workers purchase from the open market to meet the shortfall (Abraham, 1980; Mehta, 1984; Bhuvana, 2000). This also cuts into their wages share substantially.

Another form of exploitation is the unnecessarily high rejection rate at collection time. Beedis are rejected for bad leaves, less tobacco, size variation, weight difference, loosely rolled, bad product, and so on. In many cases, the workers are made to pay for the raw materials used in the rejected beedis. These so-called bad products are however not given to the workers or destroyed to salvage some of the raw materials but kept with the *sattedars,* who often manages to pass off these beedis, at a lower rate. The standard norm laid down for rejection in the Beedi and Cigar Workers Act, 1966 is 5 per cent. In actual practice, the rejection rate goes up to beyond 20 to 30 per cent (Prasad and Prasad, 1985; Srinivasulu, 1997; Giriappa, 1987; IRA, 1988; Bagchi and Mukhopadhyay, 1996). A customary practice of offering some bundles free to the *sattedar* is also followed is some beedi centres (Srinivasulu, 1997).

In addition to these forms of economic exploitation, women and girls also face sexual harassment. Since the workers are entirely dependent on the contractors for raw

materials, to handover beedis and receive wages, there are any number of situations/pretexts where they are vulnerable to harassment. In factories too, women workers have to please the checkers/helpers otherwise their beedis will be rejected or they will receive inadequate raw materials compared to the expected output (Dharmalingam, 1993; Prasad and Prasad, 1985; Bhuvana, 2000, Gopal, 1999). Around 50 per cent of the women reported being personally victimised in a study of beedi workers in Nizamabad and Warangal districts, Andhra Pradesh (Manohar, et al., 1992). Similar instances abound among the tobacco processing unit workers as well as *tendu* leaf collectors.

Thus, whatever be the stipulated minimum wages, most workers get far less. The low earnings do not allow for any betterment in their lives or occupational mobility. Children of beedi workers end up getting involved in this work. Very few manage to get educated. In the end, the lives of beedi workers are reduced to a constant struggle for receiving raw materials, rolling beedis as swiftly as they can and managing to get payment for them. Lakshmi (1981) studying three generations of women involved in beedi work notes little change in their lives.

IV. Health Hazards

Beedi making inherently poses tremendous health risks for the workers who are constantly exposed to tobacco dust and fumes. The risk is even more in the case of children, both as workers and as household members, since the living and working places are the same for homebased workers. Two factors that cause health hazards are first, the raw materials, especially tobacco and secondly, the nature of work, working conditions and the workplace.

Beedi workers are highly prone to respiratory problems. Most of them suffer from tuberculosis, chronic bronchitis, asthma and so on. Most beedi workers eventually die of one of these ailments (Avachat, 1978). Many studies report 20-30 per cent or less workers having these disease, while all highlight the high likelihood of workers suffering

from them (Datar, 1990; Gopal, 1997; Kannan and Ilango, 1990; Pande, 2001; Labour Bureau, 1996; Bhatty, 1980; Karunanidhi, 1997; Zaveri, 1986 among others).

The nature of work which involves prolonged sitting with forward trunk bent, the excessive use of fingers and the constant high tension levels to meet targets cause a number of health problems. The sitting posture leads to a static construction of back muscle, resulting in head, neck, leg and back aches as there is no body movement. Workers also suffer from piles and rheumatism (Dharmalingam, 1993).

Gopal (1997, 1999) highlights the high levels of tension among women beedi workers who are never secure about their status as workers. Their poverty, weak constitution, lack of rest, endless work, poor food habits have all been listed as factors making them susceptible to diseases. Anemia and malnutrition are also common among these women and children. Exposure to tobacco and the working conditions among beedi workers are known to have caused intestinal and reproductive problems (Lakshmy, 1985; Pande, 2001). Loss of first child in a large number of cases and still births are also reported.

Enclosed atmosphere of their dwellings, overcrowded *kharkanas*/worksheds, poor ventilation, badly lit, along with the odour of wet leaf and tobacco makes the workplace very unhealthy. Due to the tobacco dust the workers are continuously exposed to, their eyes have burning irritation, problems like conjunctivitis, rhinitis and mucous dryness are reported (Kannan and Ilango, 1990). Strain on their eyes is worsened among workers who work at night alongside dimly lit oil lamps.

Even in factories, worksheds, etc. medical facilities and welfare amenities are highly lacking. No medical benefits or assistance in health care is available, except in a few cases, thereby forcing most workers to resort to self medication. Additionally, some avail private or public medical care when the situation demands.

Pande (2001) reports that almost all the workers are aware of the health hazards in their work. The 1976 Beedi Workers Welfare Fund Act provisions are inaccessible for the

majority as they do not get identified as beedi workers. Even in the few areas where identity cards or pass books are given, they are generally in the names of male heads of households or husbands, depriving women of benefits associated to maternity (Gopal, 1998).

This is an area of grave concern. More research on occupational hazards of beedi workers is needed. Identification of homebased workers, modification of existing legislation to be more suitable for homeworkers and institution of special machinery to make it implementable are required.

V. Legislation

The Government has enacted three major central laws for the welfare of beedi workers. They are the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (hitherto 1966 Act), the Beedi Workers Welfare Cess Act, 1976 and the Beedi Workers Welfare Fund Act, 1976.

Some of the salient features of the 1966 Act relate to licensing of establishment, their annual renewal, maintenance of cleanliness standards, proper lighting and ventilation, avoidance of overcrowding at workplace, supply of drinking water, washing facilities maintenance of crèches where more than 50 women workers are originally employed, provision of first aid facilities, maintenance of canteen (for more than 250 workers) prohibition of children's employment, timings when women cannot be working (between 7 p.m. and 6 a.m.), prescribed leave with wages, dismissal rules, penalty for offences and so on.

The 1976 BWWF Act is to provide for welfare schemes for beedi workers and their families, relating to health, education, maternity benefits, group insurance, recreation, housing assistance etc. The BWWF is administered by the Labour Welfare Organisation and financed through a levy of Cess (recently revised from Rs. 1 per 1000 beedis to Rs. 2) by way of excise duty on manufactured beedis. About 3.7 million workers are

currently reported to be covered under the fund (ILO, 2001). The Ministry of labour recognises the fact that a large number of beedi workers are still uncovered.

The other Acts applicable to beedi workers are:

- The Minimum Wages Act, 1948
- The Employees Provident fund and Miscellaneous Provisions Act, 1952;
- The Employees State Insurance Act, 1948
- Payment of Wages Act, 1936;
- Maternity Benefits Act, 1961;
- Workmen's Compensation Act, 1923;
- Payment of Gratuity Act, 1972;
- Chapter IV and Section 85 of the Factories Act, 1948; and
- Children (Pledging of Labour) Act, 1933.

Most of these Acts are applicable vide the 1966 Act.

The 1966 Act and most of its provisions, especially those relating to cleanliness, ventilation, drinking water, canteens, crèches, latrines, overtime wages and so on pertain to the factory workers and very few are stipulated so as to be oriented for home workers. In fact, despite the pioneering effort to include homebased work, most of the workers are unable to establish the employer-employer relationship (Augustine, 1986). The literature provides ample instances of how these provisions are flouted brazenly in the industry (Avachat, 1978; Omvedt, 1981; Pande, n.d.). Children working under contractors, overcrowded and poor workplaces, absence of any leave benefits, are some of the issues. Child pledging and long hours of work, excessive rejection of beedis, far beyond the stipulated 5 per cent are other commonly reported ones (Nair, 1990; Mehta, n.d.; Pande, n.d.; Dharmalingam, 1993; Karunanidhi, n.d.; Prasad and Prasad, 1985; Bhatty, 1986).

The provisions relating to medical benefits under the BWWF Act, 1976 can be availed by workers who have been issued Identity Cards. Such workers are entitled to maternity benefit of Rs. 250 per delivery for two children. There are housing schemes that have been launched by the Union government for beedi workers. Labour Bureau (1996) notes that these schemes appear to have made a significant contribution, especially among the

eastern and northern zone workers based on information of how many workers own houses.

However, many of the workers remain unaware of these provisions. In a few cases, where they are contested in court, the owners and beedi manufacturers unite against the workers and blacklist the contractors who have assisted them, crushing all such efforts (Prasad and Prasad, 1985).

It is hardly surprising then, that despite 40 years of the Act being enacted, there is no significant improvement in the conditions of the workers. To make matters worse, the manufacturers/contractors have shifted units, closed factories and altered their systems of operations. For these legislations to be truly effective, there is need for a more concerted action on the part of the state.