

[Shri G.M. Banatwalla]

system. We have some very contradictory things also. On the one hand we have a large number of employment generation schemes and on the other, we have a ban on recruitment. These contradictions have also to go.

In deference to the bell that you have been persistently ringing, I may conclude by thanking all the Members, by thanking the hon. Minister, for their light-bearing speeches and I want that these speeches should also become fruit-bearing in order to provide work to our people. I welcome this particular announcement, this particular statement by the hon. Minister that the goal is towards right to work. That is a welcome thing. I know that an attempt is being made and though the House is aware of the seriousness of the unemployment problem, perhaps the House is not in a mood or the majority is not in a mood or the hon. Minister is not in a mood to have it done at this very hour. They are waiting for some other opportune hour but let that opportune hour be not far away because, as Lord Keynes said, in the long run we are all dead.

With these words I thank you all and with the emphasis upon the hon. Minister to reconsider his view and the hope that he himself would come forward—this is a practice by you—that I come with a Private Member Bill and you come with an official Bill. So keep up that practice now and in the next week they may bring their own official Bill. Let me hope that the Government will move in that direction. With these words, I seek leave of this House to withdraw the Bill.

MR. CHAIRMAN : There is an amendment moved by Mr. Mool Chand Daga. He is not here. I will put it to vote.

The amendment was put and negatived

SHRI G.M. BANATWALLA : Sir, I beg to move for leave to withdraw the Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :

“That leave be granted to with-

draw the Bill further to amend the Constitution of India.”

The motion was adopted

SHRI G.M. BANATWALLA : I withdraw the Bill.

BEEDI AND CIGAR WORKERS
(CONDITIONS OF EMPLOYMENT)
AMENDMENT BILL

[English]

(Amendment of section 2 etc.)

SHRI AJIT KUMAR SAHA (Vishnupur) : Sir, I beg to move :

“That the Bill further to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, be taken into consideration.”

[Translation]*

Mr. Chairman, Sir, all of us, are aware that in India the number of beedi and cigar workers are more than 40 lakhs, and these beedi workers are the most exploited people. This is so because these beedi workers do not get any protection of the existing legislations that have been enacted by the Govt. for the benefit of the workers in general. The legislation which was enacted for the beedi workers in 1966 has many loopholes & therefore it is not of much benefit for the beedi workers. Taking advantage of these loop-holes the employers approach the high courts, supreme court etc. again and again & obtain stay orders against the workers and the poor workers are deprived of their legitimate dues. This is not for the first time that a private member's Bill has come before this House for the beedi workers. This subject has been discussed here many times earlier also. In 1957 our late leader comrade A.K. Gopalan who was a member of Lok Sabha, also brought forth one amendment Bill for the beedi workers. The then Minister incharge also said

* The speech was originally delivered in Bengali.

many sweet things about providing benefits for the beedi workers. But no benefits were forthcoming. In 1962 again he brought forth another Private member's Bill which was discussed in this House. All the members were unanimous in agreeing that the conditions of the beedi workers must be changed, and that the Government should themselves bring a comprehensive Bill in this respect. Even before we got independence, in 1945, a Committee was constituted to go into this. The Committee was called Righe Committee. I am quoting from that Righe Committee Report.

"In that report the Committee said that this industry is one of the worst industry in India with low wage, insecurity of employment, partial employment, employment of children, high incidence of T. B., absence of labour legislation." etc. This was the condition in 1945 when that Committee submitted its report. After that this subject has been discussed in Parliament two times. Then in 1966, the Beedi and cigar workers (Conditions of Employment) Act, was passed by Parliament. But even after that Act was passed by Parliament, the employers took advantage of the loopholes in the various sections of that Act and deprived the poor beedi workers of their rightful dues like minimum wages and all other benefits. All the benefits that they should get as industrial workers like, bonus, gratuity, provident fund etc., were denied to them. As they were not given recognition as industrial workers, the employers took advantage and approached the courts and obtained stay orders against them. After 1966, the stay orders etc. continued for nearly 10 years when in 1975 again an amendment Bill was passed by Parliament. But the provisions of that legislation also failed to protect the interest of the workers against the employers. There were loopholes in that legislation also which was exploited by the employers who kept on going to the courts and deprived the workers of their just dues.

Sir, not only that this was discussed in Parliament twice several tribunals were also set up in this connection. There was a tribunal set up at Madras, another at Bombay, another at Nagpur etc. All these tribunals were unanimous in their opinion

that the condition of the beedi workers who number over 40 lakhs in the whole country, is the worst. They have no guarantee of employment, they are paid the lowest wages and they have no job security. These drawbacks continue to be there even after the Act has been passed. Even this Bill of mine is not completely foolproof, I do not think that the beedi workers will get all the desired benefits through this Bill. I have only sought some changes in the various sections of the beedi and cigar workers (Conditions of Employment) Act, 1966, so that the employers may not be able to cheat and deprive the workers of their rightful dues, under the existing system due to the loopholes in the present Act.

Sir, there has been many questions and answers in this House about the beedi and cigar workers. The Ministers in charge have also said several times that the beedi workers are also entitled to get all the benefits available to industrial workers or to the workers in other organised sectors. But in the same breath they said that the beedi workers are not getting those benefits due some the stay orders of the High Courts or the Supreme Court. Now my question is that the Parliament is Supreme, therefore, if Parliament feels, if the members of Parliament feel, if the members of Parliament feel that the 40 lakhs or more of beedi workers all over the country should get all these benefits, that their interest must be protected, then can we not plug the loopholes in the law to protect their interest and rights? Parliament is the highest body. It can certainly plug the loopholes in the law to protect these large number of beedi workers. As I said there are over 40 lakh of beedi workers. No organised sector has got such a large number of workers. There were 20 lakh workers in the Railways. Now that number has come down to 14 lakhs. But for this large number of beedi workers nothing has been done till date regarding their conditions of service, job security etc. I will request the hon. Minister to bring a comprehensive Bill in Parliament whereby the hardships and handicaps of the beedi workers may be removed and they may be given recognition as industrial workers and at the same time the employers may be prevented to

[Shri Ajit Kumar Saha]

exploit the beedi workers & to deprive them of their dues taking advantage of the loopholes of the existing legislation in this regard.

Sir, our hon. Minister Shri Sangma visited Malda in West Bengal some time back and issued some identity cards to the beedi workers. When the Beedi worker (Amendment) bill was passed in this house in 1975, it was decided that every beedi worker working in factories should be issued identity cards. As there is no central legislation to enforce that, the employers are unwilling to issue identity cards to their workers. If identity cards are issued then the workers would get recognition as their employees. This is not liked by the employers. The hon. Minister distributed some identity cards himself, but it is not enough. There are 40 lakh beedi workers all over the country, It is not possible for the hon. Minister to issue identity cards to all of them personally. What will happen to them? The law should be amended in such a manner whereby the employer will be compelled to issue identity cards to all their workers.

Sir, at present there are two systems of licensing. One is for those who purchase branded beedi from the market and then sell it. The other is for those who manufacture beedis. Because of this dual licensing system the employers get advantage and they are able to deceive the workers in various ways. Therefore, I will request that there should be only one licensing authority. The person who will be issued the manufacturing license, i.e., the employer or owner, will have to see to it that whosoever works in his factory and in whatever capacity he may be working, be it as Munshi or as an agent, he must get a worker of that factory itself. All these working under him must get all the assured benefits and facilities available to a factory worker. I will request the hon. Minister to enact a legislation to this effect.

Now a word about the Minimum Wages Act. Some States have passed legislations in this connection for the beedi workers. But since all the States have not enacted such legislation and also for

want of a comprehensive Central legislation, the employers get advantage. It has been seen that when the owners find that they have to pay minimum wages to their workers in a particular State where such legislation is in force, what they do is that they shift their factory to some other State where there is no such legislation for paying minimum wages. In this way they cheat their workers. There is another aspect. When the beedi manufacturing work is entrusted to Munshis or Agents, they get the beedi manufactured through some workers appointed by them. The finished beedis are supplied to the owners by these Munshis or Agents. Now, when those workers who are working for these Agents, demand the Minimum wage the Agents tell them that they are not the owners and that the beedis have not been prepared for them. Then when the minimum wages are demanded from the owners the workers are told that the Agents have got the beedi manufactured. The owners deny any knowledge of who have been appointed by the Agents or how much payment have been made by them. They refuse to take any responsibility in the matter. In this way the workers are pushed about from pillar to post and are deprived of the minimum wages. To put a stop to this practice, the existing legislation is not at all adequate. Taking advantage of the loopholes, the owners go to the courts. We have seen that when the owners or employers go to high courts or supreme court, they get stay orders. But when the poor labour and workers agitate for their rights or knock at the doors of the courts, they do not get stay order. We know that our judiciary do not generally look to the interests of the poor. They do not protect the rights of the workers. They try to protect the interests of the owners and the rich people. Sir, the Parliament is the supreme body of our country. If we can pass some legislation here to protect the interests of the beedi workers, then only the hardships and handicaps suffered by the beedi workers can be mitigated to some extent.

Sir, there is a Beedi Welfare Act. The Government collects a huge amount by way of tax on beedis. Then, a cess on beedis has been levied. A substantial

(Conditions of Employment)

amount has been collected by Government through these. In the last few years more than 11 crores of rupees have been collected by Government. But I regret to say that they have spent very little for the Beedi welfare fund. After raising questions again and again in Parliament, after meeting the Ministers again and again, some medical facilities for the beedi workers have been made available at some places. Some medicines have been made available. But it is often found that in the medical centres set up for the beedi workers, those types of medicines which are generally required by the beedi workers are mostly not available. Some medical centres do not have doctors even. Where doctors are posted, they do not understand the language of the workers. If a doctor knowing the local language is posted at such centres, then the workers will be able to explain their ailments and difficulties in an effective manner. But mostly doctors come from outside and do not understand and the language of the workers. This hampers proper treatment. From the funds sanctioned for such centres, the workers do not get medicines for more than 3/4 months. It has been seen that nearly 70% or 75% of the beedi workers suffer from T.B. Their condition and atmosphere of work is such that they generally fall a prey to T.B. Regarding T.B hospitals, I know that the Government had given assurance for opening a T. B. hospital at Murshidabad in West Bengal. For that purpose a site was also selected there by the State Government and the Central Government jointly. But does the hon. Minister Shri Sangma know that instead of setting up the hospital at the selected place, it was shifted to some other place on the direction of another Minister, Shri Ghani Khan Choudhury. He perhaps did not even know about the suitability of the other side, but the foundation was laid there. In this way instead of setting up the hospital at the most suitable spot, where maximum number of workers would be benefitted, it was shifted to some other unsuitable place just because of the whims of a Minister. If the Government works on these lines, then whatever steps are being taken by them, for the welfare of the beedi workers, will not reach them fully. There are over 40 lakh beedi workers all over the country. In some states

like Madras, Kerala, etc., some legislation has been made for the beedi workers who work under agents outside, so that they may get the minimum wages etc. But in other States, there are no such State legislation for the beedi workers. The interest of the workers cannot be protected under the existing Central legislation also. Therefore, I will request the Central Government to bring forth a comprehensive Central legislation to protect the interest of the beedi workers and to direct all the State Governments also to enact legislation in this respect. Among the beedi workers all over the country nearly 50% are women. There are a large number of 10/12 years old children also engaged in beedi making. But it has been seen that a woman worker is not paid the same rate for making 1000 beedis which is paid to a male worker for making the same number of beedis. We talk here about right to work and equal pay for equal work etc. Then why a women worker will not get equal payment for making 1000 beedis that is paid to a male worker? No where they are getting equal payment. This should also be gone into and proper provision should be made in the law to enforce this. Those small children aged 6 or 7 years, who are also engaged in beedi making are paid some negligible and nominal amount for their hard work. No attention at all has been paid to them so far. I request all the hon. Members of this House belonging to both the sides, to pressurise the Government to come forward with a comprehensive Bill to protect the rights and interest of the beedi worker and to mitigate the hardships and handicaps of these lakhs and lakhs of poor people. They should get the minimum wages, identity cards should be issued to them. Moreover, the factories where they work, must maintain the necessary records, registers, etc. The factories must have the proper atmosphere for work and must provide the minimum amenities for the workers like, a working shed, clean drinking water etc. etc. No employers are attending to these things anywhere. I request the Government to ensure that the beedi workers are provided with proper and clean atmosphere of work by the factory owners and employers. As already said, there are over 40 lakh beedi workers in the country. In West Bepgal, there are nearly

[Shri Ajit Kumar Saha]

5 lakh of them. Now, the Government is not only collecting a good amount from the beedi industry by way of excise duty, cess etc., but they are also earning a good amount of foreign exchange through the export of beedis. Beedis today have a good demand in many foreign countries. The Government should see that a good part of this earning is spent for the welfare of the beedi workers and for providing greater benefits to them. They should be provided with all the benefits that the industrial workers get, e.g. security of jobs, ESI scheme etc. etc. The Government must ensure that.

Now, Sir, with these few words I place this Bill before the House for discussion.

*DR. PHULRENU GUHA (Contai) : Mr. Chairman, at the very outset I welcome the spirit and the purpose behind this Bill, that has been brought forth by my esteemed colleague for providing some benefits and advantages to the poor beedi workers of our country. Now I will like to say a few things on this Bill. I request my hon. colleague, the mover of this Bill, not to try to get this Bill passed in this House. He should rather request the Government to bring forth a comprehensive Bill for the benefit of the beedi workers. We will also support him and press the Government in this regard. I admit that this Bill contains some good provisions. But the 'licences' that he has mentioned in this Bill, the 'houses' that he has talked about in this Bill, if these provisions are passed, then the women workers will face great difficulties. Not only that they will face difficulties, many of them will lose their jobs. Now, women prepare these beedis, men also prepare them but I am particularly talking about the women, the women mostly prepare the beedis in their own homes. If all the women workers have to come to a particular place or room provided by the owner, to prepare beedis, then a problem will arise who will look after children at home? Therefore, coming to this 'House' for work for which 'licences' etc. have been provid-

*The speech was originally delivered in Bengali.

ed in this Bill, will create great problems for the women workers. Not only that many of them will have to give up their work, which will create great hardships for them. Now men and women both take the material and prepare beedis in their own homes. This beedi-making is an industry no doubt but it is not wholly so. This also contains elements of a cottage industry. Here we find a synthesis of both, industry and cottage industry. Many of you must have come across scenes of men and children preparing beedis on the roadside in the villages or under the trees in the fields. This beedi making is the major means of livelihood for many of them.

The mover has mentioned in the Bill that the beedi workers do not get proper payment etc. This is all very true. Moreover, Sir, the 'equal pay for equal work' is totally false in the case of beedi workers. The women workers nowhere get equal payment for equal work. Mr. Chairman, Sir, it is a ridiculous thing that a man gets one rate of payment for making 1000 beedis whereas a women gets another rate of making the same number of beedis. But this is what is really happening.

Another thing Sir, I have visited many places in the country where beedi is prepared. The picture of small children of 5/6 years preparing beedis throughout the day sitting in small, dinghy and overcrowded rooms, is floating before my eyes. Those teader children do not know any thing else, in life except rolling beedis in dark, congested rooms from early morning to late in the night. When you look at this pitiable sight, it only brings tears to your eyes. This is the condition of work in beedi making. Therefore I say that a comprehensive Bill for the beedi workers is necessary. This sort of partial or piece meal Bill may bring some benefit for some people, but most of them will face great hardships and disadvantages. Therefore, I will tell my colleague that it is good that we discuss the problems and hardships of the beedi workers and focus attention on them through this Bill, but in the end he should not try to get it passed. Rather he should tell the Government to bring a comprehensive Bill in this respect. We will also ask the Government for this. On this

(Conditions of Employment)

problem both the sides of the House are united. We also support it. We will all ask the Government to bring forth a comprehensive legislation for the benefit of the beedi workers. This comprehensive Bill should include provision of minimum wages for all beedi workers, equal pay for equal work done by men and women both. Even if children are engaged in beedi making, they must have restricted hours of work. Having worked among children for long part of my life, I can say from my experience that if child labour is stopped then many of our children will starve. This is the reality. Even then a legislation should be there to control and regulate their condition and hours of work. The children who will be engaged in beedi making by the employers, should be made to work for lesser hours and arrangement should be made for their proper education and they must be provided with adequate medical facilities. Nearly no where facilities of medical treatment is provided for the beedi workers. When they fall ill, they have to suffer and to continue without medicines.

It is well known that the beedi workers mostly fall a prey to T.B. Among them also women and children constitute the largest number. Whosoever suffers, the Bill must provide for proper medicines and medical care for the victims.

In the end I will say that it will not be proper to look upon beedi-making wholly as an industry. Because beedi making is even today in large proportion a cottage industry. If it is considered entirely as an industry, then it won't have benefits of cottage industry and that will entail difficulties and problems for many people. It must be dealt with as a combination of industry and cottage industry. How it is to be done only the legal experts will be able to say. I cannot say that. A synthesis has to be effected between industry and cottage industry. It is for the legal experts. I will only say that a comprehensive Bill for the beedi workers is necessary which contain provision of minimum wages, equal pay for equal work, medical treatment, creches for women workers etc. etc.

I once again express my support for

the spirit and objectives of Bill. With that Sir, I conclude.

[English]

SHRI THAMPAN THOMAS (Mavelikara): Sir, this beedi and cigar industry requires a complete analysis by the Labour Ministry, as far as the working force engaged in it is concerned. The mover of the Bill has submitted that this industry provides jobs for about 4 million people. Still, these people are unorganised. If they were to be organised, the classification will be different. There is no uniformity because this industry is spread all over the country. Hence, it is the duty of the Ministry of Labour and also the Government to see that they come under a codified law. Not only that. In addition to what has already been pointed out here, I would like to add some other points also.

If you have a look at this industry, it can be seen that those who are engaged in the manufacturing work of beedis come under one section. There is yet another section, who are working in the forest, collecting the beedi leaves from the trees. These people are not at all covered or given protection under any law. Regarding wages, etc. no heed is paid in any statute as far as they are concerned. They are the people who collect beedi leaves and then go to the intermediaries to sell the leaves. They get a price which is much less than what is required for a living. And mostly, these people are Harijans and Adivasis. In this category, lakhs of people are engaged.

Yet another type of workers who are engaged in the beedi industry are those who work in the tobacco cultivation. I would like to project that these three types of workers to be codified in one—(1) those who work in tobacco cultivation and processing, which is made part of the beedi industry; (2) people who collect the leaves and give to the manufacturers; and (3) those who are actually involved in the processes of manufacture. So, when a Bill seeks to regularize the service conditions, livelihood and wages of these workers, these have to be together. A study has to be made; and classifications

[Shri Thampan Thomas]

and sufficient protection; will have to be given to all these categories.

Of course, the beedi manufacturing processes have undergone certain experiments by now. In Kerala, there are lakhs of people working in this sector—women and children. There are persons who find self-employment, in their own houses and shops. Various categories are there. There is one very well organized cooperative society called the Kerala Dinesh Beedi Cooperative Society, where the workers themselves own it and run it. In that Society, thousands of workers are engaged. They are working and earning their livelihood. It is an experiment. That cooperative society is a Government-sponsored society, where Government is also a party. It is facing heavy competition from private individuals.

The private individuals who run these organizations go out of the jurisdiction of Kerala, make the beedis in the neighbouring territory of other States; they hire workers and give them facilities to make beedis in their houses, collect them and bring them to sell in competition with the cooperative societies. So, this becomes a competition between the cooperatives and the organized sector. Naturally, manipulation and other practices are there very much in the private sector. They can afford them. In the name of self-employment, and on a piece rate basis, they can manufacture beedis at a lower cost, whereas the cooperative societies may not be able to do so, because they the laws, and regulations. They pay bonus, ESI and other benefits. So, they are not in a position to compete with other persons who are circumventing the law. So, there should be a law prohibiting the exploitation by private individuals. Whether it is a private individuals, or a cooperative society or a Government body, everybody who is engaged in this work should be brought on par, under a law. This aspect is very important. Where cooperative ventures come forward: Government should take steps to promote and encourage them.

Naturally, certain problems arose with regard to the person who form

these cooperative societies. Ultimately the very existence of the cooperative societies will be challenged at some stage, because they may not be able to face competition and other difficulties in this industry. Then what will happen?

There are no minimum wages prescribed for the industry as such; and no regulations as such are made applicable to them. So, the industries are moving from one part of the country to another. They are migrating. This also is a problem. This also ultimately tells upon the interests of workers. Ultimately they are even losing the jobs, when they bargain for more. When they want more, the ultimate result is that they lose their jobs. How can this be avoided? This can be avoided only by giving a reasonable living wage in any area, wherever it is—Kerala, Karnataka or Tamil Nadu. This is an area where I personally know workers migrate from one State to the other; and the beedis which are manufactured on the Tamil Nadu border can be transported to Kerala also, if they are saleable there. This situation can be avoided only by a Central legislation, i.e. by providing necessary safeguards in this regard.

In this connection, I would also point out another aspect, viz. the beedis manufactured by these workers attract people abroad. This is an exportable item. They are already being exported. In fact, the Indian beedis fascinate the Europeans today. They want them. They call them *Kakhi* cigarettes. There is a craze to have this Indian tobacco. So, if an earnest attempt is made, a lot of people can be given jobs; and their service conditions and living conditions can also be regularized.

I can very well bring to the notice of the Government that this industry has got certain other problems, which were brought to the notice of this House as early as in 1957 by Shri A. K. Gopalan of our party who was fighting for the working classes.

18.00 hrs.

MR. CHAIRMAN : Please stop here. You can continue your speech next time. Now, Half-an-Hour Discussion !

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : I request the hon. member through you and to the House to agree to take up Half-An-Hour Discussion on Monday.

MR. CHAIRMAN : Is it the pleasure of the House that we should take up Half-An-Hour Discussion on Monday ?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : So, we will take it up on Monday. *(Interruptions)* I am now told that there is another Half-An-Hour Discussion on Monday.

SHRI GHULAM NABI AZAD : In that case, we can take it up on Tuesday or we will decide the date later on.

MR. CHAIRMAN : We will decide the date regarding Half-An-Hour Discussion later on.

KUMARI MAMATA BANERJEE : Yes.

MR. CHAIRMAN : The House stands adjourned to meet on Monday, 7th April, 1986 at 11 A.M.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 7th April, 1986|Chaitra 17, 1908 (Saka)