

[*Mr. Deputy Speaker*]

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

SHRI SURESH KURUP : I introduce the Bill,

CONSTITUTION (AMENDMENT)  
BILL\*

*(Insertion of new article 333A)*

[*English*]

DR. P. VALLAL PERUMAN (Chindambaram) : I beg to move for leave for introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

DR. P. VALLAL PERUMAN : I introduce to Bill.

CONSTITUTION (AMENDMENT)  
BILL

*(Amendment of Article 324)*

[*English*]

SHRI G.M. BANATWALLA (Ponnani). I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

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

CONSTITUTION (AMENDMENT)  
BILL

*(Amendment of Article 315)*

[*English*]

SHRI SHANTARAM NAIK (Panaji) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

SHRI SHANTARAM NAIK : I introduce the Bill.

15.35 hrs.

BEEDI AND CIGAR WORKERS  
(CONDITIONS OF EMPLOYMENT)  
AMENDMENT BILL *Contd.*

*(Amendment of Section 2, etc.)*

[*English*]

MR. DEPUTY-SPEAKER : Now, we take up the Bills for consideration and passing.

Further consideration of the following motion moved by Shri Ajit Kumar Saha on the 4th April, 1986, namely : —

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

Now, Shri Thampan Thomas—not here, Shri Virdhi Chander Jain.

[*Translation*]

SHRI VIRDHI CHANDER JAIN (Barmer) : I would like to express my opinion in regard to the motion moved by Shri Ajit Kumar Saha for further amendment to the Beedi and Cigar workers (Conditions of Employment) Amendment Bill.

At present, there are 40 lakh beedi workers in the country whose condition is very pitiable. They are being exploited by the employers. The employers do not follow any laws. The labourers are also not in a position to derive any benefit from any laws like industrial law and Minimum Wages Act. They do not have organisational power to do so. In a number of States, Minimum Wages Act does not apply to these labourers as a result of which their condition has become very pitiable. I would like to suggest that a comprehensive central legislation should be enacted in which all those provisions should be condensed ultimately culminating in the amelioration of the condition of the bidi workers. At present the situation is such that the women workers put up work equal to that of the male workers but they get less salary as compared to that of their male counterparts. Similarly the condition of child labour in this job is no less pitiable. They get Rs. 3 to Rs. 4 per day. Their duty hours are fixed but they have to work ten to twelve hours at a stretch. Even after putting such a hard labour they get Rs. 6, Rs. 8 and at some places they get only Rs. 4 as wages. So the need of the hour is that the Central Government should bring a comprehensive central legislation to improve their condition. The provisions included in this Bill are not sufficient. These provisions will not be helpful in ameliorating the condition of the bidi workers. At present the condition of the unorganised labour in any field in the country is not satisfactory. The bidi workers are not organised. There is no Act to incur them any benefit. There is no guarantee of employment for them. The employers sack them at will. There is no provision in regard to their pension, provident fund, gratuity etc. Under this condition, I would like to suggest that a comprehensive legislation be brought to benefit the bidi workers so as to ameliorate their pitiable condition.

With these words, I would like to extend my support to the spirit which is behind this Bill that has been moved in the House.

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy Speaker, Sir, I rise to support this Bill. The number of bidi workers in my constituency itself is very high. At least one lakh persons depend on

the bidi and cigar industry for their livelihood. In this industry, boys and girls ranging from 5 to 12 years of age work along with their parents whether it is tying the bidis with thread or cutting the leaves. They help their parents in all these works. This work is also got done by the contractors. They give commission to their agents. When the Labour Commissioner makes a visit to ensure implementation of labour Act, he is told by the employer that he is not concerned with them. The same plea is given by the contractor also. He says that he buys tobacco, leaves, thread and then makes bidis. So he has nothing to do with them. The result is that the workers are denied bonus, provident fund and other facilities. I have written two to three letters to you. You should look into it. The provision of provident fund should be included in the Bill. A comprehensive Bill should be brought to save the bidi workers. The Industrial Even Dispute Act is not applicable to them.

I would like to say more things. In the cities twelve rupees are paid for making one thousand bidis whereas the contractors pay at the rate of five to six rupees per thousand in villages. Therefore, contract system should be abolished. The licence should be compulsory for the bidi manufacturers. Manufacture of bidi without licence should not be allowed. At present, licence is required to purchase tobacco and these people get it from the Tobacco Excise inspector and start manufacturing bidi without registration and without following the Labour Act. Though the worker does not get sufficient wages, yet they have to work in these bidi industries. The contractor gets it manufactured at a very cheap rate and sells it at a very high rate and earns huge profit. I want the profit to be distributed among the workers. The workers are being exploited. In Andhra Pradesh, Karam Nagar, Warrangal etc. are drought-prone areas where bidis are manufactured. Same is the condition of Indore and Bhopal in Madhya Pradesh. In Andhra Pradesh the bidi and cigar manufacturing is the biggest cottage industry. Therefore, I want that hon. Minister should accept the Bill or the Government should bring a comprehensive Bill for this purpose so that the worker engaged in bidi and cigar industry may be saved from exploitation.

[*Shri C. Janga Reddy*]

With these words, I conclude.

DR. G.S. RAJHANS (Jhanjharpur) : Mr. Deputy Speaker, Sir, in this country, lakhs of people are engaged in bidi and cigar industry particularly in Bihar and Uttar Pradesh. Most of them are women and children. If you want to see the exploitation of the workers, you can see it in bidi industry. In the government records the owner of bidi industry does not exist but every year he makes lakhs of rupee comfortably without paying any tax. There is hardly any other business in which so much profit is earned with such a small investment and without any labour problem. There is "wheel within wheel" in this industry. The wages are different for men and the women workers. At many places women workers raised this issue that when there is no difference in the quality of bidi manufactured by the male labourer and the female labourer and all bidis are supplied to one dealer at the same rate then why there is difference in wages. Why does a male worker get Rs. 8 per thousand and a female worker Rs. 4 per thousand. For this industry, there is no need to purchase any space to set up a factory. The Tendu leaves and tobacco are supplied and the scissor, nail and thread are used as instruments. The poor engage their 5 to 6 years old children and women in this industry with the hope to improve their financial position. But they do not know how they are spoiling the lives of their children. 25 to 30 per cent people working in the bidi industry, are T.B patients. They can neither go anywhere nor compel anyone for their treatment as a result of which most of the people die premature death. Besides T.B., the workers become victim of cancer which is incurable. As said earlier by an hon. Member that in this industry there is no owner, no manager and no contractor and as such upon whom you will fix the responsibility. The owner would say that he does not know anybody and ask you to go and contact the contractor and the contractor would say that he is also a worker like others and get a small amount of commission only, and in turn ask you to go and meet the owner. Whenever anyone tried to form a union, he could not obtain the recognition on the ground that it was an

insignificant industry. Therefore, it is a very serious matter. What I mean to say is that nowhere it happens that a worker works for 18 hours a day and works 365 days in a year without any break. A worker cannot maintain himself with such meagre wage so what to say of his family. Therefore, it is a very serious matter. In the real sense the bonded labourers are working in this industry. It is necessary to bring a comprehensive legislation in this regard so that the people of this industry may come under the purview of the law.

In most of the States, tendu leaves are auctioned by the State Government to the wholesaler. There should be a provision to maintain the account of tendu leaves sales as to how many leaves have been used for bidi making, and by whom and where they have been sold because it is the only source from where we can know about the real owner who is exploiting the workers. There is no other way to obtain the information.

One more thing I would like to say is that a statutory warning is written on the cigarette packets that cigarette smoking is injurious to health. It is another matter that people smoke cigarettes in spite of this. Likewise, we should also write this warning on the bidi packets either in Urdu or in Hindi. And in spite of the warning, if any one wants to smoke bidi, he may.

Bidi-smoking is a separate issue but the workers engaged in bidi-making are being exploited very badly. There are certain instances when a worker died after serving 40 to 50 years in the bidi industry but after his death even coffin was not available to cover his dead body. When his wife approached the owner for some money, he told her to send her child to work in the industry and only then would he lend money. The helpless woman, sent her child who, then, became the slave for his whole life.

We talk about the child labour and the bonded labour. We also say that they are being exploited and something should be done for them. It attracts the attention of the whole world that injustice is being done to them. But we do not talk about the child labour and the bonded labour working in bidi industry because we cannot see them as they do not work at one place.

It is a serious matter. I, therefore, request the Government to bring a comprehensive legislation so that exploitation of these people may be stopped. These people are victims in the hands of the exploiters and are soon led to death.

[English]

SHRI AMAL DATTA (Diamond Harbour): Mr. Deputy-Speaker, Sir, I rise to support the Bill and I thank the mover of the bill for bringing forward this Bill in order to introduce some salutary changes in the miserable life of the 'bidi' workers. Not only they work long hours, work hard to earn their low wages which they get, but quite often the employers are taking advantage of their condition as well as the loopholes of the law, that they deprive them of their just hard earned wages. This is a case representative of one type of workers. But in fact it is a tale of woe, which is applicable to all sections of unorganised workers and they exceed the organised workers in our country by definitely a ratio of 10 : 1. Sir, the organised sector of the industry naturally got primacy because of their organisation because of their being usually in big and medium-sized factories which are quite often of national importance for various reasons. Workers working in those factories not only get relatively high wages compared to their brethren working in unorganised sectors or working in agricultural sector, but they also get fairly reasonable hours of work, they get sanitary conditions in which to work, they get health benefits, they get other terminal benefits like provident fund, pension, gratuity etc. These are there for the organised sector. When a country like India sends its representative to an international organization like ILO, we can chart out statistics of what kind of benefits we are giving to our workmen, but we do not mention what is happening to our unorganised workers. We say that we are following ILO guidelines, ILO charter, we have arranged for the workers such and such benefits, medical and others. But this is only a tip of the iceberg which gets the recognition, which gets the benefits, and nine-tenth of the work forces are submerged in miserable poverty and they are also exploited because we are the people responsible for not enacting the laws which will

safeguard their interests. It is time that we started thinking and doing something about these people in the unorganised sectors not only for the bidi workers, whose Bill is before us, but for the entire gamut of unorganised workers.

In my constituency, just to give you an example, there are tailors. It is a constituency having two lakhs of people, who work as tailors in houses just like bidi workers. They work for some people who are the master tailors. They live nearby; they go to their houses early in the morning. They work from six in the morning to ten in the evening with little gap for their meals, and in exchange they earn a pittance of a wage. That also they earn on some days of the month, not on all the working days. This is the condition of all unorganised workers everywhere. Laws should be enacted. The conditions should be examined. There has been no examination of their conditions by the Labour Ministry at all. The Labour Minister who is present here should kindly note that these workers are not beyond the pale of Labour Ministry's jurisdiction; they are very much so. He should see that first of all, a proper survey is made of the conditions of work, hygiene, health, monetary and other benefits given to these workers. What is the number, under what conditions they work and how to safeguard their interests by a comprehensive Bill which my hon friend Dr. Rajhans has suggested. I support that there must be a comprehensive enactment regarding the unorganised section of workers of all types. There must be a minimum wages fixed for them, there must be conditions of work laid down and the premises in which they work must be licensed. A person should be responsible for the payment of wages; a person, who cannot escape by saying: "I am not your employer, somebody else is your employer". That kind of condition cannot be allowed to continue.

16.00 hrs.

How is it that after 40 years of independence, we are in such a primitive condition that we allow nine-tenth of our industrial workers to be in such a position. This is intolerable and the Parliament should take note of this. The Government should realise that this is one of their primary

[*Shri Amal Datta*]

responsibility, which they have not discharge; not only that, they have not yet recognised it as their duty. They should recognise and do whatever is possible within the life of this Parliament. I am giving them a long rope because it will hopefully last for another three and a half years or so. There is enough time to have a survey, to have an enactment and have it implemented. I am sure, Mr. Sangma, who is present in the House who is very sympathetic to the cause of labour, will take up the cudgels on their behalf, on behalf of this unorganised sector of labour.

[*Translation*]

SHRI VIJAY KUMAR YADAV (Nalanda) : Mr. Deputy Speaker, Sir, while supporting the Bill, I would like to state that the Bill which has been introduced is a Private Members Bill and similar Bills dealing with the question of bidi-workers have been introduced in the House in the past also and this issue has been a subject matter of discussion earlier also. During the course of the discussion, all the Members, by and large, have demanded that a comprehensive Bill should be introduced in this regard so that the conditions of the bidi-workers improve, and they are able to enjoy legal rights and live like normal human beings.

16.02 hrs.

[SHRI SHARAD DIGHE *in the Chair*].

You are well aware that there are about forty lakh bidi-workers in our country. If the number of their family members and dependents is also added, then the total would be nearly two crores. If the people engaged in the cultivation of tobacco or in allied fields of work are also included, then the total number would increase even further. It is saddening to note that our Government is not yet seized of the suffering of such a large part of populace. In an independent country like ours, the kind of treatment that is given to the workers of this industry is really a matter of grave concern and a source of regret. Again it would seem to an outsider that these are small scale factories but in reality, these factory-owners are earning crores of rupees through them. At Nalanda, which is my constituency, ten thousand men and five thousand women are employed in the

bidi units. From that area alone, crores of rupees have been misappropriated on the pretext of excise duty. The profits that they have earned by not paying the minimum wages as fixed by the Government also run into several crores of rupees. If the entire country is taken into consideration, then perhaps their earnings would be in thousands of crores of rupees. Each State has a separate wage pattern. Dearness allowances vary from place to place, depending whether it is a village, Municipal area or Town area or the area under Corporation or a municipality. The people living in the rural areas are not entitled to this allowance. The bidi worker are not getting their minimum wages as fixed by the Government throughout the country and in this way the factory-owners are becoming millionaires by pocketing the rightful earnings of these people. I do not think that the Central Government is not concerned about the matter. On the contrary, it is seriously concerned about it. I have been a Member of the Parliament since 1980. I must have put at least 50 to 60 questions on the subject of bidi workers alone. The question that always arises is regarding the implementation of various laws. The Central Government does not yet possess a machinery capable of implementing them. As a result, the factory owners have been provided with a long rope and they have been violating the rules and regulations and deriving benefits. The industrialists do not follow the Minimum wages rule as fixed by the Government. Although tripartite conferences are held, in which the representative of the Government, the industry and those of the bidi workers union participate and take decisions regarding minimum wages, yet when the Government notification is issued, these people do not adhere to it.

I have raised this issue in Parliament either in question hour or through some other course. I would like to request the Labour Ministry to kindly make such arrangements. So that a comprehensive Bill could be introduced in accordance with which a Tripartite conference may be called, in order to take a decision regarding the fixation of Minimum wages. It should also be ensured that the factory-owners are not granted permission to approach the High Court or the Supreme Court in this matter. Again, although apparently the wages are

fixed on the basis of mutual consultation yet in reality, the suggestions of the bidi-workers are not taken into consideration. The wages are not fixed according to the demands of their representatives. In fact, the interests of the industrialists are kept in mind despite Government participation in it. And whatever wages are fixed during the course of the conference, it is not given to them. So due arrangements must be made to take a decision regarding minimum wages, so that they are not able to approach the court to stall the process or take a stay-order. For this reason some new sections should be incorporated in the relevant laws and provisions should be made for the severest punishment to the offenders.

As several hon. members have also said, it is a fact that the present Government has declared its policy of 'equal pay for equal work'. But the female workers in this industry are not treated equally in respect of wages, and are paid less in comparison to their male counterparts in every corner of the country and this is a very sad situation. When we are talking of giving as many benefits as possible to women and when steps are being taken to bring about an equality of social status, then is it not possible to ensure equality of wages? Do the manufacturers sell the bidis rolled by a female worker at a lesser price or does she not make bidis of good quality?

Mr. Deputy Speaker, Sir, I want to say that the quality of a bidi depends upon the softness of hands which roll it. Therefore, younger people make bidis of a very good quality. When they get older, they are able to roll lesser number of bidis and the quality of bidi also deteriorates. Although experienced workers would be preferred in other industries for their experience yet in the bidi unit the case would be different as older people are not capable of rolling bidis of superior quality. Hence I want to say, that the women working in this industry make equally good bidis and their product is not sold at a cheaper rate in the market. In spite of this, they are exploited economically. This issue encompasses both the rural and the urban areas and has become a serious problem. It so happens that when there is a movement demanding Minimum Wages in the towns, the factory-owners transfer their units to areas where lesser wages could be

paid. The factories are shifted to rural areas and even from one state to another. The labourers cannot do much because they are not fully organised. Still if some unions of such industries exist, they struggle for rightful wages, and the industrialists evade the issue by closing down the units. Consequently Government has no way out to stop such exploitation. Therefore, it is essential to grant uniform wages throughout the country. The disparities in respect of wages between cities, rural areas and corporation towns must be put an end to and arrangements should be made to ensure equal wages to the male as well as to the female worker.

Mr. Chairman Sir, we have to look into the difficulties of the bidi workers today, and we have to find out the cause of their misery. There is no dearth of laws for the protection of workers. There are provisions in our legal system to enable a worker to be recognised by the Government. The procedure is that within 72 hours of appointment, a labourer must be issued a service card. However, as I had tabled a question in the Parliament and had asked the Government some time ago, the number of workers in Bidi industry in all the States of the country and the number thereof who have been issued service cards and the statistics furnished by the Government indicated that only 60 to 70 thousand workers have been issued service cards, whereas almost 40 lakhs workers are employed in the bidi units all over the country. These service cards were not issued by the factory owners but were issued by your Labour Superintendents. Government departments have issued these service cards. You have obtained these statistics from them which are not valid before the law. Similarly, although they have been issued identity cards and they might get some facility from the Welfare Fund, but they are not going to get any help from any quarter legally or in accordance with the Acts governing trade unions which grant certain rights like Provident Fund and bonus. Therefore, I would like to request the hon. Minister to bring a comprehensive Bill in this regard. We should think about law enforcing machinery, and working hours should be fixed. If a worker works upto certain period of time, then he should be given service card because the workers have been working in this industry for the last fifty years. Some of them have died but

[*Shri Vajay Kumar Yadav*]

they could not get recognition as workers service cards have not be issued to them. I find that the workers of bidi industry work in worst conditions than those of other Industries. So far as the question of service card is concerned, the factory owners all over the country have not issued service-cards to all the workers. You should make arrangements for it. Whenever this question comes before the Central Government, it says that it cannot do anything as that question relates to the State Government. It may be right but the overall administration of the country is in the hands of the Central Government and as laws are also made by the Government then it becomes the duty of the Central Government to implement them through the State Governments. In your Labour Conferences you discuss the topic of giving uniform wages to the workers on the All India basis. But this is a vital issue as workers are not getting service cards and justice. Their employers sometimes even refuse to consider them as their employees. The workers also face a constant danger of being retrenched at any time. This issue should also be discussed in the Labour Minister's Conference.

There is a labour welfare fund but what is the condition of this fund ; it is only a means of income to the Government, Recently I asked a question in this regard that what were the data for the last 3 to 4 years ; how much Labour Welfare Fund was received and how much had been distributed therefrom. The Government claims that crores of rupees are lying with them whereas on the other hand bidi workers and their children are dying for want of medicines and education ; there is no arrangement to provide these facilities to them—specially, the workers living in the urban areas ; they have no houses to live in but a lot of money is lying with the Government and it is not making these facilities available to them. I request you to use this fund for the welfare of the workers and also to raise the welfare contribution from 15 paise to Re. 1 per thousand, which the Government charge from the employers and Government should also add Re. 1 per thousand to the Welfare Fund from its side so that the workers could be provided with housing, proper education for their children and medical facilities. This way the Government will contribute a nominal amount but this will solve the

problems of two or three crores of prople. I want to tell you that there was a plan to open a T.B. Centre, a hospital in Bihar Sharief which is the headquarter of my constituency, Nalanda. 80 per cent of the workers in bidi industry suffer from T.B. of primary stage or even seriously. They are bound to work in unhealthy conditions. Therefore, a large number of them become T.B. patients. Therefore, there is a need to open T.B. centres at the places having concentration of these workers. I do not ask you to open a T.B. Centre/hospital for 500 workers but where there are 15000 workers in an area, there you should open a T.B. Centre/hospital and moreover you have sufficient fund for this purpose. Therefore, bidi factory owners and the Government should jointly construct these centres. Regarding T.B. Centre/Hospital in Bihar Sherief, it is being heard that now it is being set up somewhere else. You should examine all the justifications and take necessary steps to set up the aforesaid Centre in Bihar Sharief (Nalanda).

Hon. Chairman, Sir, regarding D.A. and bonus and about the practice of giving contracts about which several Hon. Members have rightly said the employers easily find way to evade the laws. Therefore, the owners dsitribute dry leaves at the homes and get the bidi manufactured there as it does not come under the Factory Act and Industrial Dispute Act. I want that this type of practice should be stopped. The people who get the bidis manufactured at homes and who say that it is their fundamental right to manufacture bidis in the market place or at homes should be made liable to punishment under all relevant laws so that they cannot exploit the workers Whether there is only one bidi worker or fifteen workers in a bidi manufacturing unit, all should get the same facilities which a factory worker gets. You should make arrangement for this.

Mr. Chairman, Sir, I would like to request that before a comprehensive Bill is brought, at least a meeting of the representatives of Central Trade Union should be called. You should also accept their suggestions to the possible extent. Only then a comprehensive Bill should be brought.

Mr. Chairman, Sir, I support this Bill

and as you are a young and energetic Minister you can do a great job for the welfare of the bidi workers, whose plight is misearable. I personally request you to do something for the welfare of the bidi workers.

Sir, as our colleague Mr. Rajhans has rightly said that it was Supreme Courts decision that the workers who do not get minimum wages, should be considered bonded labourers. This situation may not be considered bad. So, from that point of view as well as from the point of view of the law these bidi workers' condition is similar to the conditions of bonded labourers. I hope that you will certainly bring a comprehensive Bill in the House, in their regard.

SHRI BALASAHEB VIKHE PATIL (Kopargaon): Mr. Chirman, Sir, the Bidi and Cigar Workers (Amendment) Bill shows that quite a large number of workers are engaged in bidi and cigar industry. In this connection, I would also like to say that a large number of workers are engaged in the units manufacturing chewing—tobacco but they have not found a reference in the Bill. Government of Maharashtra had formed a committee in this regard and also made a law but as some hon. Members have observed, the situation remains the same as that law has not so far been translated into practice.

It is a fact that about 40 lakh workers are engaged in bidi industry, but it is the workers engaged in this industry who are being exploited most. We want a social system free of exploitation. While our aim is to bring about this system, there is exploitation of both type, i.e., on one hand due to money and on the other due to bad health. The health of the workers engaged in this industry is not good.

There are twenty two per cent female and one per cent child workers in this industry. If we talk in terms of age, sixty eight per cent workers are below the age of forty years and thirty three per cent are of above forty years. The persons who are below twenty five years constitute thirty-three per cent of the total. Just now some hon. Member rightly pointed out that more young persons are engaged in this industry. The

industry is widely established in villages, cities, hilly and tribal areas.

In the previous session, one thing was thing was said that wages can't be increased because it can lead to increased unemployment. If sophisticated machinery installed in the industry, it will become mchanised and the workers will become unemployed. In this way it will be difficult to solve this problem. Along with this we have to see how the exploited workers can be meted out justice and saved exploitation.

At present there is only one hospital for forty lakh workers. Two hospitals with fifty beds each are proposed to be constructed. But what is number of T.B. sanatoria? Not a single one! People have to take recourse to private sanatoria or the Government hospitals. They do not receive proper treatment there because they are not special hospitals. Some women workers contact cancer. At preset sixty to eighty per cent people are suffering from T.B. and many women are becoming victims of cancer. We should open maximum number of cancer treatment centres. It is true that factory owners should aliccate some funds towards this but how much are we going to spend.

Recently scholarships have been given to 17,000 children. You will note that even half of the total grant for the purpose has not been spent. The Government wants to spend some money but not even half of the total grant is spent on the workers. I would like to know responsibility we are discharging as Government. We should strive to meet out justice to these workers.

Labour Commissioners in many States say and we also say that it is a State-subject. There is Labour Commissioner, Asstt. Labour Commissioner and the bidi industry has formed many trusts. There is a Charity Commissioner also. The bidi industrialists have developed this industry so much that they have constructed palaces for them. On the other hand, in my view, no benefit is accruing to the bidi workers. Funds are being created after collecting contributions from the workers and the trusts are being created for them. But who are the trustees? *Dadas* among the workers or their *munshis* are included in the trusts. I would like to



[*Shri Balasaheb Vikhe Patil*]

ask who derives benefit from them? It is a matter to think over and the workers have to be informed about it.

Sometimes the workers go on strike which runs for two to three months. The Government is unable to help them and as a result of it they face starvation.

You supply 1,000 leaves to the workers all of which cannot be used for making bidis. Out of 5,000 leaves only 2,000 bidis can be made because the rest are rotten. All the children and parents do this work of bidi making but there is no provision for their education. Is there any scholarship scheme? The worker is covered under four laws. You should make a comprehensive law in place of four to six laws which should take care of the interests of the industry as well as the workers.

Some unions are working on this issue but they are not so effective because due to unemployment a substitute for a sacked worker is available.

Recently you have enacted Industrial Disputes Act but the bidi workers don't get that much benefit which they should be given. Today you are paying fifteen rupees as maximum wage but every worker is not getting that much. Most of the workers get only five rupees as wages. Leave aside the issue of female workers because they are getting very less wage. In my view, you should think over the extent of wages to be paid to male and female workers.

At the same time, at some places the wages are paid according to the number of bidis rolled. Some seven or eight years ago, our Prime Minister Smt. Indira Gandhi had made great effort to improve the situation and the Government had also nationalised the tendu level trade but despite all that, these workers get only two to three rupees a day due to which they are still suffering. The industry has not extended any help. About one lakh workers are engaged in this industry in Chanderpur in Maharashtra. The industrialists are not observing any law. Wherever you have enacted minimum wages acts, it is also not adhered to. I would request the Government to look into this matter.

Now a days, there are co-operative societies of these workers in Maharashtra and Karnataka but they are not getting proper facilities. Maharashtra Government has even enacted a law that the Scheduled Caste and the Scheduled Tribe members of these societies will get full facilities from the Government. It is my request that this should be applicable to all places and these co-operative societies be formed everywhere.

The Government must give serious thought to this problem as bidi workers are exploited most. The plight of the contract labour is still more miserable. When they are given work, they are asked to sign a plain paper and those who are nominated as trustees, they also get the resignation letters signed in advance. When their condition is so miserable then for how long will you be able to delay the matter on the plea of the State subject. For how long will you continue to tell the workers that you have full sympathy for them. Today our labourer can't express their feelings due to some hardships and even if they say something by gathering a bit of courage, they are threatened with dismissal. In such a situation, you have to do something to improve their lot.

You talk of modern technology these days. You should provide these co-operative societies with good machinery and also give some grants. Only such steps can generate courage, confidence and power in them.

You should pay more attention to the labour welfare schemes of which you talk about these days. Health services also should be paid attention to. These workers should be covered by Employees Health Insurance Scheme. Your point regarding bonus and provident fund is correct, but when you consider it as an industry, then the employees and workers of this industry should be covered by the same insurance schemes. You should enquire from all the State Governments as to what they are doing in regard.

In case of female workers, some States have made provisions for maternity leave but despite that, the industry-owners don't sanction them maternity leave. If the

women workers do not get maternity leave then what type of justice are we meting out to them.

What is social security? What type of social security is there for these workers? There are no facilities for medicines, education, health and reading and writing. There is no employment security. It is no use to talk of their future. Do we propose to provide them with social security? You should discuss the entire problem with the State Governments.

In my view the Central Bidi Workers Board is the Board of the factory-owners. It is not workers' board. The Board does include the representatives of the union but they are not themselves workers. Only people like Datta Samant, who are leaders. are its members.

(Interruptions)

I am talking about bidi workers,

DR. DATTA SAMANT (Bombay South Central): Give me eight days to work and I will bring about an all round improvement.

SHRI GIRDHARI LAL VAYAS (Bhilwara): He is talking of appointing persons like you as members.

DR. DATTA SAMANT: Not that type of member who only sip tea.

SHRI BALASAHEB VIKHE PATIL: I was saying that unless more workers are included in it, it will not be in the interest of workers... (Interruptions)..... It is essential to have discussion for solution of this problem? We are not dictators. It is not that a legislation is enacted once and the issue forgotten. This is a democracy. If we have democracy, there will also be discussion.....

DR. DATTA SAMANT: The entire unorganised labour should be brought under it.

SHRI BALASAHEB VIKHE PATIL: Yes, this is right, we want it for the entire unorganised labour. I was saying that social security is very essential for the labourers.

With these words, I would like to say that this private Member's Bill has posed a challenge, and hope that now the Government will take some steps to provide relief to the workers. The Government should also pay attention to the seven lakh workers engaged in the production of chewing tobacco. I hope the Government will give some positive assurance and the hon. Member who has brought the Bill, will withdraw it.

With these words I conclude.

\*KUMARI MAMATA BANERJEE (Jadhavpur): Mr. Chairman, Sir, I want to speak in Bengali because through my own language I want to express my concern and my heart felt feelings based on my own experience of the lot of millions of poor bidi and cigar workers. Also, I have to give some Bengali quotations as this is a very sentimental issue.

Although I do not agree with all the provisions of this Amendment Bill, Yet I support the spirit of the Bill and the objectives behind it. In this august House many issues are discussed. Some are important, some are sensational. But we will have to speak about those neglected multitudes of bidi workers and focus attention on their conditions since they have no body also to speak for them. People rarely think about them or even hear about them. I want to speak about them and I will speak from my own experience. In Bengali there is a saying.

“Aapan bedona seijon bojhe  
je jon bhukto bhugi,  
Rog jantrona Kobha na bojhe  
hoi ni je kobhu roogi.”

One who has no personal experience of the misfortunes, one who has no idea about it, he can never speak effectively in this manner. Sir, here I will like to quote a few lines from my self written poem,

“Al prithibir bipode aapode  
ghurni jhanjhai jader sthan,  
jaader taja Raute koreche  
Sukhi samajere Gorte praan  
Tara'o aajke samajer niche  
Sukher bk gi onya hoi  
Dukhya tara sahibe kebol  
Sukher ionya tara ki noi ?

\*The speech was originally delivered in Bengali.

[*Kumari Mamata Banerjee*]

I want to speak about all these people in this Bidi Workers Amendment Bill. At the outset I will request the hon. mover of this Bill to withdraw it and let a comprehensive Bill for the bidi workers be brought forth by the Government. This comprehensive legislation should contain provisions of minimum wage, welfare activities and all other facilities and benefits for the bidi workers. Sir, in my Lok Sabha constituency there are about 50,000 bidi workers. With a heavy heart I say that while touring from village to village, I have seen with my own eyes that they don't have any fixed hours of work. There is no limit on working hours. They have to work not for 8 hours but from morning till mid night. But in return, they do not get even the minimum wages. I know this is the responsibility of the State Government. The State Govt. should implement the provisions of the minimum wages act. I also know that the responsibility of enforcing the welfare measures rests with the State Government. But even today we see in village after village that these poor people after working hard from morning till mid night the bidi workers do not get even the minimum wage of Rs. 16/-. This is the condition after 38 years of independence! Somebody gets only Rs. 8/- for preparing 1000 bidis, a women worker gets only Rs. 4 or 5 for preparing the same number of bidis. Sir, Smt. Indira Gandhi is no more with us. But while ratifying the ILO connection No. 100 if 1975 she had said "Right to equal wages nor women". If anybody established that on the face of the world, that was Smt. Gandhi. But Smt. Gandhi is no more. Who will implement it Sir? Implementation is not being effected today, and because of that the women are being deprived of their rights. Then there is the child labour Act and the right to equal wages etc. But who will implement them? This is a matter of regret that the women who do hard work day and night, when they fall ill and are unable to go for work they have to mortgage their children to the employees because the principle of 'no work no pay' is followed there. I know the Govt. has passed many a legislation. In 1975 the Govt. made a provision in the law that all the bidi workers have to be provided with 'identity cards' for their recognition. I do not know which State has

implemented that fully. I know the condition in my State West Bengal. I have myself visited several areas. I have organised the bidi workers through the INTUC etc. I have heard their grievances, wants and complaints myself. They narrated their experiences to me. I was surprised Sir, when they told me that they do not get payment. They go to the B.D.O., they go to the S.D.O., they go to the State Government but nobody listens to them! Who will implement the law? Today although I appreciate the spirit of the hon. Member who has brought forth this Bill, yet I say that I will speak about the condition of bidi workers in other States like, Kerala, Tamilnadu, Maharashtra, Gujarat etc. only when I find that my own house is in order. About my own State I regret to say that there was a time when all the workers had firm faith in the CITU union. The CITU used to speak about the workers who did not believe in any other union except this 'Red Flag' union. I regret to say that this CITU has only played politics with the bidi workers so long. I am told that the CPM is going to construct a party coordination committee's office at a cost of Rs. 90 lakhs. A CPM party office has already been constructed in Alimuddin Street costing several crores of rupees. The poor millions of Bengali are begging for food. The people of rural W. Bengal say that the 'Golden Bengal of Tagore, the 'Beautiful' Bengal of Jivananda has today been turned into the Bengal of 'death, murder and destitution' in the hands of the left front Govt. The people clamour for justice in vain. The comrades' are not only wasting crores of rupees on their party affairs. Sir, you will be surprised to hear that they are keeping pet birds in silver cages in their party office. What does that pet bird in the silver cage say? Rabindra Nath Tagore sang 'Whosoever may say whatever he likes, but I must have a golden deer.' This CPM's bird in the 'silver' cage is singing "whosoever may say whatever he likes, but after the next elections I want a 'golden' cage." In place of silver there will be gold. After gold it will be diamond it will be more costly jewels. But the problems of the people of West Bengal will not be solved. I know that State Govt. of West Bengal is not going to implement any of the legislations in favour of the bidi workers. But the Central Govt. cannot be a more onlooker because the State Govt. is not implementing

them. The Central Govt. has also some responsibility in this regard. Whose responsibility is it to organise these unorganised sectors? In every district TB hospitals should be set up. In my area there 50,000 bidi workers. I say that a TB hospital is very necessary there. Now if this TB hospital is not set up, who will look after their treatment? Even if the Central Govt. sets up this TB hospital and hands it over to the State Govt. I know for certain that the State Govt. will do party politics there. The poor bidi workers who go there for treatment will not get any treatment. Therefore, I request the Central Govt. to set up TB hospitals in every districts as there was a Govt. proposal earlier. The bidi workers need immediate treatment. Secondly there is need of issuing identity cards for the recognition of the bidi workers. Thirdly I want to say that there must not be any discrimination between man and woman regarding payment. There is poverty in our country. But what is more important, there is illiteracy in our country. Illiteracy is a big problem. Workers cannot read or write. Even the small children of the bidi workers have to be mortgaged for rolling bidis. The children do not get any opportunity to study. The Govt. will have to take the responsibility for their education. I know that our Govt. is trying for the upliftment of all the poor people from primary level to the decision making level. But implementation is the most important thing. For implementation you conduct surveys. For surveys work you send a high power team. This team should find out what are the difficulties faced by the people. Who is not working properly etc. The Govt. rules provide for the issuing of identity cards... (Interruptions)

Sir, I know that if you want to speak the truth, many untruths will be hurled at you. The CPM thinks that they will shut my mouth and that I will keep quiet out of fear. I may tell you that if I have to speak the truth for the interest of the people, if I have to speak out the truth to safeguard the rights of the people, I am not afraid of the CPM, however low they may descend to shut my mouth, I have to speak the truth for the people who have sent me here to speak for them.

Next I want to say Sir, that the Govt. has collected a tax of Rs. 1100 crores from

the bidi industry. But the expenditure on the welfare activities of the bidi workers is very meagre. The Govt. should spend more for the welfare activities of the bidi workers. Sir, the bidi workers are exploited in the hands of the employers. I think that working on the cooperative system may improve matters. If some bidi workers are formed into cooperatives and the Govt. appoints one adviser or chairman thereof, and in this way if these cooperatives can be run on the line of small scale industries then the bidi workers will have job security and adequate protection. At the same time they will get other benefits and facilities like, bonus, gratuity, ESI scheme etc. The Govt. also be able to keep a watch that they are not deprived and exploited. With that Sir, I again appeal to you that please do not deprive the poor bidi workers. You know that Tribunals were set up at Madras, Bombay and Nagpur. They were of the unanimous opinion that the bidi workers are neglected and deprived even today. These poor hard working millions want to live like human beings. Come let us all join in our efforts to improve their lot. The time has come when we should all join hands and strive together and renew our thinking in this regard. I would request that a comprehensive Bill may be brought forth to enable the bidi workers and their women fold to live in respect and dignity and to provide education for their children. Thereby the Govt. will be able to kindle a ray of hope in the hearts of these down trodden masses before moving into the 21st century. Sir, I thank you for giving me time to speak on this Bill and with that I conclude.

[English]

SHRI V.S. KRISHNA IYER (Bangalore South): I rise to support the non-official Bill sponsored by Mr. Saha.

I wish the Government of India had come forward with a comprehensive Bill because it is known to every one that the bidi industry is the most exploited industry in our country. Next to agriculture and handloom it is the bidi industry that gives employment particularly in the rural areas. Nearly 40 lakhs are employed in our country—it is reported. In my own State of Karnataka there are more than 3 lakhs bidi workers. I find from a report—I was

[*Shri V. S. Krishna Iyer*]

just going through that—that in our country nearly 130 crores of beedis are rolled every-day and this consumes about 80,000 tonnes of tobacco and 3.5 lakhs tonnes of kendu leaves and the cost of the tobacco is nearly Rs. 100 crores.

This is an industry which does not involve foreign exchange. On the other hand we are exporting beedis now and we are getting—I could not get the figure—foreign exchange also. We are exporting to a number of Gulf countries.

This is the poor man's smoke. Of course, this industry causes harm not only to the smoker but you know the dangers of smoking also, but it is a health-hazardous industry. Just now many of the numbers have spoken. I find from the statistics given to me that nearly 25% of the Labourers are suffering from one disease or the other, particularly, the TB disease among the workers engaged in this industry. This is the position of the industry.

The main object of this Bill is to eliminate exploitation. It is unfortunate that even after 38 years of independence the Government has not been able to eliminate this exploitation. There are laws, even now there are laws and of course, this responsibility for implementation of the laws is on State Government.

I would like to draw the attention of the hon. Minister to one or two rules framed under one of the relevant Acts. Rule 48 of the Beedi Workers' Welfare Fund Rules 1978 provides that the owner of any establishment, factory or contractor engaged in the manufacture of beedis shall issue to every employee an identity card. I would like to know from the hon. Minister whether he has checked up any where and whether he has found in how many places this identity card has been issued.

In my own constituency there are more than 500 slums and in most of the slums the slum-dwellers are engaged in manufacture of beedis. And you do not find even a single card with any of those slumdwellers; particularly, most of the women who are engaged in this work are *purdah* women.

The present law, I think, is very ineffective. It cannot be enforced. It has no teeth. No action has been taken against the manufacturer or whoever it is.

Coming to the next one:

“Rule 40 (2) (a) of the Beedi Workers' Welfare Fund Rules, 1978, provides that each executive authority of any local body such as Municipality, District Board, Panchayat Boards, Block Development units, in any State or Union Territory where persons are engaged in the manufacture of beedis shall prepare a register of beedi workers residing within the jurisdiction of that authority. Instructions have been issued that certificates given by local bodies on the basis of the registers maintained by them should be accepted by the Welfare Fund organisation for providing welfare facilities.”

This is one of the answers given by the Government. Have you checked up this with Municipalities or local bodies or Corporations? Do you think that they are maintaining registers of beedi workers? I myself was connected with one of the Corporations, the Bangalore Corporation for more than a decade; I was also Mayor there. To my knowledge nowhere are they maintaining such registers. I do not know; it is perhaps practised more in breach than in observance. To my knowledge they are not maintaining. That is why, it is all the more necessary that you accept this Amendment which has been brought forward.

I understand that by way of income-tax the beedi industry people are giving more than Rs. 100 crores. But you would have get more than Rs. 1000 crores if there was no tax evasion.

Do you know what happens in the beedi industry? Mr. Amal Datta explained in the morning. The manufacturer gets the tobacco leaves, the material required, and gives them to the workers in the morning; the workers work on that from 6.00 a.m. to 9.00 p.m.; the entire family works there; the manufacturer comes in the night and takes away all the manufactured goods. He pays to

the workers very nominal wages, not even the minimum wages, but he makes a lot of profit.

Many of these beedi manufacturers are take manufacturers ; they are not registered; they do not have the licence. At times they sell their products in the name of well known brands. If there is any tax evasion in our country, to a great extent, it is in this industry, the beedi industry and Government has not been able to do anything in this matter. Hundreds of crores of rupees are being evaded by this industry.

Exploitation of labour is the maximum in this industry. The minimum wages are not paid. Many hon. Members have made this point; I do not want to repeat. There is lot of exploitation. Even regular licenced people and organisations do not pay the minimum wages. Another thing is contract labour. That also has been mentioned.

More dangerous than this, or even inhuman, is engagement of child labour in this industry. The children are not sent to school but are made to work. If there is child labour exploitation, it is in two industries— one is the match industry and the other is the beedi industry. Children are exploited in this industry. Child labour must be abolished.

Coming to welfare measures, many hon. Members have already spoken. Even the cess money you are collecting, you are not spending fully on labourers or workers. There is a specific cess on beedi. Whatever figures are being quoted by me have been given by the Government; I am quoting from your own answers. In 1982-83 the excise duty collected was Rs. 120.94 crores and the cess collected was Rs. 3.20 crores. In 1983-84, the excise collected was Rs. 129.36 crores and the cess collected was Rs. 3.46 crores; in 1984-85 the excise collected was Rs. 128.29 crores and the cess collected was Rs. 3.45 crores.

Out of this cess collected, you have given the break-up as administration, health, education, recreation etc. But I have given only the total figures. Even out of Rs. 3.45 crores which you have collected in 1984-85, you have spent only Rs. 2.12 crores on the welfare of the workers.

They do not have security. Many of the Beedi workers in their life time have remained as Beedi workers without any security. Whatever the contractor or the manufacturer gives, they should accept. Otherwise they may be thrown out of their jobs. That is how they are being exploited.

I agree with what Hon. Member Shri Patil said that the Hon. Minister Mr. Sangma should give encouragement for the establishment of Beedi workers Cooperative Societies. In 1982 there was a Committee headed by Mr. Panikar and he has given a report wherein he has suggested that nearly five lakh workers can be brought under co-operatives. They have done in some states like Karnataka and Kerala on an experimental basis. The Government should take the initiative and see that Beedi workers cooperatives are established. Sir, you should not stand on prestige. You accept this amendment; otherwise this will be an anti-labour and an anti-human attitude. Even though it is brought by an opposition member and as a non-official amendment, don't stand on prestige and please accept this. Very soon, during the current session itself, please bring a comprehensive bill and we will all give support.

You are a young man, even the communist members have paid compliments to you, you should deserve that. I also compliment you, provided you are bringing a comprehensive Bill. It is high time that the labour in all the sectors should be protected. The security of the labourers is very important and the welfare of the workers is equally important.

With these words, I support the amendment.

MR. CHAIRMAN : Before I call Shri Girdhari Lal Vyas to speak, I must tell the House that the time allotted for this Bill is expiring at 5 O' clock. There are four to five more members to speak and then the Minister will intervene. After that the mover has to reply. So, for the present we will extend the time by 45 minutes.

SHRI BASUDEB ACHARIA (Bankura): 45 minutes will not do.

MR. CHAIRMAN: We want to finish it today. Initially we shall extend it by 45 minutes and later we will see. Is it the pleasure of the House that the time be extended by 45 minutes?

SOME HON. MEMBERS: Yes

MR. CHAIRMAN: The time is extended by 45 minutes. I request the Members to be brief.

[*Translation*]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Chairman, Sir, I support and welcome the Bidi and Cigar Workers (Conditions of Employment) Amendment Bill introduced by Shri Ajit Kumar Saha. But the provisions of the Bill are not sufficient enough so as to solve the problems of all bidi workers. I would, therefore, request the hon. Labour Minister to bring a comprehensive Bill in this House for solving the problems of the bidi workers.

I would like to convey my thanks to the hon. Labour Minister and the Central Government that in recent years some Bills have been brought forward for the welfare of bidi workers and some welfare activities are not sufficient to the extent they should have been. The bidi workers are still unorganised. The entire amount accrued from cess on bidis is meant for being spent on them but you are saving some amount from that. I do not understand the purpose behind it. Actually what should have been done is to increase the welfare activities to the extent possible and the main complaints in regard to the health, living standard, housing facilities etc. for the workers should be looked into properly. Just now the hon. Members have stated that more than 25 per cent of the bidi workers get afflicted with T. B. You have not made any provision for hospital or dispensary at any place for them. Although in a number of States like Rajasthan, welfare activities in this regard are going on, yet for the main problem like T.B., no provision has been made. Facilities like dispensary should be provided in those areas where workers live in majority

so that their health is looked after properly. Welfare activities like providing dispensary and hospitals have not been started for bidi workers as has been done for workers engaged in mica mines. So, such activities should be taken up effectively.

No arrangement has been made to ensure whether the workers, who manufacture bidis are actually working in the factory premises, at home or under contract labour, and whether they get minimum wages or not. There are a number of such employers who gobble up the entire wages. What measures are you going to take in this regard? Proper arrangement should be made in regard to the payment of wages and the minimum wages so that the problem of bidi workers is solved. There is need to make this arrangement in a proper way. The workers who work in the factory get the wages without any difficulty but it is not so in the case of those workers who work at home or work under contract labour. We will have to make some provision so as to bring all these workers under this act. In this way they will be able to enjoy facilities like others. Unless this is done, they cannot be freed from the clutches of contractors and given the wages which they should have got.

It has been mentioned in the Statement of Objects and Reasons of the Bill that about 50 lakh people are engaged in this work in the country. At least five members of each family are working. Actually the number of persons who are engaged in this work is more when put together with the family members of the bidi workers. The number which has been mentioned pertains to male and female workers. The number of their family members who are engaged in this work is higher. It is not fair that no proper provision has been made by your department for this industry in which a large number of persons are engaged. The hon. Minister should take urgent measures to solve the problems of these workers at the earliest. The hon. Member belonging to the Communist Party, while speaking on the child labour, had stated that the fingers of children being soft are suitable for making good quality bidis. The child labour

is engaged in large number in this job when on the other hand there is provision to provide them education and not to engage them on such work. You very well know the economic condition through which the people are passing and in what way the poor people are doing the job. If their children are not allowed to do this job, the whole family will starve to death. So they work under compulsion. Actually there is no harm in doing this work but proper arrangement for facilities like punctuality of work, education, wages etc. should be made so that the children, who are engaged in this work, may be able to enjoy such facilities. These provisions are very essential and they should be implemented also.

Besides, there is no provision for social security. The employer can get offended any time and sack the workers. There is no provision to help the worker in retaining his job by taking up the matter with some authority. Because the Industrial Disputes Act is applicable only to factories. The other workers cannot take advantage of it. So there is need to adopt measures to implement these provisions in their case also.

I would also like to make a submission that welfare activities should be launched for the bidi workers also. Efforts should be made to organise them. At present these workers are unorganised. Of course some workers have formed trade unions but the trade unions of those employees, who are working at different places, do not have such force as the organised unions have. There should be provision of trade union for these workers, cooperative societies should be formed for undertaking welfare activities for them. If the workers become their members, the work of manufacturing bidis can be speeded up. Provision should be made to make all the benefits of labour Acts available to them. The spirit behind this Bill, that has been brought, is commendable. The definition of the contractor made therein is also welcome. Section 2 (d) says :

[English]

“(d) ‘contractor means a person, who in relation to a manufacturing process of beedi or cigar or both undertakes to

produce a given result for the employer by executing the work through contract labour or who supplies contract labour for any work in connection with a manufacturing process or who engages labour for any manufacturing process in a private dwelling house and includes a sub-contractor, sattedar, agent, munshi, thekedar or the like.”

[Translation]

This definition should form an indispensable part of the proposed Act so that the actual employer can be held responsible for the work taken by the contractor on his behalf and consequently entire facilities are made available to the bidi or cigar workers through the contractor. It is essential to make such provision.

Therefore, various terms incorporated in the Bill should be defined in such a way as may afford relief to the entire community of bidi workers. It has been stated in the Act :

[English]

“(ii) for clause (f), the following clause shall be substituted, namely :—

“(f) ‘employee’ means any person who is employed for wages of any kind to do any kind of work, manual or otherwise in or in connection with the manufacturing process of beedi or cigar or both of an establishment and who gets his wages directly or indirectly from the employer and includes any person employed by or through a contractor in or in connection with any manufacturing process of beedi, cigar or both and also includes :—

(a) any person who is given raw materials by an employer or a contractor for being made into beedi or cigar or both at home (hereinafter referred to in this Act as ‘home worker’) and

(b) any person not employed by an employer or contractor but working with the permission of or under agreement with, the employer or contractor or both.”



[*Shri Girdhari Lal Vyas*]

[*Translation*]

Therefore, the definition of 'employee' should be further modified so that everybody can be included in it, whether one is a worker at a factory or working under a contractor or is manufacturing bidis at home. Besides, there is need to make such a provision in the definition so as to enable them to get equal benefits. The Government should take early steps in this direction.

I would like to make a submission regarding clause 2 (v) wherein it is stated :

[*English*]

For clause (m), the following clause shall be substituted namely :—

“(m) ‘principal employer’ means a person for whom or on whose behalf contractor engages or employs any contract labour in an establishment for which licence under sections 3 and 4 of this Act has been issued for manufacturing of beedi or cigar or both”.

[*Translation*]

The definition of 'principal employer' should be specific because many a times it has been observed that they refuse to own an employee on the plea that they do not have any direct dealing with him. Therefore, provision should be made to make the principal employer responsible for everything, even if the work has been carried out through a contractor or any other agency. It is only then, that the workers can get all the facilities.

There is also need to issue licences to bidi manufacturers. Otherwise anybody can start manufacturing bidis and the labour department will not know about it. Therefore, it should be made obligatory for the bidi manufacturers or their agents or contractors to get the licence. If they are not forced to get licence how will your department keep a record of the number of bidi manufacturers. The Government will also find it difficult later on to realise cess or excise duty because there are number of manufacturers who wish to evade it. The Government is thus deprived of its revenue.

Therefore, all the bidi manufacturers should be brought within the purview of the definition so that they do not indulge in malpractices.

Clause 2 (vi) states :

[*English*]

For clause (n), the following shall be substituted namely :—

“(n) ‘private dwelling house’ means a house in which contract labour engaged by a contractor on behalf of the principal employer or by the principal employer himself for manufacturing of bidi or cigar or both reside.”

[*Translation*]

Besides this, the persons who manufacture bidi at home should also be brought within the purview of this definition in order to enable them to avail of the benefits and facilities that are at present only available to the licenced manufacturers. A provision to this effect should be immediately made.

Unless we make adequate provisions or try to improve the things, we cannot safeguard the interests of workers. Mr. Chairman, Sir, I would like to submit to the hon. Minister through you, to impress upon all the Inspectors of the labour department to find out the places where bidi is manufactured and how many people are engaged therein. They should also enquire whether the workers are getting minimum wages and whether there are any cases of non-payment of wages or delay in this regard. If such a system can be ensured with the help of Inspectors, then we can provide them justice and would have done our duty to them. Where the Central Inspectors are not available, efforts should be made to implement the system through the State Government. There are hundreds of Inspectors in the labour department of each State. Any one of them can be posted in the area where bidi making is undertaken in order to implement the provisions properly. It is only then that we can do justice to the unorganised bidi workers.

It is sad that most of the officials in the labour department only look after the interests of the capitalists. I would urge them that they should not only safeguard the interests of the capitalists but also those of the workers. Therefore, they should change their attitude in this regard.

There are many irregularities in respect of Provident Fund and ESIS. It clearly indicates the extent of ineffectiveness and height of irresponsibility on the part of the labour department. I, therefore, request you, Sir, to provide ample powers to the labour department so that the workers get maximum benefit, their problems are resolved and they get justice.

I appreciate the sentiments behind this Bill, but as I said earlier that as its objective is very limited, the hon. Labour Minister should bring forth a more comprehensive Bill in this regard for the welfare of workers engaged in bidi industry.

With these words, I thank you and conclude.

**SHRI MOOL CHAND DAGA (Pali) :**  
Hon. Chairman, Sir, we should never expect the Labour department to implement the labour laws. It is a false hope because it only believes in farming laws. Had the hon. Member, who introduced this Bill, ventured to go in greater detail, he would have found that such provisions are already there. The labour department knows how to frame laws but knows not how to enforce them. Everywhere there is *Inspector Raj*. The inspector pockets the entire money. He can never enforce the laws. One should try to know the reasons behind this. What does he get after all? A paltry sum as salary. For that matter, take any Inspector whether he is Holiday Inspector or Weights and Measures Inspector, they just pocket the regular payments made to them by the factory-owners and turn a blind eye to the whole affair. You have to see the extent of power vested in these Inspectors. This needs to be looked into.

[English]

Inspector will use assistants ! He will use power. He cannot compel them to give

evidence. What is this ? I have really not followed it.

[Translation]

This is the type of legislation. It is true that you are new but the laws was framed in 1966. Kindly see how it can be enforced. I would like to know how many employers have been put behind the bar during the past three years for violating these laws ? ..... (Interruptions) Shri Manoranjan ji has worked for the welfare of bidi workers, and has long experience in that field but I have never seen a bidi in his pocket. Hon. Minister, Sir, eminent lawyers, former Ministers and Speakers are sitting next to you and you may ask them the justification of this law. It needs to be amended immediately. Why does the law provide for exemption under section 41 wherein it is stated that :

[English]

“The State Government may by notification in the Official Gazette exempt subject to such conditions and restrictions as it may impose, any class of industrial premises or class of employers or employees from all or any of the provisions of this Act.....”

[Translation]

What is the use of this section 41 after all? Could you kindly make me understand. Another section of the Act States that the Inspector will not receive any evidence which may tend to incriminate him.

[English]

It is mentioned in the Act that no person shall be compelled to answer any questions. Section 7 (I) (a) of the Act says that the Inspector..

“may make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act have been or are being complied with in any place or premises :

Provided that no person shall be compelled under this section to answer any question or to give any evidence which may tend to incriminate himself.”

They use the words, "which may tend to incriminate himself." Is the Inspector like a Station House Officer at the police station? Why can't he ask the person or compel him to produce the register, saying that he wants to see it? You say that the person cannot be compelled to produce any register, etc.

Section 7 (I) (c) says that the Inspector may :

"enter with such assistants as he thinks fit, at all times any place or premises ..."

[*Translation*]

Such are the provisions in this law. The Inspector is interested in pocketing regular payments made to him in lieu of reporting to authorities that everything is going on smoothly. In my area.....

AN HON. MEMBER : This is just to meet their sundry expenses.

SHRI MOOL CHAND DAGA : This practice has started there as well. I dare say, that Sangma Sahib did not have a chance so far of meeting a bidi worker. He is a new Minister. His predecessors also never bothered to meet and talk to bidi workers.

AN HON. MEMBER : Anjiah Sahib has talked to them.

SHRI MOOL CHAND DAGA : We know of Anjiah Sahib. Kindly tell me who has gone and talked to bidi workers. The people there mortgage their children. The father says : "I hereby mortgage my child. Pay me Rs. 200 per annum."

Today, we are discussing a matter of grave concern. I would like to know how many people have been convicted? It is stated that :

[*English*]

He shall produce a plan.

[*Translation*]

There is no proper ventilation at the work places. Even the sanitary conditions are not good. Sometimes 50 workers have to use the same toilet. Separate arrangements

[*Shri Mool Chand Daga*]

should be made for male and female workers. This law has become obsolete now.

[*English*]

"The competent authority shall not grant or renew a licence unless it is satisfied that the provisions of this Act and the rules made thereunder have been substantially complied with."

[*Translation*]

Now I would like to know the number of licences cancelled by you. No senior officer goes to that place. Neither does the Chief-Inspector go. In my view, all these labour laws are meant only for being preserved in the books. You have placed your laws in the almirha in the same manner as the Ramayna is kept for an ornamental purpose. You tell me how many persons were booked for the infringement of laws.

Now a days, even the bidi manufacturers give donations for the elections. You collect donations which consist of the money accumulated after exploitation of the poor. It is a terrible blow to our social set up. This type of thing does not behave a welfare State. There is no such law as to punish a person who does not pay even minimum wages. Do the workers of bidi industry get minimum wages. Have you ever tried to find out that this Act of yours was enacted in 1966. In my view, it was the time when Shri Sangama was born. I would like to inform Shri Sangama that this issue involves fifty lakh workers engaged in the bidi industry. This is the question of the exploitation of those women, of those mothers who live in a welfare State.

Our Planning Minister, who talks very nice things, is sitting here. He tells that very good very plans are being made but he does know that these plans are confined to paper only. You will hate seeing the bidi workers. They don't have clothes on their body and remain bare-footed. Their wives have no bangles on the wrists and they work like labourers. They can't talk with their heads high. Kumari Mamata has rightly said only the wearer knows where the shoe

pinches. You tell me how many inspectors have you suspended.

[English]

Whether you have suspended one Inspector or a Chief Inspector or a Labour Officer or a competent authority who has given a wrong licence.

[Translation]

You live in beautiful bungalows, but the labourers are allotted very shabby houses to live in. And then you allot them houses in that street of Delhi which Mr. Bhardwaj would never have visited. That is why there is a glow on his face.

In the relevant existing law, there are the requirements of a plan, ventilation, latrines, urinals and cold water; and you have to provide the money. Now you say that you don't have the authority but you must have thought about it earlier when you made this law because only that law is good which can be applied and without application, a law is useless. Look at the exemption clause and I shall repeat it as the Labour Minister has now come. What is this law that says that you can't compel him for giving evidence. From where it has been appended to the law. Have you ever seen this law where the Government can exempt some person. I ask the Labour Minister how long this Inspector-rule will continue.

[English]

This is what the section is :

"No person shall be compelled under this section to answer any question or to give any evidence which may tend to incriminate himself..."

[Translation]

Let us say for a while that he can say that there is no compulsion for you to give any statement. Then what remains there for an inspector to do? I request you to repeal this Act. You should positively change this Bidi Workers Act and kindly do it before the Budget Session is over. It contains a few clauses. The high ranking officers of the Labour Department call the big capitalists and, talk to them and take

their advice. There is a welfare board. How many bidi workers are the members of this board? How many of them are called to check the bidi welfare cess amount and the activities undertaken with that amount? How many houses have been built and allotted? Where do the workers live? In this law you have mentioned that a bidi worker can work for nine hours. You make a provision that a bidi worker shall work for nine hours a day.

Mr. Speaker, Sir, I feel obliged to you for giving me time to speak. But this law is very old and gives powers only to Inspectors and chief Inspector. What are the emolument of an Inspector under law? Only Rs. 1000 and then he requires scooter and T.V. set; he, therefore, earns Rs. 4,000 to 5,000 per month. These Ministers earn less but the Inspector makes more money. His wife wears a saree worth Rs. 1,000 and your wife wears a saree worth Rs. 225. You are no match to him. You have given these Inspectors all the power. All this money which is spent on these Inspectors, Boards and Committees goes waste. Therefore, change this Act and if you cannot, then you can refer it to the Law Minister, sitting besides you, suggestions. He has just made up his mind to change this act. I express my thanks for the same and also thank you, Mr. Speaker, for when you come ...

MR. CHAIRMAN : You get more time to speak.

SHRI MOOL CHAND DAGA : It is not about time, Sir. You listen with great patience and always wear a smile. Otherwise, others ring the bell too soon and consequently we have to finish our speech.

[English]

DR. DATTA SAMANT (Bombay South Central) : In the the last one-and-a-half years I have been hearing in this House such speeches rarely. But I totally agree with Mr. Daga. I want to ask whether this Government is really interested to do anything or something somewhere at least for the poor classes and unorganised labour in this country. I have said in this House many a time that farm labour is four to five crores and sugarcane, tea, coffee labour,

[*Dr. Datta Samant*]

they are all profit earning labour. For them, are you doing something? But nobody is interested in doing anything for them. There are 1.1 crore powerloom and handloom workers, 60 lakhs bidi workers, 70 to 80 lakhs stone breaking and building construction workers, three to four lakhs buffalo looking after labour and then there are hospital and small dispensary workers. All such sections of the workers are given a paltry wage and they are all living below the poverty line.

You are talking of modernisation, new technology and 21st century, but poverty will never improve with the same proportion as your modernisation and new technology. For that it is high time ..... (*Interruptions*).

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA): Have you ever tried to organise this unorganised sector?

DR. DATTA SAMANT: Yes, I am coming to that. I have got stone-breaking workers for your information. In Bombay and Thana, 50,000 stone-breaking workers are getting Rs. 2,000 as salary, and the lady worker is getting Rs. 1,000 as salary. I think you should visit Bombay.

SHRI P. A. SANGMA: I am happy.

DR. DATTA SAMANT: Then the tabala workers are looking after the buffaloes. Those who are in my union, are getting Rs. 800 as salary—all the 40,000 from U. P.—when the minimum wage of the Maharashtra Government is Rs. 225. Because they are in my union, they are getting bonus, they are getting provident fund. But in Bombay, where your Labour Commissioner's office is only two miles from there, they are not looking after them. I have got lakhs of workers in small sections who are looking after the petrol pumps, laundries and all those things, and because of the pressure, the employers are prepared to give these things to them. But if you just go beyond Bombay, all your stone-breaking workers are not getting more than Rs. 4 or Rs. 5 and they are working for 12 hours a day. Nobody is taking interest. And I am sure, Mr. Daga is blaming you but ultimately he is with the party. Why don't

you talk about this in your party. Mr. Daga. It is no use talking about or blaming the individual.

Sir, I now come to the point. Are there any Minimum Wage Inspectors? Nobody is there. Why are you talking about that? Who is going to check? The Factory Inspector is assigned this work but for ten thousand factories there is one Factory Inspector. What are you talking? There is nobody to look after such type of workers. It is really a serious calamity that nobody is interested to look after such workers' cause. Regarding beedi workers, please don't leave the things to the unions. Do you mean that the unions can look after these 50, lakh workers? What for is the Government there? I am asking a direct question. It is not the unions' work. Don't leave it to unions. They are giving work for home to five workers, ten workers, six workers on contract. Who is going to look after this? It is the duty of the Government which has taken the vow of removing the poverty. It is there duty. They have miserably failed, and I am going to accuse this Government that they are not interested in this. I tell you in Nagpur we organised—not my union but the left parties the beedi workers; strike. I just went to give a lecture in Nagpur. In Nagpur I have no union. What happened? For three months the strike went on. Can a man drawing Rs. 4 or Rs. 5 go on strike? Are we happy about this? Nobody is happy about the strike. No trade union leader. But that is the ultimate weapon. Helplessly we have to take it. What happened? About one lakh workers were there. They were starving. Then we approached the Chief Minister, late Vasant Rao Naik. He said, "Dr. what to do? All these employers are getting workers from Madhya Pradesh border at Rs. 3 per day. So, I cannot do anything. You just go the employers, call on them, worship them and say come here and start working here," I am asking the Labour Minister what is this. You are getting the labour at Rs. 3 there. Even for Re. one you will get the labour because this is the child labour, this is the widow labour, this the lady labour. Five crores are unemployed. In every house in every village the poverty is so much that you will get the labour even for Rs. 1.50. What is

this Government doing? Are they really interested to check it? They can do a simple thing. Don't leave it to union, whether it is INTUC or others. It is the duty of the Government to look after these crores of workers. I will suggest you something, No Act is applicable to them, The Factory Act is not applicable because 20 workers are not there, the Bonus Act is not applicable because 20 workers are not there. Not a single permanent worker is there. Nobody is issuing the card, at least in Maharashtra. What is the Government doing? Not a single card they are giving to the beedi workers. What are their officers doing? Can't the Government do one thing? They should just issue a six-page booklet certified by the Government's Labour Department in the vernacular and let it be with the labour. Can't they do such a simple thing? He has to mark his attendance and get the payment every week. Let it be piece-rate. I know whatever I talk, they are not going to give them anything. But I have to talk with limitation because I have seen the Government's pulse as far as the labour and the working class is concerned. Let them issue the card and then the Government should check it. And while implementing this thing, the register should be maintained in the Labour Commissioner's office. After working for ten years, what will the unions do? We cannot do strike because they are poor workers. If I go to the Labour Commissioner or to the Industrial Court, the employer says he is not my labour. He says so because there is no record. Either there is no proof or he is keeping the proof with him. This is such a serious thing and the Government is not prepared to do such a simple thing. Are they getting bonus? There is no bonus for them. Are they getting gratuity? There is no gratuity for them. 25 per cent of these people are suffering from chest disease or cancer. Is anybody going to look after them? Nobody is bothered. (Interruption) And if such small things are implemented in respect of beedi labour, the Government will be able to do lot of things. In this House I have mentioned this and I will have to mention this again. You reply. I am asking the hon. Minister and all the Treasury Benches. Is there any single law? The employer has made some particular profit. Is there any law, any salient princi-

ple, that so much should be given to the workmen? There is no such law. Premier and Firestone are playing in crores. Nobody is showing you the correct accounts. There is Rs. 40,000 of black money because of these people's black deeds. You are financing them upto 90 per cent from the public financial institutions. The banks have issued Rs. 4,000 crores making the units sick. It is not because of wage. The wage is 10 or 15 per cent. Who is giving? I am categorically taking the Minister to Bombay. They are prepared to give wage. Sir, 3,000 or 4,000 rupees the sweeper can draw and the company can afford to pay. Is there any law? You don't pay. Let us go to the Delhi Industrial Court. You tell me what are the wage records of the workers as approved by this court. You will not find even 2 or 3 per cent. You say, all laws are there. Organised labour is there. You go 10 times. For beedi workers you go. You will get a decision after 10 years or 15 years. By that time the labour will go to heaven and you will die. This is the type of the fate of labour in this country. 50% of labour of this country are in casual, badli, training, apprentice, etc. I will take the Minister. Let us see the position all over the country. What is your Contract Labour (Abolition) Act? Sweet name you are talking! Is there any provision to make the contract labour permanent in that Act? Is there any provision that in a particular factory, if 10,000 workers are there or 1,000 workers are there, how many should be in contract, badli, trainee, etc? He can go on with 1,000 workers as contract labour. You go to Faridabad. 60% of labour is working on contract. Forget about the small, petty, mofussil places. Is there any such law? You talk of Contract Labour (Abolition) Act. 20 people should be there for registration. They employ 18 people for 20 contracts like Mukund Iron. I am not talking about individuals. In Bombay such things are happening. If the contract labour is removed, is there any provision that you can go to the court for reinstatement and all that? In this country now 40 to 25 per cent labour is contract labour. The population is increasing. There is lot of unemployment. With modernisation the people are thrown out. All these employers are going to exploit all these thousands and crores of

[*Dr. Datta Samant*]

masses. What is the Government planning for the future? You are talking of modernisation. In Bombay, the employers are closing the mills. They are not paying the electric bills. Take Srinivas Cotton Mill and WG Mill. I have got 20 or 30 factories. We are not on strike. The employers are closing the factories. We are agitating. The Government is sleeping over it. Take Sarabhai's calico chemicals. I have got 50,000 workers. There is no workers agitation. But the employer is taking the subsidy of the Government and going to backward places and again they will start with 5 or 10 rupees there. Is there any policy of this Government to look after the interest of the workmen? You are talking of technology and modernisation and improvement. Is your economy considering any further step regarding workers? You will have to do something. It is your obligation. I am in Delhi. Number of people are coming to me. In your hotels, what are the salaries paid? What are the working hours? Various shops and other things are there. Even graduates are not getting Rs. 700 or Rs. 800. What is your provision? Can they go to the court? You are giving how much subsidy? You are giving how much assistance to these employers? Regarding the working class, what is the population? Sir, 30% to 35% population all over the country is now the working class and therefore no Government can keep silent. It is your fortune that workers don't understand the economic issues. They have been misled by the political parties on the provincial or religious or all these issues and though they are dying, they think that because of union, we will be able to get this. Regarding Bombay textile people, what you have done for them? Beedi factory owners are there. If you have not implemented Central Acts, at least you prosecute some. I am not interested in sending anybody to the jail. But nobody is there to ask you because you have no desire to implement any law. There was the biggest textile strike in Bombay. How much law was implemented? 40 of my activists went under the National Security Act. There were 5,000 of my people. Section 151 was amended for that. Govern-

ment directive was there to break the strike. For 6 miles there was 144 section. Is this your attitude?

Though the mill owners have exploited the workers for 100 years, the Government and the union acted hand in hand with the mill owners to break the strike. The workers were on strike for two years and two-and-a-half lakh workers have been suffering for hundred years. The INTUC unions are totally working hand in glove with the Government. There are a number of mills which were closed prior to the strike also. The industry is not sick, but the employers have made it sick. Rs. 1500 crores of Government money is lost in the textile industry in the country. The business magnates have made the industry sick.

The Government has given a concession in the import of terrycot yarn and Rs. 130 crores are lost in the excise revenue on the pretext that cheap cloth will be given to the people. The Textiles Minister went to Bombay to garland the Century Mill owner and the price of the cloth has gone by 10 per cent in spite of getting concessions. This way they are exploiting the Government and the people. You are adopting the American economy-modernisation and technology. But will the poverty go out proportionately? Unless you make some proper distribution of this wealth, poverty cannot be eliminated. For 2-1/2 years this Government has been silently sleeping over the economic problems of labour. It is your duty and it is not the union's job to solve the economic problems of labour. The previous Minister was telling that all laws should be amended. Very sweet words; Mr. Anjiah said that many of the things which Dr. Samant said are correct and he also said that he would bring a comprehensive legislation. But one-and-a-half years have passed and nothing has been done. I think the other day the Minister said in Calcutta that there should be a comprehensive legislation in respect of all labour matters. But nothing has been done. Because of the present labour laws the workers are made helpless and they are forced to go to the court and just pass the time. The court cases are generally delayed for 5 years. They have to pay to the advocate

also and the workers are put to great difficulties. Do you think that a worker can pay so much of fees to the advocate after going to the court? You cannot blame the unions for this. Therefore, I say that such types of laws are not going to help. There should be a basic change in the policy of the Government. It is the fundamental duty of the Government to look after the share of the workmen and if they do not do that, I don't think the working class is going to remain quiet. The workmen feel that their economic problems are not the business of the party, and the parties are also busy with provincial and religious affairs. Even the State Governments are also equally responsible for this state of affairs. I am asking the hon. Member from West Bengal that if they can look after the affairs properly, they can solve 50 per cent of the problems of labour. I have seen that in Maharashtra also the same thing is happening, the State Government is not interested in those affairs. Similar is the case with Karnataka and others, nobody is interested in the labour legislation.

With these words, I thank you for giving me the opportunity to speak.  
17.50 hrs.

[SHRI N. VENKATA RATNAM *in the Chair*]

MR. CHAIRMAN : I put it to the House :

Shall we extend the time for discussion on this? If so, by how much time? Shall we extend it by two hours?

SOME HON. MEMBERS: By one hour.

PROF. P.J. KURIEN (Idukki) : My Bill is there. Don't extend the time for it.

MR. CHAIRMAN : For the time being let us extend it by one hour.

PROF. P.J. KURIEN : Already extended. Don't extend it further now.

MR. CHAIRMAN : Today this is up to 6 o'clock. At 6 o'clock we will be taking up Half-an-Hour discussion. I would now call Mr. Kammodilal Jatav to speak.

PROF. P.J. KURIEN : Sir, there will be no further extension after this. That also you have to say now.

MR. DATTA SAMANT : They never say 'extension'.

PROF. P.J. KURIEN : My Bill also should come.

AN HON. MEMBER : I am supporting you.

(Interruptions).

[Translation]

SHRI KAMMODILAL JATAV (Morena) : Mr. Chairman, Sir, the Bidi and Cigar workers (Conditions of Service) Amendment Bill deserves to be welcomed.

Crores of people are engaged in Bidi and Cigar industry but they do not get more than Rs. 5 or 6 per day. When the raw material for bidi, i.e., tobacco is not available with the factory-owners, the workers are without work for five to ten days. As a result of this, their average wage is reduced to Rs. 3 per day. Because of such low wages the bidi workers are forced to live in *jhuggis* or mud houses. I would like to suggest that residential accommodation may be provided to these workers in order to enable them to earn their livelihood properly.

Besides, I would like to submit that many small children are also engaged in bidi making and they remain sick because of the foul smell of tobacco. These children are also deprived of education. I would suggest that Government should provide scholarships to these children in order to carry on their studies and it should also impose a ban on the employment of small children in bidi industry. If the Government agrees to it, this problem can be resolved.

I also want to submit that the wages of bidi workers may be raised so that they can make their both ends meet.

With these words, I would like to urge the hon. Member who has introduced this Bill to withdraw it.



**SHRI DAL CHANDER JAIN (Damoh):** Mr. Chairman, Sir, I rise to oppose the Bill which seeks to amend Bidi and Cigar workers Act, because I feel that this Act, which was enacted in 1966 is adequate in itself. The Act envisages that a bidi worker, would be treated as an employee of a bidi factory-owner producing bidis under a particular trade mark, irrespective of the place where he works, and would be entitled to all those facilities that are available to a factory worker.

The most point is that even now formulating laws is a matter of routine while nobody is bothered whether these are being enforced or not. It is unfortunate that we merely blame Government officials and Inspectors for this. Criticism is good, but we should also bear in mind that these Government officials and Inspectors are also citizens of our country and are not aliens. The Government cannot do much in this regard because it is for the enforcement machinery to enforce the laws framed by the Government and that our own people constitute that machinery; our society is mainly responsible for non-compliance of laws. It is the responsibility of the leaders to ensure that laws are properly observed and they benefit those for whom they have been framed.

I would like to cite an example. The Bidi and Cigar workers Act provides for minimum wages to workers, but bidi industry is unorganised. It is worth mentioning here, that many bidi workers carry raw material to their homes and bring back the finished product. They are helped by their children, wives and other members of the family in bidi making. As a result of this, a day's work is completed in a matter of hours. The consumption of bidi is far less than its production. Because of this, all the workers do not get adequate work. If we want to safeguard the interest of workers in the real sense, we should produce them only that much work which they can themselves do. The lot of bidi workers can improve only when Government comes to their help by way of purchasing whatever they produce. There is also provision for leave with wages under the Bidi and Cigar workers Act but it is very difficult to cal-

culate. I would like to cite the example of Madhya Pradesh in this regard. The Bidi manufacturers of Madhya Pradesh gave a suggestion to the State Government that they are ready to pay 1/20th part of weekly wages to the workers in lieu of annual payment for leave with wages and the State Government agreed to it, thereby enabling the workers to benefit in this respect every week instead of after one year. Similarly, Provident Fund scheme was also forced on bidi industry but there is still much difficulty in enforcing it. In this connection, I would urge the hon. Minister to enforce the Provident Fund Scheme because the existing Provident Fund scheme is not able to provide much benefit to bidi workers as they are employed sometimes directly and sometimes through contractors. At one time the worker works with one contractor and at the other, he works elsewhere. Similarly, sometime, the contractor works for one employer and at the other, he works for another employer. As bidi is an unorganised industry we should make such laws so that we can safeguard their interests by providing them adequate employment.

So far as cess on bidi is concerned, it is sad, that the entire amount that is collected from it is not utilised for the welfare of bidi workers. I would like to suggest that more and more amount should be spent on the welfare of bidi workers and their children even if it means levying more cess. Efforts should be made to ensure that the children of bidi workers do not take up this work and are instead encouraged to go to school and pursue their studies.

In the end, I would like to suggest that co-operative societies should be formed in this industry as well. We generally believe in criticizing whatever good is done. I would like to urge upon on all those critics to give constructive suggestions to the Government regarding the way laws in this respect should be framed and the extent of their own contribution in enforcing them.

With these words, I conclude and would like to say that there should be a separate law to safeguard the interests of bidi workers. It is not only the responsibility of Government machinery alone to enforce

these laws, but also of the society which should play an effective role and give its co-operation in this regard. It is only then that society can make progress and bidi workers are benefited. We not only want bidi workers but also other workers as well to make progress—whether they are Government employees or are employed elsewhere—and it should be the responsibility of everybody to safeguard everybody else's interests.

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PAPERS LAID ON THE TABLE-CONTD.

[English]

Notification under Customs Act

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : I beg to lay on the Table copy each of the following Notifications (Hindi and English versions) under section 159 of the Custom's Act, 1962 :—

- (1) Notification No. 254/86-Customs published in Gazette of India dated the 17th April, 1986 together with an explanatory memorandum regarding exemption to sponge iron and hot briquetted iron when imported for use in intergrated steel plates from basic customs duty in excess of 5 per cent *advalorem* and from the whole of the additional duty of customs leviable thereon.
- (2) Notification No. 255/86 Customs published in Gazette of India dated the 17th April, 1986 together with an explanatory memorandum regarding exemption to hot briquetted iron (HBI) when imported by or on behalf of an electric arc furnace unit from basic customs duty in excess of 5 per cent *advalorem* and from the whole of the additional duty of customs leviable thereon.
- (3) Notification No. 256/86-Customs published in Gazette of India dated the 17th April, 1986 together with an explanatory memorandum regarding exemption to goods covered by Notification Nos. 254/86-Customs and 255/86-Customs dated the 17th

April, 1986 from auxiliary duty of customs in excess of 25 per cent *ad valorem*.

- (4) Notification No. 257/86-Customs published in Gazette of India dated the 17th April, 1986 together with an explanatory memorandum regarding exemption to soda ash from basic customs duty in excess of 25 per cent *ad valorem*. [Placed in Library See No. LT-25/6/86]

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HALF-AN-HOUR DISCUSSION

10.81 hrs.

Management of Foodgrains by the food Corporation of India

[English]

MR. CHAIRMAN : Now we take up the half-an-hour discussion.

Kumari Mamata Banerjee.

KUMARI MAMATA BANERJEE (Jadavpur): I am really grateful to our hon Speaker, Dr. Bal Ram Jakhar because he has given me this opportunity to initiate this discussion. The Food Corporation of India has lost Rs. 620 crores in five years from 1981-81 to 1984-85 in transit and storage. Not only myself from this side but members from that side also are very much concerned about the functioning of the FCI.

The Food Corporation of India was set up in 1965 with some specific responsibility. But now what is the condition of this corporation? We are all very much concerned because of the mismanagement, loss in transit, wastage, corruption and inefficiency of the Food Corporation of India. Millions of people are now suffering due to the negligence of the FCI.

I am really pained to find that when 35% of our population is now living below the poverty line, we see this FCI is wasting foodgrains. Our Prime Minister emphatically stated that all public department agencies and the Government undertakings should revitalise themselves and they should take proper action to evolve poverty allevi-