Chapter - IV

Legal Status of Beedi Workers – An Analysis

• Introduction

• Problems of Beedi Workers

• Importance of ILO Conventions as Trendsetters
  01. Objectives of ILO
  02. Impact of ILO Conventions on the Indian Labour Legislations

• Constitutional Provisions – Provisions under the Constitution of India, 1950
  01. Rights of Unorganised Labourers including Beedi Workers
  02. Prohibition of Employment of Children in Factories
  03. Rights of Unorganized Labourers to Constitutional Remedies
  04. Constitutional Safeguards for the Welfare of Unorganised Labourers including Beedi Workers

• Labour Legislations Incorporating Beneficiary Provisions for Beedi Workers
  01. The Minimum Wages Act, 1948
  02. Payment of Wages Act, 1936
  03. Industrial Employment (Standing Orders) Act, 1946
  04. Maternity Benefit Act, 1961
  05. Factories Act, 1948
  06. Industrial Disputes Act, 1947
  07. Karnataka Shops and Commercial Establishments Act, 1961
  08. The Child Labour (Prohibition and Regulation) Act, 1986
  09. Beedi and Cigar Workers (Conditions of Employment) Act, 1966
  12. Employees’ Provident Funds and Miscellaneous Provisions Act, 1952

• Impact of Legislations on Beedi Workers

• Government Policies, Schemes and Programmes for Beedi Workers

• Conclusion

• Notes and References
Introduction

The term unorganised labour has not been defined properly in its exact meaning even in the Labour Legislations. It does not mean that this system of unorganised labour is new to the Indian society/economy. History shows that unorganised labour system has been in existence in the country from the time immemorial in one form or the other. Its origin could be traced back to ancient tribal period during which socially and economically powerful persons dominated the scene by exploiting the less privileged and helpless persons by holding them in slavery/bondage. In the early days, unorganised labourers used to enter into an agreement with their employers under which they pledged their own property including their physique in the form of personal service to the employer for a very nominal remuneration in lieu of debt. Such agreement remained in force till the repayment of loan by the labourers to their employers.

Now the above system of unorganized labour has changed slightly with the change in the environment of the society. This is also true even in the case of beedi workers. Adding to this, the activities of beedi workers in the unorganised sector are, more or less, unregulated and are inadequately represented in standard accounts of national income.

To protect the interest of these beedi workers in the unorganised sector, various social security legislations have been enacted. These include, among others, Bonded Labour System (Abolition) Act, 1976; Contract Labour (Abolition and Regulation) Act, 1970; Child Labour Act, 1986; Workmen's Compensation
Act, 1923; Employees State Insurance Act, 1966, etc. Inspite of a large number of labour legislations meant for the protection of the interest of workers, the condition of these workers has not improved much. Most important thing is, workers themselves (more particularly in the informal/unorganised sector) do not aware of the existence of such protective legislations. This is more so in the case of beedi workers.

Despite various social security legislations, beedi workers are being exploited by the powerful employers and contractors at various stages and in variety of ways. They have not been provided medical aid, proper wages, educational, maternity, safety and welfare facilities. They are not at liberty to exercise their fundamental rights provided/ensured by the Constitution of India. There is a discriminatory treatment between beedi workers in organised sector and those in unorganised sector. For this situation, a number of factors are responsible which includes illiteracy, poverty, insufficient sources of income, ignorance and socio-economic conditions, etc.

Beedi workers in the unorganised sector, in general, are facing various problems. According to a survey by CSIR, most of the beedi workers are working in their homes. The raw materials are supplied by the contractors or by the manufacturing units to these home-workers and rolled beedies are collected back by the employers/contractors. Sometimes, workers themselves are asked to buy raw materials. A large number of women and children are engaged in beedi rolling process living in very miserable condition. Their
services are not secured and therefore, they are being exploited by their employers or contractors. They are not aware of the protection provided to them by the legal system.

**Problems of Beedi Workers**

Summary of the problems of beedi workers, including those pertaining to their beedi rolling work, is presented below.

01. They are denied their rights in general wherever placed and in whatever position they work;

02. They are deprived of medical facilities;

03. They are not allowed to exercise their right to work;

05. They are not provided the basic amenities of life;

06. They are deprived of their status;

07. They are not paid wages/remuneration in accordance with the spirit of Law. They are not getting minimum wages for the services rendered by them to their respective employers;

08. They cannot raise their voice demanding a decent living for the members of their family;

09. They cannot demand even **equal pay for equal work**;
10. They are denied of even basic facilities such as facilities to rest, education, recreation and amusement, sports, social protection, leisure, reasonable working hours and periodic holidays with pay;

11. They are not allowed to avail of social security, dignity and respect;

12. They are suffering without protest as a result of non-implementation of social security legislations and scatterdness;

13. They are living in an atmosphere which is not conducive to their health;

14. They cannot afford to avail of food thrice a day in a society with their trivial earnings from beedi rolling;

15. There is an uncertainty about getting the work throughout the year;

16. The amenities/facilities available to the workers in the organised sector are not available to the workers in the unorganised sector.

1. Importance of ILO Conventions as Trendsetters

The basic purpose of conventions is to protect and promote the interest of people with a view to ensure them happy and satisfying standards of life. Conventions are expressions of collective conscience of society. They are made to enable the society to regulate its affairs in a satisfactory manner and therefore, derive their social sanctions from different countries, traditions and customs.

Beedi rolling is injurious to physical, mental, moral and social development of beedi workers. Since some special measures are urgently required to protect them from varied kinds of adverse effects (of the work undertaken by them),
various conventions have been organised at the national and international levels.

The International Labour Organisation (ILO) has been deeply concerned about the protection and promotion of the interest of beedi workers and rights of workers from its very inception in 1919. In this direction, ILO has played a vital role. The ideals and the purposes were set forth in the preamble to Part XIII of the Treaty of Versailles, 1919.

ILO was born as a result of the peace conference at the end of World War - I at Versailles. India became its member in 1919 as original signatory to the Treaty of Peace. The ILO is the only international organisation that serves labour class even after the dissolution of its parent body viz., the League of Nations. It became a specialized agency of United Nations in 1946. ILO is a new social institution trying to make the world conscious that world peace may be affected by unjust conditions of its working population. It deals with international labour problems. The unique feature of ILO is that it is a tripartite body consisting of even the representative of employers.

01. Objectives of ILO

The objectives of ILO are enumerated in the preamble to its Constitution and in the Declaration of Philadelphia (1944) supplemented by Article 427 of the Treaty of Versailles (1919). The preamble affirms,
- whereas universal and lasting peace can be established only if it is based upon social justice,

- whereas conditions of labour exist involving such injustice, hardship and privation to large number of people as to produce unrest, that the peace and harmony of the world is imperilled, and

- whereas the failure of any nation in battering the conditions of labour would under the economic progress of its own country.

Thus, ILO has been attempting to promote world-wide respect for the freedom and dignity of the working men and to create conditions in which that freedom and dignity can be more fully and effectively enjoyed.

During the World War – II, a conference was organised at Philadelphia. During the discussion at this conference, the aims of ILO were redefined. This was termed as Declaration of Philadelphia. This was incorporated in the Constitution of ILO. The conference reaffirmed the principles of ILO viz.,

a. Labour is not a commodity;

b. freedom of expression and of association are essential to substantial progress;

c. poverty constitutes a danger to prosperity everywhere; and

d. the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers enjoying equal status with those of governments in free discussion and democratic decision with a view to the promotion of the common welfare.
The Declaration of Philadelphia enunciated 10 objectives which the ILO was to further and promote among the nations of the world. These objectives are presented below.

a. Full employment and the raising of standards of living;

b. The employment of workers in the occupation in which they can have the satisfaction of giving the fullest measure of their skill and make their contribution to the common well being;

c. The provision, as a means to the attachment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour including migration for employment and settlement;

d. Policies in regard to wages and earnings, bonus and other conditions of work calculated to ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of protection;

e. The effective recognition for the right of collective bargaining, the cooperation of management and labour in continuous improvement of productive efficiency and the collaboration of workers and employers in social and economic measures;

f. The extension of social security measures to provide basic income to all in need of such protection and comprehensive medical care;

g. Adequate protection for the life and health of workers in all occupations;

h. Provision for child welfare and maternity protection;

i. Provision of adequate nutrition, housing and facilities for recreation and culture; and

j. The assurance of educational and vocational opportunity.
02. Impact of ILO Conventions on the Indian Labour Legislations

India is a member of ILO since its inception and it gave great fillip to Labour Legislations in India. India has adopted many of the conventions and recommendations on international standards for improvement of labour conditions under Article 3 of the Constitution. The Labour Office of India has been nominating non-government delegates and advisors to the Labour Conferences every year.

One of the main functions of the International Labour Council (ILC), the legislative wing of ILO, is to formulate International Labour Standards. The ILC provides a forum for discussion and deliberation on international labour problems and then to formulate the standards in the form of conventions and recommendations. A convention is a treaty which, when ratified by a member-state, creates binding international obligations on that state. However, a recommendation creates no such obligation. The ILO adopted a series of conventions and recommendations covering various aspects such as hours of work, employment of women, children and young persons, weekly rest, holidays, leave with wages, night work, industrial safety, health, hygiene, social security, labour-management relations, freedom of association, wages and wage fixation, productivity, etc. One of the fundamental obligations imposed on governments by the Constitution of Labour Office is that they (i.e., governments) must submit the instruments before the competent national or state authorities within a maximum period of 18 months of their adoption by the conference for such action as might be considered practicable.
ILO has so far adopted 173 Conventions and 180 Recommendations. India, as the founder-member of ILO, has ratified 36 Conventions. The Conventions ratified by India have been incorporated in the Labour Legislations. ILO standards have a decisive impact on the factories, mines, social security and wage legislations in India. ILO has also greatly influenced the trade union movement in the country. All India Trade Union Congress (AITUC) owes its immediate origin to it. India’s commitment to ILO is reflected in its adherence to the institution of tripartism as a novel method of resolving labour-management conflicts.

ILO standards have influenced Indian Labour Legislations. ILO conventions have formed the sheet anchor of Indian Labour Legislations especially after 1947 when the Indian National Government assumed office at the centre. The Directive Principles of the State Policy in Articles 39, 41, 42 and 43 of the Indian Constitution lay down policy objectives in the field of labour having close resemblance and influence to the ILO constitution and the Philadelphia Charter of 1944.

II. Provisions under the Constitution of India, 1950

The emergence of labour problems is the outcome of the social change that took place in India after the Industrial Revolution. There has been a transformation of the society from Agriculture to Industrial Economy and now, to Service Economy. History shows that it was the social workers and
influence of ILO that motivated the government in enacting Labour Laws to protect the interest of labourers. After Independence, the Government of India (GoI) enacted a series of Laws to protect the working class from exploitation and brought about improvement in their working and living conditions. The goals for passing of the protective Labour Legislations in India were set out very clearly in the Constitution adopted by India after Independence.

The Constitution of India provides for protection of unorganised labourers and/or labourers in the unorganised sectors in one way or the other. Hence, it is pertinent to analyze some of the relevant provisions relating to unorganised labourers in general and beedi workers in particular.

The Preamble to the Constitution of India declared, “We, the people of India, having solemnly resolved to constitute India into of Sovereign, Socialist, Secular, Democratic, Republic and to secure all its citizens;

- Justice, social, economic and political;
- Liberty of thought, expression, belief, faith and worship;
- Equality of status and of opportunity; and to promote among them all; Fraternity assuring the dignity of the individual and the unity of the Nation;

in our Constituent Assembly this twenty-sixth day of November, 1949, do Hereby Adopt, Enact and Give to Ourselves this Constitution”. 
All Laws in force in the territory of India immediately before the commencement of this Constitution, insofar as they are inconsistent with the Provisions of this Part, shall, to the extent of such inconsistency, be void. The state shall not make any Law which takes away or abridges the rights conferred by this Part and any law made in contravention of this Clause shall, to the extent of the contravention, be void.¹ The Constitution provides for equality before the Law and says, the state shall not deny to any person equality before the Law or the equal protection of the Laws within the territory of India.²

a. The Constitution prohibits the discrimination on the grounds of religion, race, caste, sex or place of birth or any of them.

b. No citizen shall, on grounds only of religion, race, caste, sex or place of birth or any of them, be subject to any disability, liability, restriction or condition, with regard to:

   - Access to shops, public restaurants, hotels, and places of public entertainment; or

   - The use of wells, tanks, bathing ghats, roads and place of public resorts maintained wholly or partly out of state funds or dedicated to the use of the general public.

c. Nothing in this Article shall prevent the state from making any special provision for women and children.

d. Nothing in this Article or in Clause (2) of Article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.³
As per mandate of Article 16, equality of opportunity in matters of public employment is guaranteed. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for, or discriminated against, in respect of any employment of office under the State. Nothing in this Article shall prevent Parliament from making any Law prescribing, in regard to a class or classes of employment or appointment to an office (under the Government of, or any local or authority within, a State or Union Territory, any requirement as to residence within that State or Union Territory) prior to such employment or appointment. Nothing in this Article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the service under the state. It further says, untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with Law.\[4\]

Under Article 19 (1), the Constitution guarantees, to the citizens of India, the following six freedoms.

a. Freedom of speech and expression;
b. Freedom to assemble peacefully without arms;
c. To form association or unions;
d. To move freely throughout the territory of India;
e. To reside and settle in any part of the territory of India;
g. To practice any profession, or to carry on any occupation, trade or business.\textsuperscript{5}

Under Clause (b) of Article 19, the state is authorized to impose reasonable restrictions on the right to carry on a trade, profession or business as mentioned below.

a. Imposing reasonable restriction on this right in the interest of the public;

b. Prescribing professional or technical qualifications necessary for practicing any profession or carrying on occupation, trade or business; and

c. Enabling the state to carry on any trade or business to the exclusion of citizens wholly or partially.

The Constitution safeguards very valuable right to life and personal liberty of the citizens of India including unorganised labourers and beedi workers. It says that no person shall be deprived of his life or personal liberty except according to procedure established by law.\textsuperscript{7}

Hon’ble Supreme Court of India has widened the scope of Article 21 and created new constitutional safeguards to unrecognized labourers including beedi workers. In Maneka Gandhi’s case,\textsuperscript{8} the court gave a new dimension to Article 21. It held that the right to live is not merely confined to physical existence but it includes within its ambit the right to live with human dignity. Elaborating the same view, the Court in Francis Coralie Vs Union Territory of Delhi,\textsuperscript{9} said, something more than just physical survival. The right to live is
not confined to the protection of any faculty or limb through which life is enjoyed or the soul communicates with the outside world but it also includes the right to live with human dignity, and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing ourselves in diverse forms, freely moving about and mixing and mingling with fellow human beings.

The Supreme Court in Peoples Union for Democratic Rights Vs Union of India, held that non-payment of minimum wages to the workers employed in various Asiad Projects in Delhi was a denial to them of their right to live with basic human dignity and violation of Article 21 of the Constitution. Bhagwati, J (as he then was) speaking for the majority held that the rights and benefits conferred on the workmen employed in various works were entitled to human dignity and if the workmen are deprived of any of these rights and benefits, that would clearly be a violation of Article 21. He held that it was the duty of various state authorities to implement various Provisions of different Labour Laws and failure on their part constituted violation of the fundamental rights of workers “to live with human dignity”.

This decision has heralded a new legal revolution. It has covered millions of workers in factories, fields, mines and project sites. They had fundamental right to minimum wages, drinking water, shelter, creches, medical aid and safety in the respective occupation covered by various welfare legislations.
In Olga Tellis Vs Bombay Municipal Corporation, popularly known as the pavement dwellers case, a five-judge bench of the Court has finally ruled that, the word ‘life’ in Article 21 includes the ‘right to livelihood’ also. The court said “it does not mean merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of death sentence, except according to procedure established by Law. That is but one aspect of the right to life. An equally important facet of that right is the right to livelihood because no person can live without the means to life - the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood. In view of the fact that Articles 39 (a) and 41 require the state to secure to the citizen an adequate means of livelihood and the right to work, it would be sheer pedantry to exclude the right to livelihood from the content of the right to life”.

In Neeraja Chaudhari Vs State of Madhya Pradesh, Bhagwati, J (as he then was) held that under the Bonded Labour System (Abolition) Act, 1976, it is not enough to identify and release bonded labourers but it is more important to rehabilitate them. Because, if they are not rehabilitated, they would be driven to poverty, helplessness and despair. This is the plainest requirement of Article 21 that the bonded labourers must be identified and released, and suitably rehabilitated. The Act has been enacted pursuant to the Directive Principles of State Policy with a view to ensure basic human dignity to the bonded labourers and any failure of action on the part of the state of implementing the Provisions of the Legislation would be the clearest vitiations of the Constitution.
In Vikram Deo Singh Tomar Vs State of Bihar, through a public interest litigation, it was brought to the notice of the Court that the female inmates of the Care Home Patna were compelled to live inhuman conditions in an old ruined building, and no medical facilities were offered to them. The Supreme Court held that 'the right to live with human dignity' is the fundamental right of every citizen. Accordingly, the Court directed the State to take immediate steps for the welfare of inmates of Care Home Patna. Pending construction of new building, the court directed that the existing building must be renovated and sufficient amenities (by way of living rooms, bath rooms and toilets within the building and adequate water and electricity, etc) must be provided. The Court also directed the state to appoint a full time superintendent to take care of the home and to ensure that a doctor visits the home daily.

01. Rights of Unorganised Labourers including Beedi Workers

Article 23 of the Constitution prohibits traffic in human being (i.e., selling and buying men and women like goods, and includes immoral traffic in women and children for immoral or other purposes) and begar and other similar forms of forced labour. Though slavery is not expressly mentioned in Article 23, it is included in the expression, 'traffic in human being'. The second part of this Article declares that any contravention of this provision shall be an offence punishable in accordance with Law. Clause (2), however, permits the state to impose compulsory services for public purposes provided that in making so it shall not make any discrimination on grounds only of religion, race, caste or
class or any of them. Under Article 35 of the Constitution, Parliament is authorized to make Laws for punishing acts prohibited under this Article. In pursuance of this Article, Parliament has passed the Suppression of Immoral Traffic in Women and Girls Act, 1956, for punishing acts which result in traffic in human beings.

Article 23 protects the individual not only against the state but also against private citizens. It imposes a positive obligation on the state to take steps to abolish evils of “traffic in human beings” and other similar forms of forced labour wherever they are found and prohibits the system of ‘bonded labour’. Because, it is a form of forced labour within the meaning of this Article. It is to be noted here that the protection under this Article is available to both citizens as well as non-citizens.

Begar and other forms of forced labour are prohibited by this Article. Begar means involuntary work without payment. This is prohibited by this Clause in making a person to render service where he was lawfully entitled not to work or to receive remuneration for the services rendered by him. This Clause, therefore, prohibits forced labour as a punishment for a criminal offence. The protection is not confined to begar only but also to “other forms of forced labour” which means compelling a person to work against his will.

The Supreme Court of India amplified the scope of Article 23 in detail in Asiad Workers Case, and observed that, the scope of Article 23 is wide and
unlimited and strikes at “traffic in human beings” and begar and other forms of “forced labour” wherever they are found. It is not merely “begar” which is prohibited by Article 23 but also all other forms of forced labour. Begar is a form of forced labour under which a person is compelled to work without receiving any remuneration. This Article strikes at forced labour in whatever form it may manifest itself. Because, it is violative of human dignity and contrary to basic human values. The practice of forced labour is condemned in almost every international institution dealing with human rights. Every form of forced labour, begar or other forms is prohibited by Article 23 and it makes no differences whether the person who is forced to give his labour or service to another is paid remuneration or not. Even if remuneration is paid, labour or services supplied by a person would be hit by this Article, if it is forced labour (e.g., labour supplied not willingly but as a result of force or compulsion).

This Article strikes at every form of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service. If a person has contracted with another to perform service and there is a consideration for such service in the form of liquidation of debt or even remuneration, he cannot be forced by compulsion of Law, or otherwise to continue to perform such service as it would amount to provide labour or service against his will even though it is under a contract of service. The word force must, therefore, be construed to include not only physical or legal force but also force arising from the compulsion of economic circumstances which leaves no choice or alternative/s to a person in want and compels him to
provide labour or service even though the remuneration received for it is less than the minimum wage. Thus, a person who provides labour or service to another for remuneration which is less than minimum wage (For example, amount of deduction of Re.1 per worker a day by the Jamadars from the wages payable to workers employed by the contractors for Asiad Projects in Delhi) is violative of Article 23 of the Constitution. In the Asiad Projects Case, the Court directed the government to take necessary steps for punishing the violation of fundamental rights of citizens guaranteed by Article 23 by private individuals.16

The Court observed that wages lower than the minimum wages to the persons employed on famine relief work is violative of Article 23. Whenever any labour or service is taken by the state from any person who is affected by drought and scarcity condition, the state cannot pay him less wage than the minimum wage on the ground that it is given to him to help meet out the famine situation. The state cannot take advantage of their helplessness.17

Further, in Deena Vs Union of India,18 the Hon’ble Supreme Court held that labour taken from prisons without paying proper remuneration was “forced labour” and violative of Article 23 of the Constitution. The prisoners are entitled to payment of reasonable wages for their work and the Court is under duty to enforce their claims.

In Bandhua Mukti Morcha Vs Union of India,19 the Supreme Court held that when an action is initiated in the Court through public interest litigation
alleging the existence of bonded labour, the government should welcome it as it may give the government an opportunity to examine whether bonded labour system exists and as well as to initiate appropriate steps to eradicate that system. This is the constitutional obligation of the government under Article 23 which prohibits 'forced labour' in any form. Article 23 has abolished the system of bonded labour but unfortunately, no serious effort was made, till 1976, to give effect to this Article. It was only in 1976 that Parliament enacted the Bonded Labour System (Abolition) Act, 1976 providing for the abolition of bonded labour system with a view to prevent the economic and physical exploitation of the weaker sections of the society.

In Kuhason Thangkhul Vs Simtri Shaili, a custom required that each householder of the village should offer one day's free labour to the headman of the village. It was held that the custom was violative of Article 23(1) of the Constitution which prohibits begar and other forms of forced labour. In Chandra Vs State of Rajasthan, an order of the sarpanch of village calling one person from each family to come with spade and iron pan for making the embankment of the village tank and providing for a fine to be imposed upon person who failed to come was held to be violative of Article 23(1).

As a result of all these developments, various State Laws make it an offence to compel a person to work against his will or without payment of wages to do any work. Further, it may be noted here that most of the beedi workers are exploited by the employers and/or by agents by paying less wage than the
minimum wage fixed by the government and this is certainly violative of Article 23 (Asiad Projects Case).

02. Prohibition of Employment of Children in Factories

Article 24 of the Constitution prohibits employment of children below 14 years of age in factories and hazardous employment. This Provision is certainly in the interest of public health and safety of life of children. Children are assets of the nation. Hence, Article 39 of the Constitution imposes upon the state an obligation to ensure that the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

In People's Union for Democratic Rights Vs Union of India, it was contended that the Employment of Children Act, 1938 was not applicable in the case of employment children in the construction work of Asiad Projects in Delhi since construction industry was not a process specified in the Schedule to the Children Act. But the Court rejected this contention and held that, the construction work is hazardous employment and therefore, no child should be employed in construction industries. Expressing concern about the sad and deplorable conditions, Bhagwati, J advised the state governments to take immediate steps for inclusion of construction work in the Schedule to the Act and to ensure that the Constitutional mandate of Article 24 is not violated in any part of the Country. The Court has reiterated the principle that the
construction work is a hazardous employment and children below 14 years of age cannot be employed in this work.

In the light of Supreme Court's judgement in favour of certain classes of unorganised labourers including beedi workers, the necessary Acts have been enacted by the government prohibiting employment of children below 14 years of age in railways and other means of transport. The Indian Factories Act and Mines Act, 1952, the Merchant Shipping Act, 1958, the Motor Transport Workers Act, 1951, the Plantation Labour Act, 1951, the Beedi and Cigar Workers (Condition of Employment) Act, 1966 and the Apprentices Act, 1961, etc prohibit employment of children below certain age.

Further, in Chintaman Rao Vs State of Madhya Pradesh, Law authorized the government to prohibit all persons residing in certain areas from engaging themselves in the manufacture of beedi during the agricultural season. The object of the Law was to ensure adequate supply of labour for agricultural purposes in beedi-making area.

03. Right of Unorganized Labourers to Constitutional Remedies

"If I was asked to name any particular Article in this Constitution as the most important Article without which this Constitution would be a nullity, I could not refer to any other Article except this one ... . It is the very soul of the Constitution and the very heart of it", said Dr. Ambedkar.
It is true that a declaration of fundamental rights is meaningless unless there is an effective machinery for the enforcement of the rights. It is the remedy which makes the right real. If there is no remedy, there is no right at all. It was, therefore, in the fitness of the things that Constitution-makers (having incorporated a long list of fundamental rights) have also provided for an effective remedy for enforcement of these rights. Article 226 also empowers all the High Courts to issue the writs for the enforcement of fundamental rights.

The Constitution guarantees the right to move the Supreme Court by "appropriate proceedings" for the enforcement of the fundamental rights conferred by Part - III of the Constitution. It also confers power on the writs including writs in the nature of habeas corpus, mandamus, prohibition, quo-warranto and certiorari for the enforcement of any of the rights conferred by Part - III of the Constitution.

The Constitution has given widest powers to Hon’ble Supreme Court of India to enforce the fundamental rights given under Part - III of it. There is no limitation in regard to the kinds of proceedings envisaged in Article 32 (1) except requirements must be judged in the light of the purposes for which the proceedings are to be taken. It is not obligatory for the Court to follow adversary system. The Constitution makers deliberately did not lay down any particular form of proceeding for enforcement of fundamental rights nor did they stipulate that such proceedings should conform to any rigid pattern or a strait-jacket formula. Because, they knew that in a country like India where
there is so much of poverty, ignorance, illiteracy, deprivation and exploitation, any insistence on a rigid formula of proceeding for enforcement of fundamental right would become self-defeating. It is clear from Article 32 (1) that whenever there is a violation of fundamental right of any person, he/she can move the Court for an appropriate remedy.

The Supreme Court will now be ready to interfere under Article 32 wherever and whenever any injustice is caused or being caused by any of the state action to the poor and helpless persons who cannot approach the court. The Court has jurisdiction to give appropriate remedy to the aggrieved persons in various situations. Injustice done to children in jails, protection of pavement and slum-dwellers of Bombay, payment of minimum wages and other benefits to workers in various state projects, abolition of bonded labour, protection of environment and ecology are some of the instances where the Court has issued appropriate writs, orders and directions on the basis of public interest litigation or social action litigation. The Court made it clear that the strategy of public interest litigation has been evolved by this Court with a view to bringing justice within the easy reach of the poor and the disadvantaged sections of the community.

It was held that the Peoples’ Union for Democratic Rights had locus standi to file a petition for enforcement of various Labour Laws under which certain benefits are conferred on the workers. The Union brought this fact to the notice of the Court through a letter. The Court rejected the argument that such public interest litigation would create arrears of cases and therefore, they
should not be encouraged. Bhagwati J (as he then was) declared, "no state had the right to tell its citizens that because a large number of cases of the right are pending in our courts, we will not help the poor to come to the courts for seeking justice until the staggering load of cases of people who can afford rich lawyers is disposed off". 27

In Bandhua Muti Morcha Vs Union of India, 28 an organization dedicated to the cause of release of bonded labourers, informed the Supreme Court through a letter that it conducted a survey of the stone-quarries situated in Faridabad. Labourers are working, the letter stated, in these stone-quarries under inhuman and intolerable conditions, and many of them were bonded labourers. The petitioner prayed that a writ be issued for proper implementation of various Provisions of the Constitution and Statutes with a view to ending the misery, suffering and helplessness of these labourers and release of bonded labourers. The Court treated the letter as a writ-petition, and appointed a commission consisting of two advocates to visit these stone-quarries and make an inquiry and report to the Court about the existence of bonded labourers.

The Court had ordered the closure of certain lime stone quarries on the ground that there were serious deficiencies regarding safety and hazards in them. The Court had appointed a committee for the purpose of inspecting certain lime stone-quarries. The Committee had suggested the closure of certain categories of stone quarries in the light of adverse impact of mining operations — including large scale pollution caused by lime stone quarries adversely
affecting the safety and health of the people living in the area as well as the unorganized labourers working in the quarries.\textsuperscript{29}

\textbf{04. Constitutional Safeguards for the Welfare of Unorganised Labourers including Beedi workers}

The Directive Principles of State Policy contained in Part - IV of the Constitution set out the aims and objectives, and steps to be taken by the states in the governance of the country. This novel feature of the Constitution is borrowed from the Constitution of Ireland which had copied it from the Spanish Constitution. However, it is important to note here that the idea of Welfare State envisaged by the Constitution can only be achieved if the states endeavour to implement them with a high sense of moral duty.

At one time, it was thought that the state was mainly concerned with the maintenance of law and order, and the protection of life, liberty and property of the subject. Such a restrictive role of the State is no longer a valid concept. Today the people are living in an era of welfare state which has to promote the prosperity and well-being of the people. The Directive Principles lay down certain economic and social policies to be pursued by various governments in India. They impose certain obligations on the state, positive action in certain directions in order to promote the welfare of the people and achieve economic democracy so that unorganised labourers may be protected from economic exploitation.
The Constitution of India imposes duty upon the state to secure a social order for the promotion of welfare of the people by stating as follows.

- The state shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order,

- The state shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also among groups of people residing in different areas or engaged in different vocations.\textsuperscript{30}

It further enjoins upon the state to direct its policy towards securing:

a. That the citizens, men and women, equally have the right to an adequate means to livelihood;

b. That the ownership and control of the material resources of the community are so distributed as best to sub-serve the common good;

c. That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

d. That there is equal pay for equal work for both men and women;

e. That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocation unsuited to their age or strength.

f. Those children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation against moral and material abandonment.\textsuperscript{31} The state shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other
way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.\textsuperscript{32}

In M.C. Mehta Vs State of Tamil Nadu,\textsuperscript{33} it was held that (in view of Article 39) the employment of children within the match factories directly connected with the manufacturing process of matches and fireworks cannot be allowed as it is hazardous. Children can, however, be employed in the process of packing but it should be done in area away from the place of manufacturing to avoid exposure to accidents.

Pursuant to Article 39 (d), Parliament has enacted the \textbf{Equal Remuneration Act, 1976}. The directive contained in Article 39 (d) and the Act passed thereto can be judicially enforceable by the Court. In Randhir Singh Vs Union of India,\textsuperscript{34} the Supreme Court held that the principle of “equal pay for equal work, though not a fundamental right” is certainly a Constitutional goal and therefore, capable of enforcement through Constitutional remedies under Article 32 of the Constitution. The doctrine of \textbf{equal pay for equal work} is equally applicable to persons employed on daily wage basis. They are also entitled to the same wages as other permanent employees in the department employed to do the identical work.\textsuperscript{35}

The state shall, within the limits of its economic capacity and development, make effective provision for securing its citizens the right to work, education and to public assistance in cases of unemployment, old-age sickness and disablement, and in other cases.\textsuperscript{36} The state has further to make provision for
securing just and human conditions of work and for maternity relief. The state shall endeavour to secure by suitable legislation or economic organization or in any other way to all workers, agricultural, industrial or otherwise, a work of living wages, condition of work ensuring a decent standard of life and full enjoyment of pleasure and social and cultural opportunities and in particular, the state endeavour to promote cottage industries on an individual or cooperative basis in rural areas.  

III. Labour Legislations incorporating Beneficiary Provisions for Beedi Workers

Beedi workers are economically weak as they are neither occupant of material resources nor having gainful employment. The inherent problems of beedi workers expose them to various kinds of exploitations. They are politically weak as are numerically in minority and are unable to assert their political rights against majority. Their ignorance pushes them in the mire of political exploitation.

The basic purpose of Law is to protect and promote the interests of people with a view to ensuring them happy and satisfying standards of life. Beedi workers are contributing heavily for the economic development of the country. Since some special measures are urgently required to protect them from various kinds of exploitations, various Provisions have been made at the national and international levels. Whatever social security or labour legislations could be made available to the unorganised workers in general and beedi workers in
particular, is merely an extension of legislative measures primarily exacted for organised sector. In this background, coverage of some of the important Labour Laws relevant to beedi workers are analyzed in the following paragraphs.

01. The Minimum Wages Act, 1948

The Minimum Wages Act, 1948 provides for fixation of minimum rates of wages in certain employments. It is applicable to certain specified employments throughout the country including beedi workers. In a welfare state, the protection of interests of workers is one of the aims of any Legislation which is enacted. In the case of labour, the same is true with regard to the Minimum Wages Act enacted by the Indian Parliament. The beedi workers, besides being illiterate, are by and large not organised to protect their interest. Under such conditions, the beedi workers' class is unable to protect its legitimate interest. Therefore, the Act was enacted to secure and to prevent exploitation of the workers and for this purpose, it aims at fixation of minimum wages which the employers must pay. The Act proposes to prevent exploitation of beedi workers and for that purpose, authorizes the governments to take steps to ensure the payment of wages atleast at minimum rates in the scheduled employment.

The concept of minimum wages takes into account factors such as the prevailing costs/prices of essential commodities. The idea of fixing such a wage in the light of cost of living at a particular juncture of time is to neutralize
the rising prices of essential commodities by linking up scale of minimum wages with the cost of living index.

The **scheduled employment** means any employment specified in the schedule or any process of work forming part of such employment. The employments mentioned in Part - I of the Schedule are not an exhaustive list but an indicative. However, it includes the employment in tobacco factories including beedi making.

Every employer should maintain registers and records indicating the particulars of the employees, the work performed by them, the wages paid, the receipts given by the employees and other particulars in the form prescribed under the Minimum Wages Act, 1948. Every employer should exhibit in the prescribed manner (in the factory, workshop or place where the employees in the scheduled employment are employed, or in the case of out-workers, in that factory, workshop or place as may be used for giving out work to them), notices in the prescribed form containing these details. The government may provide for the issuance of wage books and wage slips by an employer to employees employed in a scheduled employment in respect of which minimum rates of wages have been fixed, in the prescribed form. The entries made in the wage book and the wage slip must be authenticated by the employer or his authorised agent. A register of fines and deductions shall be maintained in the prescribed form for a period of three years after the date of the entry made.
All registers and records require to be maintained by an employer must be produced on demand before the inspector during the course of inspection of the establishment. Any infringement of these rules noticed by the inspector and communicated to the employer during the course of inspection or otherwise shall be rectified by the employer and a compliance report be submitted to the inspector on or before the date specified by him in this behalf.

02. Payment of Wages Act, 1936

Piece Rate System of payment is rampant in beedi working. Many beedi workers who are home-based workers or contract workers fall into this category. Though the Payment of Wages Act has Provisions for timely payment of wages, they are not followed properly by the employers.

The main objective of the Payment of Wages Act, 1936 is of two fold. First, it is intended to prevent delay in the payment of wages by fixing time limit for the payment of wages. Second, to allow certain specified deductions which can be made by employer and the procedure for effecting such deduction. The Act purports to impose responsibility for the payment of wages on the employer. Every employer is held responsible for the payment of all wages required to be paid under this Act to the persons employed by him. The Act also includes a person in the industrial or other establishments who is responsible to the employer for the supervision and control of such industrial or other establishments. The employer is required to pay wages only in current coins or notes, and the payment of wages in kind has been prevented.
The objective of the Payment of Wages Act is to prevent employer from making any deduction other than those in respect of which he is authorized under this Act. Further, the employer is also required to follow the procedure prescribed for making such deductions and other conditions as are laid down in this Act.\textsuperscript{41}

03. Industrial Employment (Standing Orders) Act, 1946

The Industrial Employment (Standing Orders) Act, 1946 provides for a democratic procedure and opportunity to workmen and their trade unions to be heard by the certifying officer before finally approving or registering the standing orders. The \textit{standing orders} which define the conditions of recruitment, discharge, disciplinary action, holidays, leave, etc go a long way in minimizing friction between the employer and workers in industrial undertakings. This Act is applicable to every industrial establishment wherein 100 or more workmen are employed or were employed on any day of the preceding 12 months. It can be extended even to the establishment whose employment of labourers is less than 100.

The Standing Orders provide uniformity of terms of employment in respect of all employees belonging to the same category and discharging the same or similar work in an industrial establishment. The Standing Orders are intended to be in the nature of \textit{Shop Rules} promulgated by employers under statutory obligations. They may be described as \textit{Codes of Conduct} for employers. Because, for any act subversive of discipline which is described as an act of mis-conduct, the employer will be held responsible. The purpose of Standing
Orders is to create an attitude of mind among both employers and employees with a view to avoid unwanted disputes.

04. Maternity Benefit Act, 1961

The Maternity Benefit Act, 1961 regulates the employment of women in certain establishments for certain period before and after child birth (6 weeks before and 6 weeks after) and provides for maternity and other benefits. The Act also provides that no pregnant-woman shall, on request being made by her, be required by her employer to do any arduous work one month before her expected delivery. The Act applies to mines, factories, circus industry and plantations, and to any such establishment belonging to government, except the employees who are covered under the Employees State Insurance Act, 1948. It can be extended to other establishments by the state governments. There is no wage limit for coverage under this Act. The Maternity Benefit Act is intended to achieve social justice to women-workers.

05. Factories Act, 1948

The objective of Factories Act, 1948 is to regulate the conditions of work in manufacturing establishments. The term manufacturing process includes beedi making also. Worker means a person employed directly or through any agency including a contractor with or without the knowledge of the principal employer. The Act applies to the whole of India except the State of Jammu and
Kashmir. It applies to establishments employing 10 or more workers with power or 20 or more workers without power.

A child under the Act is defined as a person who has not completed the fifteenth year of age. A Young Person is defined as either a child or an adolescent who has completed his fifteenth year but not eighteenth year. Children below fourteen years of age are totally prohibited by this Act from entering into employment in factories. The Act provides that children or adolescents can work in the factory only when they have been granted a certificate of fitness and carry (while they are at work) a token giving reference to such certificate. Certificate of fitness is issued by a certifying surgeon who, after the examination, certifies whether the person is fit to work in the factory as a child or as an adolescent. Certificate of fitness remains valid for a period of 12 months from the date of its issue or renewal.

The Act does not permit the employment of children for more than 4½ hours in any day and during the night which refers to a period of at least 12 consecutive hours including interval between 10 pm and 6 am. The Act provides that the period of work of children shall be limited to two shifts which shall not overlap or spread over more than 5 hours each and that each child shall be employed in only one of the relays which normally will not be changed more frequently than once in a period of 30 days and double employment of children has also been prohibited. Employment of children in any part of a factory for pressing cotton in which a cotton opener is at work is normally prohibited.
The Act provides that every child worker who has worked for a period of 240 days or more in a factory in a calendar year shall be allowed (during the subsequent calendar year) leave with wages for a number of days calculated at the rate of one day for every 15 days of work performed.

The Act prescribes a penalty of imprisonment for one month or fine upto Rs.50 or both in case of using false certificate of fitness and of a fine upto Rs.50 on the parent or guardian in case of double employment of children.

In recent times, it is seen that a child labour has become almost non-existent in the organized industrial sector due to prohibition of children’s employment. National Commission on Labour, in its report, states, our evidence reveals that employment of children is almost non-existent in organized industries. It still persists in varying degrees in the unorganized sector such as small plantations, restaurants and hotels, cotton ginning, and weaving, carpet weaving, stone breaking, brick kiln, handicrafts and road building.

Notice of periods of works for children showing clearly for every day the periods during which children may be required or allowed to work shall be displayed and correctly maintained in the factory. Hours of work of child workers shall be in accordance with the period of work of children displayed in the notice. A register of child workers showing certain specific details shall be maintained by the employer.
Young persons are not allowed under the Act to clean, lubricate or adjust any part of a prime mover or of any transmission machinery while it is in motion or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose them to risk of injury from any moving part either to that machine or of any adjacent machinery. Employment of young persons on dangerous machines has been prohibited unless they have been fully instructed regarding the possible dangers and precautions, and have received sufficient training in work at such machines or is under adequate supervision of experts.

06. Industrial Disputes Act, 1947

The Industrial Disputes Act, 1947 is a Central Legislation which came into effect on April 1, 1947. The Act has been amended several times from 1949 to 1984. The principal objectives of the Act, as analyzed by the Supreme Court, are as follows.  

- The promotion of measures for securing amity and good relations between the employer and workmen;

- An investigation and settlement of industrial disputes between employers and employers, employers and workmen or workmen and workmen with a right of representation by a registered trade union or Federation of Trade Unions or Association of Employers or a Federation of Association of Employers;

- The prevention of illegal strikes and lock-outs;
- Relief to workmen in the matter of lay-off, retrenchment and closure of an undertaking;

- Collective bargaining.

The Industrial Disputes Act is a progressive measure of social legislation aiming at the amelioration of the conditions of workmen in Industry. The following are the main features of the Industrial Disputes Act, 1947:

- Any industrial dispute may be referred to an industrial tribunal by an agreement of parties to the dispute or by the state government if it deems it expedient so to do.

- An award shall be binding on both the parties to the disputes for the specified period not exceeding one year. It shall be normally enforced by the government.

- Strike and lock-outs are prohibited during the pendency:
  a. of conciliation and adjudication proceedings;
  
  b. of settlements reached in the course of conciliation proceedings;
  
  and
  
  c. of awards of Industrial Tribunal declared binding by the appropriate government.

- In public interest or emergency, the appropriate government has power to declare the Transport (other than railways), Coal, Cotton Textiles, Food-stuffs and Iron and Steel Industries to be a public utility service for the purposes of this Act for a maximum period of six months.

- In any case of lay off or retrenchment of workmen, the employer is required to pay compensation to them.
• Provisions had also been made for payment of compensation to workmen in case of transfer or closure of an undertaking.

• A number of authorities such as Workers' Committees, Conciliation Officers, Boards of Conciliation, Courts of Inquiry, Labour Courts, Tribunals and National Tribunals are provided for settlement of industrial disputes. The nature of powers, functions and duties of these authorities differ from each other but each one of them plays an important role in ensuring industrial peace.

07. Karnataka Shops and Commercial Establishments Act, 1961

The Shops and Establishments Acts in the country have been states' enactments. The Acts in operation in the country include the Karnataka Shops and Commercial Establishments Act, 1961. This Legislation regulates the working and employment conditions of workers in shops and commercial establishments which are not covered under Factories Act, 1948 or any other enactment regulating working conditions.

As the Shops and Establishments Act is a State Legislation, it is administered by the state governments in their respective territories. Each state government has framed its own rules for accomplishing the purposes of this Act, and has also set up its own inspectorate for enforcing its Provisions. In this Act, Provisions applicable to shops relating to daily and weekly hours of work in shops, closing of shops and grant of weekly and additional holidays have been included.43
Besides the above Provisions, the Provisions relating to employment of children and young persons, cleanliness, ventilation, light and precautions against fire should be provided in accordance with such standards and by such methods prescribed by the Inspector. Further, the Act consists of the Provisions relating to annual holidays with wages, Provisions relating to wages and authorized deductions by, and penalties on, employer who contravenes any Provision of the Act or any rule or order made under it.

There are many obligations on the part of employers to comply with. The Provisions regarding Payment of Wages Act, 1936, Workmen's Compensation Act, 1923 and Maternity Benefit Act, 1961 have made applicable to persons employed in establishments and to maintain all registers and records and to submit such annual and other returns and statements as may be required by the government, or provided in the rules framed under this Act. In this Act, most of the obligations of the employers are in the form of rights of employees. The employees have right to claim benefits and privileges regarding hours of work, extra wages of overtime, rest interval, weekly holiday, leave with wages, health and safety, and employment of women and children.

This Legislation is meant to improve the working and employment conditions of workers in shops and commercial and other establishments. As in the case of other legislations, the main complaint about the working of this Act is about its inadequate implementation. The Provisions of the Industrial Dispute Act, 1947 shall apply to matters arising in respect of every industrial premises
according to Section 39 (1) of Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

Notwithstanding anything contained in Sub-section (1), a dispute between an employer and employee relating to,

a. The issue by the employer of raw materials to the employees,

b. The rejection by the employer of beedi or cigar or both made by an employee, and

c. The payment of wages for the beedies or cigars or both rejected by the employer,

shall be settled by such authority and in such manner as the state government may by rules specify in this behalf.

Any person aggrieved by a settlement made by the authority specified under Sub-section (2) may prefer an appeal to such authority and within such time as the state government may, by notification in the Official Gazette, specify in this behalf. The decision of the authority specified under Sub-section (3) shall be final.

08. The Child Labour (Prohibition and Regulation) Act, 1986

Almost one-third of the world population comprises of children. Therefore, they deserve to be cared and protected to keep up and improve posterity. They are an important component of the social structure. Social justice, therefore, demands justice to children. The need for providing protection and safeguards
to children has first been stated in Geneva Declaration of the Rights of the Child (1924) and was recognized in the Universal Declaration of Human Rights (1948) and in the Statutes of the specialized agencies of UNO. Article 25 of the Universal Declaration of Human Rights, 1948 provides that “motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.” Right to free and compulsory elementary education to children is assured by Article 26 of the Universal Declaration of Human Rights.

There are a number of enactments which prohibit the employment of children below 14 years (and 15 years of age in certain specified employments). However, there is no procedure laid down in any Law for deciding in which employments, occupations or processes, the employment of children should be banned. There is also no Law to regulate the working conditions of the children in most of the employments where they are not prohibited from working and are working under exploitative conditions. Therefore, the Child Labour (Prohibitions and Regulations) Act, 1986 has been enacted to prohibit the engagement of children in certain other employments. This Act seeks to achieve the following objectives.

- To ban the employment of children, i.e., those who have not completed their fourteenth year, in specified occupations and processes.
- To lay down a procedure to decide modifications to the schedule of banned occupations or processes.
• To regulate the conditions of work of children in employments where they are not prohibited from working.

• To lay down enhanced penalties for employment of children in violation of Provisions of this Act, and other Acts which prohibit the employment of children.

• To obtain uniformity in the definition of “child” in the related laws.

This Act extends to the whole of India. Section 1 (3) provides that the Provisions of this Act, other than Part 3, shall come into force on such date as the central government may, by notification in the Official Gazette, specify. However, different dates may be specified for different states and for different classes of establishments.

09. Beedi and Cigar (Conditions of Employment) Act, 1966

This Act came into force from November 1966. The Act provides for the welfare of the workers in the beedi and cigar establishments, and to regulate the conditions of their work and matters connected therewith. The scheme of the Act relates to Provisions regarding health and welfare, conditions of employment, leave with wages, extension of benefits by applying other Acts to labourers, etc. However, this Act is not applicable for industries.

The pith and substance of this Act is regulation of conditions of employment in the beedi and cigar industry. The Act deals with particular subject matter as regards the establishments and industrial premises. These matters relate to regulation of conditions of employment in the industry and the industrial
relations between the employer and the employee. Entries 22 to 24 in List - III of Schedule - VII of the Indian Constitution are wide enough to cover labour welfare measure. Entry 22 deals with labour welfare and Entry 23 deals with social security, employment and unemployment. Entry 24 deals with welfare of labourers including conditions of work, provident fund, employer’s liability, workmen’s compensation, invalidity and old-age pensions and maternity benefits.

The term employee under this Act means a person employed directly or through any agency whether for wages or not, in any establishment or godown to do any work (skilled, unskilled, manual or clerical) and includes:

- Any labourer who is given raw materials by an employer or contractor for being made into beedies or cigars or both at home, referred to as a home worker, and
- Any person not employed by an employer or a contractor or both, but working with the permission of or under an agreement with the employer or contractor or both.

The home workers under this Act shall be treated as workmen under the Industrial Disputes Act, 1947 and also covered by the Payment of Gratuity Act, 1972. The definition of the term employee under this Act includes:

a. Persons purchasing tendu leaves and tobacco from the establishment in order to manufacture beedies within their private dwelling house;

b. Workmen employed by contractors who are only name lenders;
c. Independent contractors supplying raw materials to manufacture beedies within their own dwelling houses; and

d. Home workers who receive raw material and roll beedies at home and deliver them to the manufacturers subject to the right of rejection by the manufacturers.

The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 consists of 44 Sections. Sections 1 to 7 deal with short title, extent and commencement, definitions, regarding licenses, appeals, and inspectors and their powers. Sections 8 to 28 deal with welfare, health and social security provisions like cleanliness, ventilation, overcrowding, drinking water, and urinals, washing facilities, crèches, first aid, canteens, working hours, wages for overtime, interval for rest, spread over, weekly holidays, hours of work, prohibition of employment of children, prohibition of employment of women or young persons during certain hours, annual leave with wages and other wages provisions. Sections 29 to 36 relate to special provisions, offences and penalty for offences, whereas Section 37 relates to application of Industrial Employment (Standing Orders) Act, 1946 and the Maternity Benefit Act, 1961. Section 38 relates to certain Provisions not applicable to industrial premises. Section 39 deals with the application of the Industrial Disputes Act, 1947. Sections 40 to 44 deal with effect of laws and agreements inconsistent with the Act, powers to exempt, powers of central government to give directions and power to make rules.

This is an Act to provide for the levy and collection of, by way of cess, excise duty on manufacture of beedies. The Act consists of 7 Sections. They deal with short title, extent and commencement, definition of fund, levy and collection of cess, crediting proceeds of duty to the Consolidated Fund of India, power to call for information, protection of action taken in good faith and power to make rules.

A levy of excise on manufactured beedies at such rate which shall not be less than ten paise and not more than fifty paise per thousand as the central government may, from time to time, fix by notification in the Official Gazette. The excise duty levied shall be in addition to any cess or duty leviable on manufactured beedies under any Law for the time being in force.


This is an Act to promote the welfare of persons engaged in beedi establishments. The Act consists of 12 Sections and is a beneficial Legislation which is enacted for the purpose of improving the conditions of public and society. The Beedi Workers Welfare Fund Act, 1976 uses the expression, ‘a person is said to be engaged in an establishment’ instead of the term ‘employed’ used in the Beedi and Cigar Workers (Conditions of Employment) Act, 1966. Sections 1 and 2 deal with short title, extent and commencement and definitions. Sections 3 and 4 deal with beedi workers’ welfare fund and
application of fund. As per Section 3, there shall be formed a fund to be called the Beedi Workers' Welfare Fund and there shall be credited thereto:

- an amount which the central government may, after due appropriation made by Parliament by Law in this behalf, provide from and out of proceeds of cess credited after deducting the cost of collection as determined by the central government under this Act; and

- any income from investment of the amount credited under the Act and other moneys received by the central government for the purpose of this Act.

As per Section 4, the fund shall be applied by the central government to meet the expenditure incurred in connection with measures and facilities which, in the opinion of the government, are necessary expenditure to promote the welfare of persons engaged in beedi establishments. The particular heads of expenditure are medical facilities, improvement of public health and sanitation, prevention of disease, improvement of water supplies and facilities for washing, improvement of educational facilities, housing and recreational facilities including standards of living, nutrition and amelioration of social conditions, family welfare including family planning education and services and such other welfare measures and facilities. The fund can also be applied to pay grants-in-aid to state government or to a local authority or an employer in aid of any scheme approved by the central government for the purpose connected with the welfare of persons engaged in beedi establishments. The center shall have power to decide whether any particular expenditure is or is not debitable to the fund, and its decision shall be final. Sections 5 to 8 deal
with Advisory Committees, Central Advisory Committee, power to co-opt and appointment of welfare commissioners, etc and their powers. Sections 9 to 12 deal with powers of central government to exempt, annual report of activities financed under the Act, power to call for information and power to make rules by the central government for carrying out the purpose of the Act.

12. Employees' Provident Funds and Miscellaneous Provisions Act, 1952

The objective of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 is to provide for the institution of provident funds, pension fund and deposit linked insurance funds for the employees in factories and other establishments. The principal duty is laid upon the employer to put the Provident Fund Schemes into operation and to make the contributions of both employees’ and employers’ share to the fund then and there and deduct the employees’ share from their wages.

Employees’ Provident Funds (Amendment) Act, 1956 empowered the government to extend the Act to non-factory establishments. This Act amended in 1976 and as per Section 1 Sub-section (4) empowers the Central Provident Fund Commissioner to apply the provisions of this Act to any establishments. This may be done by a notification in the Official Gazette. Before applying the Act to any establishment, the Central Provident Commissioner must ensure that the employer and the majority of employees in relation to such establishment have agreed that the provisions of this Act should be made applicable to that establishment. The Commissioner may
apply the Provisions of this Act to that establishment on and from the date of such agreement or from any subsequent date specified in such agreement.

When the question arises for consideration whether the workers employed at their homes in the manufacture of beedies are entitled to the benefit of this Act and the scheme made there under, the answer is yes because home-workers are considered as employees under this Act. Further, the Supreme Court in P. M. Patel Vs Union of India (1986) held that home-workers deliver beedies to the manufacturer who has right of rejecting those that do not conform to the standards clearly shows the degree of control and supervision for establishing the relationship between the manufacturer and home-workers. Hence, home workers are eligible for benefits of this Act. Besides, the Supreme Court held in S. K. Nasiruddin Beedi Merchant Ltd Vs Central P. F. Commissioner (AIR 2001 Sc 850), this Act is applicable to home-workers engaged in beedi rolling through independent contractors. The central government also issued a notification (dated May 17, 1977) adding beedi industry to the schedule of the Act and also bringing Beedi Industry within the scheme.

IV. Impact of Legislations on Beedi Workers

Now, the question arises as to whether or not the Fundamental Rights, Directive Principles of State Policy enshrined in the Constitution and a number of Acts analyzed above have any meaning to the millions of beedi workers who do not have access to food, drinking water, shelter, timely medical facilities and education. The fact is that these rights and Acts have no meaning to the
deprived section of the society, growth rate of which is increasing day by day.

In the light of gross root problems of beedi workers like poverty, illiteracy, lack of awareness, etc, the Provisions of Law are meaningless. Because, the Law is helping the persons who are alert about their rights and duties but not helping the persons who are ignorant about their rights and duties.

To quote the Supreme Court’s remark, “they (i.e., the deprived section of society) have no faith in the existing social and economic system of India”. In such a situation, the enforcement of rights and Acts having the main objective of protecting the interest of beedi workers from exploitative and hazardous employments has remained a myth.

A number of complex and intertwined factors explain the non-enforcement of the above mentioned Acts. Given the socio-economic and educational status of the families to which beedi workers mainly belong, it is sheer presumptuous to expect that the beedi workers or their parents have enough knowledge of the existing Acts and Legislations which aim at their protection from exploitative and dangerous employments. Even if some of them are aware of the Acts, the families of beedi workers, for obvious economic reasons, are unable to approach the Law when their fundamental rights have been violated. The other main reasons are the lack of adequate enforcement machinery, lack of political will, deliberate attempt of employers to flout legal Provisions and the lack of consciousness in the minds of the beedi workers themselves who obtain false medical certificates to seek the benefits of Law.
All the Laws related to beedi workers provide for measures of protection only to organized sector to a limited extent but exceptionally applicable or not applicable to unorganized sectors as majority of beedi workers happen to be employed outside the sectors regulated by such Legislations. Even the Factories Act by which the beedi workers are covered under the definition of ‘worker’ leaves a wide loophole in the implementation of Laws. The medical facilities applicable to organized sector workers by various Legislations are not available to unorganized beedi workers. Thus, the problem has been the non-implementation of majority of the Provisions of Acts for the beedi workers.

Besides the complex and ambiguous nature of these Acts, those who have approached the Law have not succeeded in protecting their rights. This becomes evident from the Supreme Court Judgment in M. G. Beedi Works Vs Union of India (AIR 1974 Sc 1835) which reads, “under these systems, the contractor engages labourers less than the statutory number to escape the application of the Factories Act. There is a fragmentation of the place of manufacture of beedies with a view to evading the factory legislation. Sometimes, there is no definite relationship of master and servant between the ultimate proprietor and actual worker. A large body of actual workers is illiterate-women who could with impunity be exploited by the proprietors and contractors. There is in this background an indiscriminate and undetectable employment of child labour”. Further, the Supreme Court observed that, the relationship between employers and employees was not well defined. The
application of Factories Act met with difficulties. The reference was made to four earlier decisions of this Court for the purpose of showing that Sections 26 and 27 of Beedi and Cigar Workers (Conditions of Employment) Act, 1966 are inapplicable to home workers. These decisions are Chintaman Rao Vs State of Madhya Pradesh (AIR 1958 Sc 338), Birdhichand Sharma Vs First Civil Judge, Nagpur (AIR 1961 Sc 644), Shankar Balaji Waje Vs State of Maharashtra (AIR 1962 Sc 517), and Bhikusa Yamasa Kshatriya Pvt Ltd Vs Union of India (AIR 1963 Sc 1991). These four cases were decided with reference to Factories Act.

There was a Royal Commission on Labour in India in 1931. According its findings, the making of beedi is an industry widely spread over the country. It is partly carried on in the home but mainly in the workshops in the bigger cities and towns. Every type of building is used, and small workshops preponderate. It is there that the graver problems arise. Many of these places are small airless boxes. There are no windows where workers are crowded. There are dark semi-basements with damp mud floors. Sanitary conveniences and arrangements for removal of refuse are practically absent. Payment is by piece rate. The hours are unregulated. Many smaller workshops are open day and night. There are no intervals for meals and there are no weekly holidays.

In 1944, the Government of India appointed a committee under the chairmanship of D.V. Rege to investigate into the conditions of industrial labour. The report found unhealthy working conditions, long hours of work, deduction from wages, and sub-contract system of organization which required
immediate attention. It was desirable to abolish out-worker system and to encourage establishments of big industries if protective Labour Legislation was to be enforced with success.

In 1946, the Government of Madras appointed a Court of Inquiry into the labour conditions in Beedi, Cigar, Snuff Curing and Tanning Industries. There were full time workers but they were paid less than fair wages. Working conditions were extremely unsatisfactory from the stand point of floor, space, sanitation, ventilation and lighting.

In 1954, the Government of India appointed Sri. Nataraj, Inspector of Factories, to assess the situation with a view to affording maximum legislative protection to the workers. As per this report, the number of workers engaged in the manufacture of beedi exceeded one lakh, and only 17,544 were employed in factories. The contract and homework systems enriched the proprietors at the expense of the workers and also deprived of the later of their bargaining power in regard to conditions of labour. The poverty and illiteracy of the workers were taken advantage by the employers. There were long hours of work with low wages, deplorable working conditions and unrestricted employment of women and children.

It is in this background that the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 came into existence. However, even this Act does not define an independent contractor. The Provisions contained in Section 37(3)
relating to maternity benefits in the Maternity Benefit Act, 1961 are not applicable to home workers.

The recent major boost to education sector is that the Union Cabinet has cleared the long pending Right to Education Bill (Article 21-A of the Indian Constitution) which promises free and compulsory education for children in the age group of 6 and 14 years is seen as a ray of hope.

V. Government Policies, Schemes and Programmes for Beedi Workers
The problems of beedi workers in India are of high magnitude when one considers the number of beedi workers involved. 92% of beedi workers are found to be in unorganized sector, and hardly 8% would come in the organized sector which can be effectively covered by the Legislation. Very few research studies on beedi workers particularly in unorganised sector (both in urban and rural areas) were conducted. The experience gained so far is in the enforcement of numerous legislations preventing the employment of children, exploitative working conditions and the inadequacy or the absence of measures to provide for health care, protection against employment injuries, education, vocational training and career development, etc. These studies reveal that the beedi workers' exploitation will continue to persist so long as low incomes, high dependency ratios, and limited socio-economic opportunities continue to prevail. This harsh reality suggests that the Policies for the welfare of beedi workers must proceed along two fronts viz.,

a. The first kind of measure requires comprehensive legislation, and
b. The second type of measures underlines the need for adopting a development approach to the problem and help the bidi workers themselves and their families through action projects.

One can find many Labour Laws in the Statutes' books. However, all of them do not cover workers in the unorganized/informal sector. And they are not applicable, and were not meant to be applicable, to the employments in the unorganized sector. Of course, some are applicable. However, none of the Laws that forms the base for the social security system covers the whole unorganized sector.

Hence, it is necessary to draw the attention to the questions or alternatives that arise. One is whether protection and security can be extended by amending existing Acts, mutatis mutandis, to employments and labour in the unorganized sector. The other is whether, to achieve the goals of assuring protection and welfare of workers in this sector, it is necessary to enact separate Laws for each employment and occupation including a separate Law for the self-employed. The third question is whether one single Law can cover the needs of all the workers in the informal/unorganized sector. However, it appears that one single Law cannot cope with the variety of conditions in a sector in which even the employer-employee relationship cannot be identified in many cases; where there are vast differences in the state of awareness, literacy, education, skills, degree and level of monitoring, etc. The fourth is whether the problem of variety can be solved or addressed by enacting an Umbrella Law that provides
for a minimum of protection, access to welfare or social security, and redressal of grievances, while retaining existing sub-sectoral laws and sub-sectoral welfare systems when and were found necessary.

The review of Laws reveals that the Factories Act, the Minimum Wages Act, the Equal Remuneration Act, the Payment of Wages Act, the Industrial Disputes Act, the Workmen’s Compensation Act, the Payment of Gratuity Act, etc are applicable to the workers in the unorganized sector where there is an identifiable employee-employer relationship. In some of the employments, contractors are engaged, and this results in a situation in which the principal employer does not come into the picture, as in building construction activity, beedi rolling, mining (particularly, stone mining) or quarrying, and various other occupations. These workers are sometimes covered under more than one Law e.g., the Contract Labour (Regulation and Abolition) Act as well as under one specific Law or another like Beedi and Cigar Workers (Regulation of Employment and Conditions of Service) Act, Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, etc. Inspite of the existence of these beneficial Laws, the benefits and facilities prescribed under these Laws are denied to them in most cases.

The Factories Act, 1948 is designed to protect workers in the factories. The Act has undergone various amendments and it was last updated in 1987. Various Sections of the Act deal with benefits and welfare facilities and health, safety and hygiene, inside the factory premises. The implementation of the Act
is under the jurisdiction of the state governments. It is enforced through the factory inspectorates. Any worker can complain to the inspector about conditions inside the factory; and the source from which the complaint has come is not supposed to be disclosed. Unfortunately, the implementation mechanism of the Act is unsatisfactory. Because, each factory inspector has more than a thousand factories under him. The infrastructural facilities available to him are totally inadequate.

This Act, in its updated form, has a very broad definition of ‘worker’. However, contract and adhoc workers do not get the benefits given to permanent workers. It imposes restrictions on employment of women during the night, especially the period between 7 pm to 6 am. There are also restrictions of daily working hours for men and women in factories, i.e., not more than 9 hours a day, 48 hours in a week; women cannot be engaged for extra hours work in a factory. Sections 23 and 27 of the Factories Act prohibit women from handling dangerous devices. However, all these Provisions are not applied in practice for a section of the workers. Moreover, the Act is applicable only to manufacturing units which are organized as factories. The Provisions of this Act do not apply to the vast masses of workers in the organized sector employed in smaller manufacturing units and other sectors.

The Minimum Wages Act, 1948 is the most important legislation that has been enacted for the benefit of workers in the unorganized sector. It was enacted for fixing, reviewing and revising the minimum rates of wages in the scheduled
employments where workers are engaged in the organized sector. The Minimum Wages Act is meant to ensure that the market forces, and the Laws of Demand and Supply are not allowed to determine the wages of workmen in industries where workers are poor, vulnerable, unorganized, and without bargaining power. The minimum rates of wages are fixed, keeping in view the minimum requirements of the family, and wages at these rates are to be paid by all employers irrespective of their capacity to pay. The Act helps workers in the unorganized sector who are working in the scheduled employments. However, majority of home-workers remain outside the purview of the Minimum Wages Act, 1948 though they constitute the majority in the sector.

The Payment of Wages Act, 1936 regulates the payment of wages to certain classes of employed persons. It ensures the correct and timely payment of wages, and ensures that no unauthorized or arbitrary deduction is made. This Act applies to persons employed in factories, mines, oil fields, railways and various other establishments specified in the Act. However, because of the wage limit of Rs.1,600 for the purpose of applicability of the Act, 95% of the unorganized workers are excluded from the coverage of the Act. Further, this Act is not applicable to self-employed/home-based workers as they are not persons employed in the category of establishments maintained in Act. It does not, therefore, protect a large number of workers in the unorganized sector.

Workmen’s Compensation Act, 1923 provides for the payment of compensation to workmen for injuries sustained in accidents. After the
amendments effected in 1995, the Act has 4 Schedules. Schedule - I provides list of injuries with percentage of disablement (loss of earning capacity). If the injury is not a scheduled injury, the loss of earning capacity has to be proved by the evidence. Majority of workers who are not insured under ESI scheme are covered under the Workmen’s Compensation Act. The Act does not apply to those who are employed in occupations enlisted in Schedule –II nor is relief available if the injury has taken place when the injured worker was not actually engaged in discharging duties related to the employer’s trade or business. The employer is liable to provide monetary compensation to the worker or dependent in case of death or disablement provided it occurs ‘out of and in the course of employment’. An occupational disease listed in Schedule - III of the Act is also accepted as an accident that occurred while on duty. The burden of proving that the accident arose out of employment is upon the worker.

The method of claiming compensation for disability is so long and tortious that one rarely gets the compensation for which he is entitled by Law. Any qualified medical practitioner can certify the case, and the victim can file a claim in the court of the Workmen’s Compensation Commissioner with a copy to the employer. The Workmen’s Compensation Commissioner decides the case, and the revenue department recovers the amount of compensation. But workers who are in the unorganized sector often find it very difficult to prove who is their employer, and as a result, cases are prolonged, and often workers die without receiving any compensation.
The Workmen’s Compensation (Amendment) Act, 2000 that came into effect in December 2000 provides for compensation even to casual workers. The minimum amount of compensation for death has been enhanced from Rs.50,000 to Rs.80,000 and for total disablement from Rs.60,000 to Rs.90,000. The ceiling on monthly wage/salary reckoned for determining the compensation amount has also been increased from Rs.2,000 to Rs.4,000. The amount of funeral expenses payable has also been increased to Rs.2,500 from Rs.1,000.

Inter-state Migrant Workmen (Regulation of Employment and Conditions of Services) (ISMW) Act, 1979 deals with the vast majority of migrant workers in the unorganized sector. Workers are recruited from various parts of a state through contractors or agents commonly known as sardars, generally for work outside the state wherever construction projects are available. This system lends itself to various abuses. The promises that contractors make at the time of recruitment about higher wages and regular and timely payments are not usually kept. No working hours are fixed for these workers and they have to work all days in the week under extremely bad, often intolerable working conditions in inhospitable environments. The Provisions of various Labour Laws are not observed, and migrant workers are often subjected to various forms of malpractices. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted to regulate the employment and conditions of service of inter-state migrant workers.
The benefits include non-discrimination in wage rates, holidays, hours of work and other conditions of work for inter-state migrant workers in relation to local workers. They are eligible for a non-refundable Displacement Allowance equal to 50% of their monthly wages in addition to the wages. A journey allowance, equal to rail fares both ways, is to be paid by the contractor with wages during the period of journeys. Other Provisions include regular payment of wages, equal pay for equal work to both men and women-\textit{w}orkers, and provisions for suitable conditions of work, suitable residential accommodation, adequate medical facilities, and adequate protective clothing and equipment. In case of accidents, there is a provision to ensure intimation to the authorities of both the states (Home State and Host State) and to the next of kin.

To understand the applicability and utility of the Act, one should look at the definition of the inter-state migrant workman in the Act. It says, \textit{any person who is recruited by or through a contractor in one state under an agreement or other arrangement for employment in an establishment in another state, whether with or without the knowledge of the principal employer in relation to such establishment}. According to this definition, it can be found that all migrant workers (who are generally unorganized workers) are not inter-state migrant workers as defined by Law, and cannot, therefore, enjoy the benefits of ISMW Act. To prove in the court that the Act is applicable is very difficult, as employers deny that workmen were recruited from another state (Home State) by any of their contractors. They often contend that the workers are recruited from nearby places within the state.
where the industry is located. Thus, the Act is only of very limited benefit to workers in the unorganized sector.

The Commission has, therefore, been urged by many witnesses to recommend amendments that will make the ISMW Act more effective, and cover all migrant workers. The suggestion is that the definition of the ‘inter-state migrant worker’ be amended to mean any worker who is employed in an establishment situated in a state other than the Home State of the worker. It was hoped that this change can make the ISMW Act cover a large number of unorganized workers, and at the same time, plug some of the loopholes in the present Act.

The existing Labour Laws do not cover the vast majority of workers who work as home-based workers, domestic workers, self-employed workers and those working in small units.

The Government of India has set up welfare funds for workers in six classes of mines—mica, iron ore, manganese ore, chrome ore, limestone and dolomite. Welfare funds exist even for beedi workers, cine workers, and building and construction workers through welfare boards and funds to be setup by state governments under the Central Act. They provide mainly medical care, assistance for the education of children, housing and water supply, and recreational facilities. Among the states, Kerala has set up more than 20 welfare funds for the benefit of workers in the unorganized sector. Many of
these are statutory but some are non-statutory. A statutory fund was created for financing welfare measures for plantation workers in Assam. Mathadi Boards exist for various groups of head load workers in Maharashtra.

The central welfare funds have been set up by special Acts of Parliament. Beedi workers are covered by the Beedi Workers' Welfare Fund Act, 1976 (and Beedi Workers Welfare Cess Act, 1976). A fixed cess is levied per bundle of 1,000 beedies manufactured. Building and other construction workers' Boards are constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996. As per the Building and Other Construction Workers' Welfare Cess Act, 1996, cess is collected at the rate not exceeding 2% of the cost of the construction made. Among the funds related to mines, for mica the cess is collected at a certain percentage of its export value. However, the cess is levied for other mine products on the basis of the quantum of the production, but not on the basis of the value of production. The benefits under Karnataka Government Group Insurance Scheme are extended even for beedi workers.

01. Benefits through Central Welfare Funds: The end use of the welfare funds is prescribed in the respective Laws or Schemes. The Central Welfare Funds for beedi rollers are used to fund the improvement of public health, sanitation, medical facilities, water supply and educational facilities, prevention of diseases, improvement of standard of living including housing and nutrition, and the amelioration of social conditions and provisions of recreational
facilities. In actual practice, most of the expenditure from the welfare funds has been on health, education and housing.

02. Healthcare: The assistance and facilities provided for medical care include the purchase of spectacles for those with eye problems, reimbursement of actual expenditure for heart disorders, kidney transplants and cancer, reservation of beds in hospitals that treat tuberculosis patient-workers, grants for treatment, diet, transportation charges, subsistence allowance for those with mental disorders or leprosy and the supply of limbs for those with orthopedic problems. The central welfare funds have adopted the integrated model of health care, and have undertaken to provide medical services directly. Each fund has created its own hospitals, dispensaries and other facilities. However, this approach of each fund developing its own chain of hospitals does not help either to cater to all the needy patients or deal with complicated diseases needing highly specialized treatment.

Conclusion

To protect the interest of beedi workers more particularly in the unorganised sector, various Social Security Legislations have been enacted. However, beedi workers are not aware of these legislations. The beedi workers are being exploited by the employers and contractors at various stages and at various levels. They have not been provided medical aid, proper wages, educational, maternity, safety and welfare facilities. There is a discriminatory treatment between beedi workers in the organized sector and those in unorganised sector.
For this situation, the factors responsible are illiteracy, poverty, insufficient sources of income, ignorance and socio-economic conditions, etc.

Beedi workers are economically weak as they are neither occupant of material resources nor having gainful employment. The inherent problems of beedi workers expose them to various kinds of exploitations. They are politically weak as are numerically in minority and are unable to assert their political rights against majority. Their ignorance pushes them in the mire of political exploitation. Even if some of the beedi workers are aware of their rights under different Acts, the families of beedi workers, for obvious economic reasons, are unable to approach Law when their fundamental rights have been violated.

The basic purpose of Law is to protect and promote the interest/welfare of people with a view to ensuring them happy and satisfying standards of life. Though the beedi workers are contributing heavily for the economic development of the country, their condition, more particularly their economic condition, is very pathetic. Hence, it is necessary to implement the relevant Provisions of Labour Laws in true spirit and for the benefit of beedi workers in the informal sector.

**Notes and References**

1. Article 13 of the Indian Constitution
2. Article 14 of the Indian Constitution
3. Article 15 of the Indian Constitution
4. Article 17 of the Indian Constitution
5. Article 19 of the Indian Constitution (subject to reasonable restrictions)
6. Article 1 bid of the Indian Constitution [subject to reasonable restrictions under Article 19 (6)]
7. Article 21 of the Indian Constitution
8. AIR 1978 Sc 597
10. AIR 1982 Sc 1473
11. AIR 1986 Sc 180
12. AIR 1984 Sc 1099
13. AIR 1988 Sc 1782
14. The Immortal Traffic Prevention Act, 1956
15. AIR 1982 Sc 1943
16. People Union for Democratic Rights Vs Union of India AIR 1982 Sc 1943
17. Sanjit Roy Vs State of Rajasthan AIR 1983 Sc 328
18. AIR 1983 Sc 1155
19. AIR 1984 Sc 802
20. AIR 1961 Manipur-1
21. AIR 1959 Raj. 186
22. AIR 1982 Sc 1943
23. Employment of Children Act, 1938
24. AIR 1955 Sc 118
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27. AIR 1983 Sc 339
28. AIR 1984 Sc 803
30. Article 38 of the Indian Constitution
31. Article 39 of the Indian Constitution
32. Article 39(A) of the Indian Constitution
33. AIR (1991)1 Scc 283
34. AIR 1982 Sc 879
35. Daily Rated Casual Labour Vs Union of India (1988)1 Scc 122
36. Article 41 of the Indian Constitution
37. Article 42 of the Indian Constitution
38. Article 43 of the Indian Constitution
39. Section 3, Payment of Wages Act, 1936
40. Section 6, Payment of Wages Act, 1936
41. Sections 7-13 of the Payment of Wages Act, 1936
42. Workmen of Demakchandi Tea Estate Vs Management of Demakchandi Tea Estate, AIR 1958 Sc 353
43. Sections 7-11 of the Karnataka Shops and Commercial Establishment Act, 1961
44. Sections 12-16 of the Karnataka Shops and Commercial Establishment Act, 1961
45. Sections 25-28 of the Karnataka Shops and Commercial Establishment Act, 1961
46. Sections 29-41 of the Karnataka Shops and Commercial Establishment Act, 1961