CHAPTER II

REVIEW OF LITERATURE
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INTRODUCTION –

In the era of laisser faire, employers enjoyed unfettered right to run industries. They had vastly superior bargaining power to dominate workmen in every conceivable way. They preferred to settle the terms of employment and abhorred statutory regulation. Unless, of course, it was to their advantage. This was not acceptable in a welfare state like India. Labour legislation was, therefore, enacted to regulate employment, non-employment, terms of employment, and conditions of service of industrial workmen.

Labour legislation plays a key role in shaping the structure of industrial society. It represents the foundation from which the present system of procedure flows to deal with labour problems. However, as analysis reveals that it has not, on the whole delivered the goods. Maybe this is not wholly due to defects and shortcomings in the labour legislation itself. Whatever the explanation, there is undoubtedly a mood of frustration about the existing labour legislation. This is, however, unfortunate, because we cannot altogether do without legislation. Thus, there is a strong need for re-appraisal of the labour laws.

Present study consists of very many legal terminologies so the researcher therefore took review of various related Legal Books and Acts.

The present study is regarding “A STUDY OF WOMEN BIDI WORKERS IN NASHIK DISTRICT WITH SPECIAL REFERENCE TO
Therefore, researcher thought it necessary to review the books / Acts in following areas –

01) Appropriate Government.
02) Establishment
03) Industrial Premises
04) Employer
05) Contractor
06) Contract Labour
07) Employee
08) Manufacturing Process
09) Collection Centre
10) Principal Employer
11) Private dwelling house
12) Bidi rollers
13) Other workers.

As per

01) Appropriate Government –

As stated by P. L. Malik in hand of Labour and Industrial Law, Eastern book Co. Lucknow 2001. The Collection of Statistics Act, 1953 facilitates the definition as per Sec. 2 (a) as follows :

1) It is the Central Government, in relation to the collection of statistics under a direction issued by the Central Government under section 3 and

2) The State Government in relation to the collection of Statistics under a direction issued by the Sate Government under sec. 3.
As stated by N. D. Kapoor in ‘Handbook of Industrial Law’, Sultan Chand and Sons, Delhi, 1993. The Employment Exchanges Compulsory Notification of Vacancies Act 1959, Sec. 2 (a) as define Central Government in relation to –a) any establishment owned, controlled or managed by (1) The Central Government or Department of Central Government, (2) A company in which not less than 51% of the share is held by the Central Government or partly by Central Government and partly by one or more State Government. (3) A Corporation (including a co-operative society) established by or under a Central Act, which is owned, controlled or managed by the Central Government. In relation to any other establishment, the appropriate Government means The Government of the State in which the establishment is situated.

Mr. Arun Kumar said in the book of Industrial Law, Atlatic Publishers Delhi, 2003, as per the Minimum Wages Act, 1948 which define appropriate Government as per Sec. 2 (b). As in relation to any scheduled employment carried on by or under the authority of the central Government or a railway administration, or in relation to a mine, oilfield or major part, or any corporation established by a Central Act, Appropriate Government means the Central Government, below definition appears, in Industrial Law.

Mr. S. P. Jain stated in his book ‘Industrial and Labour Law, Dhanpat Rai and Co. Pvt. Ltd., 1997 as per the Industrial Dispute Act, 1947, Extends the scope and coverage of Appropriate Government as follows - (1) The Industrial Finance Corporation of India established under Sec. 3 of the Industrial Finance Corporation Act, 1948, or (2) The employees’ State Insurance Corporation, Life Insurance Corporation, Air India, Oil and Natural
Gas Commission, Unit Trust of India, Food Corporation of India, The International Airports Authority of India, the Export credit and guarantee Corporation Limited, The Banking Service Commission Cantonment Board or a major port and so many others.

2) Establishment

Mr. Arun Kumar in ‘Industrial Law’ Atlantic Publishers and Distributors, defines Establishment as per the Employment Exchange Act, 1959, as Establishment [Section 2(e)] It is (a) any office, or (b) any place where any industry, trade, business or occupation is carried on. Establishment in Public Sector [section (f)] It is an establishment owned, controlled or managed by (1) The Government or a Department of the Government. (2) A Government company as defined in Section 617 of the companies Act, 1956. (3) A Corporation (including a co-operative society) established by or under a Central, Provincial, or State Act, which is owned, controlled or managed by the Government. (4) A Local Authority.

As stated by Mr. N. D. Kapoor in handbook of Industrial Law, Sultan Chand & Cons, Delhi, 1993, define Establishment in Private Sector [Section 2(g)], as it is an establishment which is not an establishment in public sector and where ordinarily 25 or more persons are employed to work for remuneration.

Mr. S. P. Jain has reviewed in his book Industrial Law, Dahnpat Rai & Co. Ltd. Delhi, 1997, as per The Industrial Dispute Act, 1947 explains the Industrial Establishment or Undertaking [Section 2 (KG)]. As it means an establishment or undertaking in which industry is carried on. Sometimes
As viewed by Mr. S.C. Srivastava – Labour Law in Factories, Mine & other Industrial Establishment,” Prentice hall of India, Pvt. Ltd. New Delhi, 1992 as per Maharashtra Government Section 2(8) of the Bombay Shops and Commercial Establishment Act, 1948 defines “establishment’ to mean – “A shop, commercial establishment, residential hotel, restaurant, eating house, theatre, or other place of public amusement or entertainment to which this Act, applied and includes such other establishment on the State Government may, by notification in the official Gazette declare to be establishment for the purposes of this Act.”

“It also defines the expression “Commercial Establishment” as an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and includes a society registered under Societies Registration Act, 1860 and a charitable or other trust, whether registered or not which carries on (whether for purposes of gain or not) any business trade or profession or work in connection with or incidental or ancillary thereto but does not include a factory, shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.”

3) Industrial Premises

Viewed by Mr. N. D. Kapoor in Handbook of Industrial Law, Sultan Chand and Sons, Delhi, 1993.as per the payment of wages Act, 1936,Sec. 2 (ii), it means any – a) Tramway service, or motor transport service engaged in carrying passengers or goods or both by road for hire or reward. a) Air transport service other than such service
belonging to or exclusively employed in military, naval or air force of the Union or the Civil aviation Department of the Government of India.

As observed by Arun Kumar in ‘Industrial Law’, Atlantic Publishers, Delhi, 2003, Industrial premises has now come to refer to either land or building or both depending on the context precincts is defined as “the space enclosed by the walls or other boundaries of a particular place or building and more vaguely, the region buying immediately around a place without distinct reference to any disclosure, the enviros.”

**Employer**

Mr. N.D. Kapoor has referred from The Industrial Act, 1946, Sec. 2 d to give the more precise meaning of the term ‘Employer’ in his book – ‘Handbook of Industrial law’, Sultan Chand & Sons, Delhi 1993. ‘Employer’ means the owner of an industrial establishment to which this Act for the time being applies, and includes – (1) In a factory, any person named under Sec.7 of the factories Act, 1948, as manager of the factory. (2) In any industrial establishment under the control of any department of any Government in India, the authority is so appointed, the head of the department. (3) In any other industrial establishment, any person responsible to the owner for the supervision and control of the industrial establishment.

However, Mr. Arun Kumar in ‘Industrial Law, Atlantic Publishers and Distributors, Delhi, 2003 emphasises – Employer is any person who employees, whether directly or through another person or whether on behalf of himself or any other person, one or more employees, in any scheduled employment in respect of which minimum rates of wages have been fixed.
Mr. S. P. Jain, Dahnpat Rai & Co., Delhi, 1997, states that the Employer is one who employs the other person for taking work. The contract of employment of service between the employer and the employee, whereupon the employee agrees to serve the employer subject to his control and supervision. Employment brings in contract of service between the employer and the employee. There should be privity of contract between the employer and the employee.

5) Contractor

As viewed by Mr. P. L. Malik in “Handbook of Industrial Law” Eastern Book Company, Lucknow, 2001 – “Contractor” in relation to an establishment, means and person who undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, through contract labour or who supplies contract labour for any work of the establishment and includes a sub contractor.

According to Mr. N. D. Kapoor in ‘Handbook of Industrial Law’ Sultan Chand & Sons, Delhi, 1993. Contractor is one who supplies contract labour to an establishment undertaking to produce a given result for it, he hires labour in connection with the work of an establishment.

The contractors / sattedars are engaged either by the employers comprising of Trade Mark establishments or by their branches. The employer provide requisite quantities of raw material to the contractors who undertake the task of getting the bidis rolled through Bidi rollers. The finished green bidis delivered by the Bidi rollers are collected, checked and supplied to the Principal Employer. For this job the contractor gets a commission Rs. 4 to 5 or so per thousand bidis and dale may differ from state to state. Some where like
Sinnar there are no contractors. But in other state they form a link between the Principal employers and the Bidi Rollers. The contractors carry the raw material even to the doorstep of Bidi Rollers in the remote areas for getting the bidis rolled, collect the green bidis from them and then deliver the same to the Principal Employer.

The practice of getting bidis rolled through contractors was in vogue in some of the States like Madhya Pradesh, Andhra Pradesh and so on. Except in some of the cases of very small branded establishments where the bidis are rolled with in the premises. The Bidi Rollers carried the tendu leaves to their houses for dampening and cutting to the size of bidi. Tobacco is supplied at the time of rolling within the premises.

Bidi establishments have their depots at various places for direct transaction with the contractors. Since bidi rolling is highly labour intensive activity dominated by home workers, the task of getting the bidis rolled through them is entrusted to the contractors.

6) Contract Labour

Mr. S.C. Ssrivastava in his book 'Labour Law in Factories, Mines and other Industrial Establishments' Prentice Hall, Delhi, 1992 has viewed. Contract Labour in a detailed manner. Contract labour is one of the most exploited sections of human labour. A good number of contract labourers are employed in selected industries. For several years contract labour has been paid low wages, employed for longer hours of work and on sub-contract basis, placed in insanitary working conditions and denied benefits and facilities equal to their counterparts who are employed under regular contract of service. Further, there is no security of tenure.
Mr. N.D. Kapoor has stated in hand book of Industrial Law, Sultan Chand *Sons, Delhi, 1993, - A workman shall be deemed to be employed as 'Contract Labour' in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer.

However, Mr. S. P. Jain in 'Industrial and Labour Law' Dhanpat Rai & Co. (Pvt.) Ltd., Delhi, 1997, stresses on when a person undertook to collect and manufacture quarry products for an on behalf of railways by engaging workmen to carry out his contract works under the railway establishment, the workmen, employed by him are to be deemed as 'Contract Labour'.

7) **Employee**

Mr. Arun Kumar in 'Industrial Law' Atlantic Publishers and Distributors, Delhi, 2003, emphasises 'Employee' is any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed. The term includes an out worker to whom many articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purpose of the trade or business of that other person where the process is to be carried out either in the home of the out worker or in some other premises not being premises under the control and management of that other person. The term also includes an employee declared to be an employee by the appropriate Government. It does not however, include any member of the Armed Forces of the Union.
According to Mr. N.D. Kapoor in ‘Handbook of Industrial Law.’ Sultan Chand & Sons, Delhi, 1993 – states ‘Employee’ means any person employed for wages in or in connection with the work of a factory or establishment who is directly employed by the principal employer on any work of or incidental or preliminary to or connected with the work whose services are temporarily lent or let on hire to the principal employer. It also includes any person engaged in purchase of raw materials for or the distribution or sale of the products of the factory.

Types of Employees

As per the Bidi and Cigar Workers (Conditions of Employment) Act, 1966 the home workers as well as those working with it the permission of or under agreement with the employers or the contractors are employees while a person engaged or employed in any premises by or through a contractor, with or without the permission of the employer, are contract labour. Under the Minimum Wages Act, 1948, the term employee includes an out worker or any other premises not under the control of that other person. Thus, the Bidi Rollers whether home workers or premises workers as well as skilled, unskilled, manual or clerical workers employed directly through a contractor are employees. In Bidi industry the workers other than Bidi Rollers are usually known as Factory workers.

8. Manufacturing Process

Mr. N. D. Kapoor defines Manufacturing Process in ‘Handbook of Industrial Law,’ Sultan Chand & Sons, Delhi, 1993. It means any process for 1) Making, altering, repairing, ornamenting finishing, packing, oiling, washing, cleaning, breaking up demolishing, or otherwise treating or adapting any
article, or substance with a view to its use, sale, transport, delivery or disposal or 2) pumping oil, water, sewage, or any other substance, or 3) generating, transforming or transmitting power, or 4) composing types of providing, 5) constructing repairing, breaking up ships or vessels or 6) presenting or storing any article in cold storage, Bidi making, moulding, preparation of food, use of a refrigerator for treating or adapting any article with a view to its sale and so on. In deciding whether a particular business is a manufacturing process or not, regard must be had to the circumstances of each particular case. To constitute a manufacturing process, there must be some transformation, i.e. the article must become commercially known as something different from which it acquires its existence.

9) **Collection Centres / Distributors**

As per Bidi and Cigar Workers Act 1966, viewed by S. P. Jain in Industrial and Labour Law, Dhanpat Rai & Co., Delhi, 1997. These centres undertake the task of distribution of raw material to the home workers and collection of green bidis from them. They are usually located near the clusters of dwellings of the Bidi Rollers.

10) **Principal Employer**

Mr. N. D. Kapoor has stated in Industrial Law, Sultan Chand & Sons, Delhi, 1993, - The Principal Employer means the owner or occupier of the factory and includes, a) the managing agent of such owner or occupier, b) the legal representative of a deceased owner or occupier and c) where a person has been named as the manager of the factory.

Mr. Arun Kumar further clarify the meaning of Principal employer in 'Industrial Law –Atlantic Publishers and Distributors, Delhi, 2003, Employer is
the legal representative of a deceased employer, who has the ultimate control over the affairs of the company.

Researcher further took review of Bidi and Cigar workers Act, 1966 in order to understand legal back up given to women Bidi employee and as per the Bidi and Cigar Workers Act, 1966 - Bidi Rollers are the workers responsible for rolling bidis according to the specifications of the person who supplies the raw material mainly comprising tendu leaves, tobacco and thread. The bidi rollers working with or without the help of their family members in their private dwellings are known as the home workers.

**Bidi workers** – Employees other than Bidi Rollers are included under this group. After collecting green bidis from the Bidi Rollers, other related activities are performed at various stages by the bidi workers. They are employed directly by the manufacturers within the precincts of their establishments.

The proportion of this category of employees in the different types of establishments depends on the volume of the activity. The nature of the work of the bidi workers usually employed in the different types of establishment is briefly given below:

**Wrappers & Labelers** – Wrapper and Labelers are engaged in wrapping bidis into bundles of different types and sizes and pasting labels. They are mostly piece rate workers.

**Bidi Checkers** – Bidi Checkers do checking and sorting of the green bidis (i.e. unbaked bidis) delivered by the contractors or by the Bidi Rollers. They also test check the bundles as well as the quality and quantity of the tobacco used by the Bidi Rollers.
**Furnace Man (Seawall)** – Furnace-man is engaged for baking the bidis in a furnace to remove the moisture and dampness. He is also called as Bhatiwala or Sakaiwala.

**Clerical Staff** – These include cashiers, Accountants and clerks fetching small and medium establishments, most of the managerial function.

**Raw Material Distributors** – This category of workers is engaged in distributing of raw material to the contractor / Sattedars and Bidi Rollers for rolling the Bidis. The requisite quantity of tobacco and tendu leaves is distributed by weight.

The present study focuses socio-economic problems of women bidi workers. Therefore, the studies relating to social issues and women’s status in contemporary society are also reviewed in this chapter by the researcher.

Women in India have come along way by carving a niche for themselves in various fields in our male-dominated society. Over the years, they have won more rights and freedom to choose the way they wanted to live their lives without being discriminated against. However, the ground realities still seem to be hostile to women.

Unless we impart education about a value based work ethics we cannot ensure a safe atmosphere for women. It is only when we rise above the identifies based on body consciousness such as gender, status, caste etc. and identify each individual as a spiritual entity having unique qualities, that we can truly give respect to each other. Real empowerment of women can come about only when they become the embodiments of shakti.

**Women and current situation regarding women in India** has been viewed by G. Vijayeswari Rao – Women and society, Himalaya Publishing
House, Mumbai, 2004 that we have to see what is a women and in what context we would guess her status or position in the family at micro level and in the society at macro level. Women are human species whose members are able to conceive, carry a fetus, give birth and locate. But this is not a complete woman. Besides body a woman also has a mind, soul, emotions and behaviour.

Another way of defining women is “not men” This means they have different characteristics. There are male characteristics and female characteristics. Women are weak, whereas men are strong, women are emotional, men are rational. Women are foolish, men are wise and so on, women do feel and think only the “ideal” and desirable and women cannot be depended for the proper maintenance of the family and smooth functioning of society therefore they must be kept under controls and supervision. Such a view of woman has affected her life and has made her a vulnerable class of human being.

The life situation of most women in family and society have not changed radically, if equality persists so does discrimination, ill treatment, low status and so on. The father is still considered the natural guardian of a child and head of the family. Equal property rights have been given to women only very recently and that too in only one State Andhra Pradesh. Discrimination in employment continues. Anti, dowry laws have been passed, then amended, dowry taking and dowry deaths are on the increase. Female infanticide is still practiced.

More boys are educated today in the family than girls even though in many states education for girls is free up to the XII std. The house requires
girls to sacrifice their education in order to look after younger siblings, therefore the female literacy rate is lower than that of males and the drop out rate is higher among themselves. Women in higher education are still not equal to that of men. Among the women who work, it is often a case not of liberty but slavery she undertakes not one but two full time jobs, house work and child care.

Women of Indian family still bear more children than what is good for her health. Her nutritional level is low, as compared to that of men. This combined with hard and monotonous work performed under adverse conditions and unsatisfactory surroundings creates a major health problem. Women generally never consider themselves ill. In general the problems in the enforcement of many laws are:

a) The knowledge of social legislation is poor among the family women. And one tends to feel that there is not much use in passing such legislations. Women hardly know about them.

b) The sources of information were weak. Books, magazines, periodicals were not found to be very effective. There is lack of good publicity. Other organisation's such as medical agencies or voluntary organizations could have been more effectively used. This is particularly so in rural areas.

c) Even where laws are known there is lack of proper government machinery to enforce the laws.

d) Men's attitude in a patriarchal society – Men's attitudes are very important. Urban men are more liberal and rural men are more conservative. Many are ignorant of laws. Unless these attitudes change their enforcement will be very difficult.
Anandita Mukherji and Neelam Verma has dealt the status of women in the light of cultural set up of India in their book – 'Socio-Economic Backwardness in Women' Ashish Publishing House, New Delhi, 1987. As per the author the role of women in the cultural development of society is underestimated and underscored in India. In Indian society, the concerted effort has been made to make the language, literature, art, science and technology all male oriented which indicate a negative attitude towards women. At the same time this attitude gives rise to the class structure in society. Besides, Indian society is primarily a fragmented society which never united its people on a Common Social cause, rather it differentiates people on their caste and class and even on the basis of their gender i.e., male and female. In this context Wali (1984) has carefully remarked that in India, the cultural conditioning, and the socialization pattern, customs, rituals, traditions, value systems, religious ethos have been such and so different for male and female, that a female develops a voiceless minus personality (p.179). Our culture also maintains that women should not be given power and their views should not be taken into account (Miller, 1981). However, this notion does not match the traditional role of women where women have exerted enormous power through fostering the off-springs and have found this to be a valuable land gratifying activity. But only this gratification cannot provide them an equal status in the society.

The status of women can be discussed in the light of cultural set-up of India which provides a strong background.

In the beginning of the journey it would be wise to confess that since primitive stages to modern era, women have been looked upon as the second
class citizens and they have always been treated as she ‘cheap commodity’
and not as the half part of the society (Women Constitute nearly the 50% of
the total population in India). So, the overall status of women in India is low,
even when the resources are adequate.

In case of women the factors like, rural/urban background, married /
unmarried / widows, educated / uneducated, employed / unemployed, etc
contribute least to their emancipation.

The general conclusions drawn on the basis of a number of studies
are:

a) The status of women in urban area is higher than the women of
   rural area.

b) The married women are ascribed greater status than the unmarried
   and widows.

c) The educated women enjoy better status than the uneducated
   ones.

d) The working women are more privileged than the non-working.

In spite of a number of studies, the burning question of women’s
emancipation still remains unanswered, because these findings are not
adequate. These studies do not throw light on the emancipation of the whole
mass, rather they have taken into account only one or single aspect of
women’s area i.e. Social status, Economic Status, Legal Status, Political
status, etc., as if there are multiple statuses. These statuses have emerged
due to the sheer vastness contained within the Indian society. It has also been
reported that one cannot speak of only one status for all women (Jones, 1980,
p. 1) because there are varieties of statuses which are dependent upon the
caste, class, religion, educational level, etc. Hence, in Indian society it is a hard task to establish a national trait or national character of women.

So the journey of confirmation of women's status is still incomplete and uncertain. One has to exert more and more if one aspires to achieve the wishful, thinking of equal status of women in all respects. In this direction the studies related to the socio-economic conditions of women will be more helpful in understanding the vital issue of women status.

The status of women in any society is determined by the interplay of various socio-economic factors. Some of these may be the 'objective' in nature, like education, employment, income, etc. or 'subjective' depending on the social values prevailing in the society. It is found that social status generally coincides with economic status. In other words, both are more or less overlapping. So, the sections, which are economically very poor also, occupy a low position in the social scale. So, it must be mentioned here that in the lower strata, the problems are more 'economic' than 'social'. Whereas in the 'middle' and 'upper' strata it is more 'social' than 'economic'.

In Indian society, the socio-economic status of women is usually determined by the position of her husband or family and her individual achievements were rarely considered. For example, a wife of a well placed man enjoyed higher status than a women who was highly qualified and competent in her job. So, the 'ascribed status' dominated over 'achieved status' which was a part of the total social system.

To understand economic conditions of employed women and their problems following review was taken.
Women & Development' by Maithreyi, Krishna Raj, Shubhada Saraswat Prakashan, Pune 1988 (Pg. 49,50,51) throws light on women discrimination which is inherent in a male dominated society and therefore says Earning does not confer status. Many micro studies have demonstrated the inverse relationship between income level of the house hold and women's participation. The lower the income level, the greater is the pressure on women to seek work to sustain themselves and their families. The relationship between earning income or being employed by itself is not an indicator of status. The kind of work done, the terms under which it is done, the reasons for which it is done are really what matter. To the majority of female workers, who are also poor, work is not a matter of choice; nor is it ennobling because much of it is unskilled, back-breaking, tedious work with low rewards. The poorer the family the greater the work burden on women. It is often assumed that a decline in female work participation rate as reflected in official statistics indicates voluntary withdrawal by women. If this were true, there ought to be higher dependency ratios but the actual ratios of dependency, the high turnout of women job seekers. NSS data on women's informal economic activities all refuse this suggestion. With the steady increase in population growth and poverty, there is indirect evidence that there is substantial increase in the number of females seeking work. There is also considerable under counting of female work force, especially rural female work force.

Yet the myth continues to be held that women do not need employment, that they are supported by males. Extensive documentation is now available in development literature that women not only add substantially
to family income but are in many cases, the sole economic providers. Despite their desperate struggle to sustain themselves and their families, employment opportunities for them are unfavourable and diminishing, so that they are (a) pushed into greater poverty and poverty indices show that among the poorer classes, women are poorer, (b) women are forced to look for any means that are available however, discriminatory the terms and they accept any work to support themselves and their families.

Originally, the bases of sexual division of labour were linked to the different role in human reproduction for men and women. In predominantly subsistence economics women's occupations tend to be those that can be performed closer home, farming, processing of food, care of children, fetching fuel and water, animal care, local trade and crafts. In hunting, fishing, long distance trade and defence were exclusively men's domains. Though there was this division, the activities were never rigidly demarcated. As societies became more complex and stratified, the division of labour became rigid both between sexes and within sexes with the ultimate power and authority vesting, without exception, in a male elite.

Such a strictly enforced division of labour, reinforced by powerful cultural and religious sanctions and beliefs, within a context of maleness of public authority ensured that women as a rule would receive the worst end of it. This becomes clear when we see that the basic feature of development is to introduce new and modified technologies that change the occupational and other social organizations in society in order to enhance total productivity of human and non-human resources. The new jobs and new income earning openings tend to be taken by men even if some of these displace job
previously done by women. The process occurs because of the inability of women to move out to new openings. These inequalities came from difficulty of physical movement and lack of endowment in new education and skills. At both the points, discrimination is inherent due to the existence of male authority within the family and outside and women's special responsibility for child care and family care resting solely on women. This has intensified the dichotomization of the relationship between men and women, leaving women relatively worse off than men even though both sexes are hard hit by the impoverishment of large sections of society.

To study the dual role conflicts faced by women whether organised / unorganised employed / unemployed the situation remains same every where, to probe in to main cause the review of the same was taken.

**Dual Dilemma and Dual Role conflict** the main problems faced by women has been very well discussed in 'Status of Indian Women Crisis and Conflicts in gender issue volume No.1 ;by Uma Shankar Zha, Arti Mehta and Latika Menon, Kanishka Publishers, New Delhi,1998. The writer focuses that in most societies, all over the globe, the main role of women is expected and confined to performing the household chores, child bearing and care of the entire family. In the rural agrarian set up, these duties are further extended to work in fields, cultivation, plantation, forestry and fishery, poultry, tending cattle, skills jobs in the forms of weaving, dyeing, printing and household industry. For all this work there are no wages nor is the work recognized as much important as that of a man. Not only that, the work is stereo typed and related with the sex roles and developmental tasks of women.
The term sex role described by Nilesen (1978) refers to the process by which the individual develops the attributes like behaviour, personality characteristics, emotional responses, attitudes and beliefs defined as appropriate for the individual in a society. Each society assigns different tasks to both men and women. Harris (1971) summarizes universal roles assigned to both sexes as –

1) In all hunting and food gathering societies, men specialize in hunting, large and dangerous game. Women specialize in small game, sell fish and vegetables.

2) Men exercise dominance in maintaining law and order in interpersonal relations, police and military forces, women specialize in rearing infants.

3) Men perform strenuous tasks as that require travelling, women carry out routine task of ministering to the needs of family membership.

The classical view of labour supply held that men made up the labour force, the women (Married women particularly) did not work in the occupation that had significant impact on economy. House work did not constitute real labour. Men did not do housework. The structural functional sociologists conceived of women's family that role as expressive and emotional, not constituting 'true' work.

The work structure for educated and uneducated employed or unemployed women, have basic similarities in the domestic front. In both cases, there is no reward, monetary or otherwise, for performing the household jobs, which are mainly indoors. It includes cooking, health care,
cleaning, washing and shopping for food and fuel, and to look after the family. But outside the home, the work situation and structure are hierarchically related to the level of education. The work of women mostly in rural setting may be classified as unskilled, semi-skills and skilled.

1) The unskilled jobs mainly rural and outdoor includes labour force in agriculture, mining, factories and construction.

2) Skilled jobs include, weaving, dyeing, printing, small-scale industry, carpentry, masonry, food processing, food preservation and production.

3) Semi-skilled jobs in the form of self-employment include cultivation, fishing, forestry, plantation, animal husbandry, and poultry.

Modern adult women have to perform the additional female roles as wives, mothers, housekeepers on the one hand and their role as employees on the other. Coping with both the roles, simultaneously, has an important bearing on their occupation, which leads to conflicts. The time consuming household chores without the family support have an adverse effect on the fulfillment of their emancipatory aspirations.

Dak (1986) recognizes that much of the household and productive task performed by women in India remains unaccounted for because of socio-biological factors. Between productive and reproductive roles and pregnancy, lactation and bringing up infants adversely affect the duration and efficiency in work. This creates a bias against female employment, especially in organised work situation. Another bias in women’s gainful employment outside home is considered to be an indication of low status of their parents or husbands, leading to the determination of the prestige of their family. The conflict some
times forces the women to give up job at the whims and fancies of her parents or husband.

A working woman has also the traditional role of a home maker. The woman in this situation has to cope with many stresses caused by the expectations of the members of the family. They expect her to be efficient at work, smart and graceful and beautiful like a fairy at home and in social functions will all the assets of Alladin’s Gin to be able to cook, to create dreams of dresses, and please the guests by giving the five star treatment. But in most cases, the working and earning woman has little control over her own earnings, has little say in decision making and is usually in a subservient position.

In facing the guilt of neglecting her family and also not doing justice to her work, a working woman falls prey to shattered aspirations. Her sincerity to both types of responsibilities is the cause of troubles. Because there is a lack of proper understanding of her problems, her performance is not much appreciated either at home or outside at the work place. To add to the list, there is restricted freedom of movement for her and there is not time for her own recreation or rejuvenation. Usually, men think that domestic work is meant for women and they have nothing to do in the matter. The problems and dilemma of working women are related to their socio-economic background. Thus the problems of the women of lower strata as summed up by Rao are –

a) Low and unequal wages paid for the equal and the same job.

b) Double burden of earning as well as caring for the children with no financial security.
c) Large family.

d) Unhygienic living conditions; and

e) Lack of minimum facilities of privacy.

Rao (1985) also highlights the problems of middle class women, which are more social than economic, and thus more complexes. These are –

a) Ambivalence regarding status of women today whether women should be more traditional or modern (i.e. educated and rational)

b) Disregard of women as decision makers.

c) Lack of due recognition to daughters and their work in comparison to sons;

d) Their responsibility to maintain efficiency at place of work and at home.

e) Verbal or physical harassment at home and work places.

f) Lack of adequate protection and recognition.

In the end, it will be worth while to mention here that Vedic texts describe wife as Ardhangini or Patni without whom no ceremonies could be performed. She was considered the prime authority in matters pertaining to household. Vishnoi (1987) is of the view that women’s status is not changed by mere acceptance of legal rights, but it depends on the social ethos. The need of the day, therefore, is to change the social ethos.

In order to understand the intensity and depth of the problems faced by women bidi workers. It was felt necessary to probe in to the areas of social, economical, political and legal exploitation of women and to stress out the relation with present study following reviews of article are taken.
Dr. B. R. Sharma and Dr. Manish Gupta have written an article on ‘Gender Violence, Violation of Women’s Human rights’. The authors stress that deep-rooted ideology about the superiority of males enables them to exercise control on women and violence is one of the weapons that is used to enforce this authority. Violence against women is increasing day by day in spite of progressive legislations and active women’s organizations. The new social order with its emphasis on consumerism is fueling the demand for more dowry and hence leads to more gender violence.

The world has entered the new millennium but it is a harsh reality that the women in India have been ill-treated for ages in our male dominated society. She is deprived of her independent identity and is looked upon as a commodity. She is not only robbed of her dignity and pride by way of seduction by the men outside, but also may become a victim of cruelty by her saviors within the four walls of her own house. However, her trauma does not end here, it may even go to the extent of forcing her to commit suicide or she may be burnt to death for various reasons including that of dowry. This type of violence transgresses the boundaries of caste, class, region or religion and is prevalent in almost all societies.

The issues related to women are being raised and discussed in various forms in the recent times. Of these, ‘violence against women’ is gaining more and more support and recognition the world over. But despite the enactment of laws, formulation of reformative legal process, provision of legal aid to the needy, extensive use of the provision of Public Interest Litigation conduct of
Family Courts, Women / Family counselling centres etc. women in India have a long way to go in concretizing their Constitutional Goals into reality.

‘Informal economy and female child labour’ article written by lovely Jacob and Dr. G. Sekar in Social Welfare Issue Volume No. 52. 8 November 2005 throws light on the burning issue of female child as follows: The girl child, with all her existing deprivations is further exploited and denied her rights when she enters the workforce. Girl child labour is especially prone to ‘invisibility’ because most of her work centres around the house and farm in the informal economy.

The system of child labour is economically unsound, ethically and morally wrong and is a stigma on modern society. Female child is the worst affected in the child labour market. "No area needs more urgent action than communities themselves, when girl children falling through the social economic and legal cracks wind up the most oppressive and miserable conditions imaginable" Family is the first institution where most of the girls are first employing young girls in the informal sector. This is one of the most exploitative areas of work for young girls in India. They are exploited by their employers and the least protected by the child labour law. The system of domestic labour has a prevalence of low wages, long hours of work, insecure and difficult working conditions. Several domestic labourers experience many forms of violence such as physical, verbal, emotional, sexual, financial and social.

In the Indian context, the evidence suggests that girls are engaged in low paid or no wage unskilled jobs which do not necessarily lead to skill formation. The changing demands and consequent technological changes
deprive women and girls of growth opportunities. So, whichever industry one looks at, the pattern is repeated, that boys go to work in skill based industries and girls in unskilled low wage work. Wherever mechanization is introduced, leading to higher wages boys takeover the work which girls were doing earlier. The vulnerability and marginalization faced by girls child labour makes her situation more acute. She is a child and at the same time she is a labourer and faces discrimination on all counts. Like all young children, the girl child is also dependent on the adult world for care, protection and fulfillment of her rights.

Rajesh Sharma and Renu Sharma in Volume No. 52.5, August 2005 of 'Social Welfare, New Delhi, have very well provided a provoking thought and insight to the burning and sensational problem of 'Sexual harassment' at the work place and other forms of gender violence are a serious infringement of the fundamental human rights of women. The Supreme Court of India has laid down specific guidelines to curb this menace and these guidelines should be strictly implemented by all employers.

Violence or crime against women is a global phenomenon not restricted to any geographical area though regional variations may exist. Violence is an act of aggression usually found in interpersonal interactions or interpersonal relations and is situated in socio-economic and political context of power relations (Govind Kelkar, 1991). Violence against women nullifies the enjoyment of human rights and fundamental freedoms of women. Yet, it is perhaps the most non-recognized human rights issue. All over the world, in all life situations women are more vulnerable than man in public and private life. Though the manifestation of this evil caries from culture to culture, the fact
remains that it is the reflection of deep rooted expression of “Gender Ideology”. Violence subjects women not only to servitude and subordination but also keeps them in a state of despair and dehumanization; indignity and intimidation; terrorization and humiliation.

The phenomenon of violence against women arises from patriarchal notions of ownership over women’s bodies, sexuality, mobility and level of autonomy. Deep-rooted ideas about male superiority enable men to freely exercise unlimited power over women and effectively legitimize it too. Violence is thus a tool that men use constantly to control women as a result of highly internalized patriarchal conditioning coupled with legitimacy for coercion to enforce compliance. Increasing aspirations, frustrations and might is right is becoming a legitimate-view and this is increasing the need for assertion of individual ego and control.

Sr. Lovely Jacob for “Working Girls in the Unorganized sector” in the issue of social welfare May 2005 expresses that the working girl becomes the unorganized woman worker. All the issues that affect the girl child in addition to her fundamental rights to education is also violated by employers and parents who put these children to work.

Girl children’s active participation in manual labour outside the home can be a consequence of social stratification. In majority of the cases, girl children enter the labour market due to dire need and due to non-availability of any alternative source of income. The non-availability of the work in the rural areas and failure to absorb the expanding population has led to the increase in the migration of girl children from rural to urban areas. These girl children are from poor backgrounds with no or very little education and other
skills. Thus, the only possible work opening they get is to work as labourers. The problem that affect the children spring from the unorganized nature of the available jobs, which are far away from secured bounds of laws and regulations. Many of them are unpaid family workers, both within the family and in the unorganized sector.

The assumption is that the relevant legislations, regulations and household surveys define the role of supporter and head of household ignoring the female children's constant contribution towards family income. They work from dawn to dusk and their work goes unaccounted, unrecognized, and under paid. The unorganized sector is one arena, which has seen a substantial growth in the number of its workers, with maximum concentration of girl child labour merely for their survival and livelihood. The majority of girl child labourers are employed on various industries, in the unorganized sectors both in rural and urban areas. They are also engaged in handloom, khadi and village industries, sericulture, coir, cashew, manufacture of bidis, agarbattis, handicrafts, matches, tailoring and ready made garments are employed as sweepers, vegetable sellers, domestic servants, work in shoe industry and sweet shops etc. Girl child labourers enter the job market under compulsion.

Mr. J. M. And Kamaraj and Dr. K. Muralidaran in Social Welfare issue May 2005, New Delhi, in their Research article the authors have reviewed the women in unorganized sector. As women are considered the human resource of choice for the unorganized sector because they lack education and training and are amenable to accept lower wages for equal work due to
gender casting. The role of the voluntary sector in workers education is crucial for determining a better developmental path for the unorganized workers.

The rapid industrialization in India has resulted in women being involved in industries both in the organized and unorganized sectors. As per the survey carried out by National Sample Survey organization in the year 1999-2000, the total employment in both organized and unorganized sector in the country was of the order of 39.7 crores of which 2.8 crores are in organized sector and 36.9 crores in the unorganized sectors.

The unorganized sector is characterized by

- Lack of labour law coverage
- Seasonal and temporary forms of employment.
- High labour mobility,
- Discretionary wages,
- Dispersed nature of operations,
- Casualisation of labour.
- Lack of organizational support,
- Low bargaining power etc.

At present about 90 percent of women workers belong to the unorganized sector, which consists of small-scale industries, khadi and village industries and cottage industries, G. Ravindran Nair (1998) in his article 'women workers demand a better deal' says that the unorganized or the informal sector employs a vast majority of rural women. In his view this sector, while extracting the maximum contribution from them, has given them very little in return:
According to the 2001 census about 90 percent of women workers in India are in the unorganized sector. About three fourths of the total number of women in the country's work force live in villages. Women workers in the unorganized sector suffer from fewer and poorer opportunities to work, face greater impact of employment, unemployment and casual nature of work, greater vulnerability because of lack of skills and education; lesser mobility and heavy responsibilities; a systematic social practice of under rating of their work, and lack of access to better technologies, tools and productive assets.

Dr. M. Sammaiah and K. Madhavi in Social Welfare, may 2005. have dealt effectively 'Rights of unorganized women worker'— As in spite of more than 50 years of independence, women and more particularly working women by and large constitutes a neglected section of the society.

Women constitute a significant part of the work force in India but they lag behind men in terms of equality of employment. According to the Census of India the work participation rate of female workers was 22.73% as compared to 51.56% of the males with an overall average of 37.68%. The majority of women workers were employed in the rural areas. Among the rural women workers, 87% are employed in agriculture as labourers and cultivators. In the urban areas, 80% of the women workers were employed in household industries, petty trades and services, building and construction, domestic servants, quarry workers, workers in the cottage industries etc. in the unorganized sector. According to the National Sample Survey's Report the number of units in the unorganized manufacturing sector as well as the number of jobs in this sector has increased in 2000-2001 both in rural and urban areas. The total number of units in the unorganized sector has
increased from 145 lakh in 1994-95 to 170.2 lakh in 2000-01 and the number of employed has gone up from 332 lakh to 370.2 lakh in the same period.

**Constitutional Safeguards**

The constitution opened a new horizon of hope for women with the inclusion of non-discrimination and special clause intended to protect and promote the rights and legitimate aspirations of women as equal citizens of India. Further, the Fundamental Rights and the Directive Principles taken together subsequently capture the essence of human rights and the mode of their realization, as stated in the International Covenants on Human Rights.

**Status of Women Workers – The Present Scenario**

Discrimination against women entrenched in deep-rooted cultural beliefs and traditional practices persists throughout much of the world. It is a recognized fact that there is still no society in the world in which women workers enjoy the same opportunities as men. The women in unorganized sector are facing many problems such as unemployment, low wages, irregular hours of work, irregular payment of wages, non-availability of social-security and welfare facilities, exploitative working conditions and sexual harassment at work place etc. Despite the existence of constitutional guarantees and legislative protection, the women in unorganized sector are suffering from many problems. Now, the time has come to take steps at the level of individuals, states and international level to protect the human rights of women workers of unorganized sector in India.

Dr. Darshan Singh in his article in Social Welfare, May 2005, New Delhi, suggests certain *Strategies for empowering Women workers* in unorganized sector such as - Many industries have a large workforce of
women that are not reflected on the regular rolls. Some of the work is outsourced to home base workers but in many cases, the woman worker is invisible or recorded on duplicate rolls. The callousness of employers results in lack of amenities to these workers.

The major reason of increasing participation of women workers in the unorganized sector is the absence of effective legislation for them to protect their rights and interests. However, many legislations enacted for the protection of workers of organized sector have some provisions for the welfare and protection of the workers of the unorganized sector, but due to the complex situation of the unorganized sector, the enforcement machinery proves to be ineffective. As a result, the interests of the workers remain unattended and make their position even worse.

As far as the application of the legislative measures for women workers in unorganized sector is concerned, almost all the central labour laws are applicable to women workers wholly and partially. The two legislations which are directly concerned with the welfare and protection of women workers are Maternity Benefit Act, 1961 and Equal Remuneration Act, 1976. The Maternity Benefit Act, protects the dignity of motherhood by providing the benefit of leave with full wages before and after delivery of the child and miscarriage and also prohibits the employment (arduous nature, of pregnant women immediately before the period of six weeks of her expected delivery. The Equal Remuneration Act, provides for the payment of equal remuneration to men and women workers for same and similar nature of work.

In addition to that in 1997, the Supreme Court of India announced that sexual harassment of working women amounts to the violation of rights of
gender equality and also the violation of the right to practice any profession, occupation and trade. The judgement also laid down the definition of the sexual harassment, preventive steps, the complaint mechanism and the need for creating awareness of the rights of the women workers. The employers have already started the implementation of these guidelines by amending the rules under the Industrial Employment Standing Orders Act 1946. The trends of the women employment shows that employers generally don’t encourage female employment as they have to provide for the minimum legislative

**Women can create non-violent – But Brave Society.**

A very positive thought towards empowerment and emancipation of women has been dealt by M. G. Chitkara in *Women and Social transformation* APH Publishing Corporation, New Delhi, 2001. Fundamentally, man and woman are the same. The soul in both is the same. Each is a complement of the other. Yet, nature has made men and women different.

‘Man’s work ends with setting sun; woman’s work is never done’, illustrates the centuries old discrimination which the women in India have mutely suffered from. They still are denied dignity, respect and in most cases even the identity.

“Men and Women are equals in life but their functions differ.” Man is master outside the home and it is woman’s right to rule the home. Man is the earner and woman saves and spends. She builds the character of children and is their educator, and hence mother to the nation” – Mahatma Gandhi.

Gandhiji refused to make any distinction between men and women “Woman should feel just as independent man.”
The role of women in society cannot be minimized. They constitute almost half of the population. Good mothers make a good nation. Undoubtedly, if we educate a man, we educate an individual but if we educate a woman, we educate a family.

The woman-kind cannot lag behind and remain ignorant and uneducated if a nation is to rise. Children can grow into self reliant and efficient citizens of India if their mothers are themselves self reliant and efficient women do really influence the development of society. Besides active participation in social activities for its economic development, women even as housewives can play a greater role for the all round betterment of society.

Women are by nature soft, tender hearted, sympathetic. They being women are the natural preservers of life. Life grows from within the women. Women can generate in the children the feelings of true religion, good thought and good conduct. Religion means truth and Ahimsa. Truth includes ahimsa, ahimsa being the necessary and indispensable means for its discovery. The enlightened women can exert positive influence on the proper development of younger generation.

Women has to be considered as the emblem of living temples of Shakti, the natural energy, the most ancient scriptures say that without Shakti, without female power, it is not possible for human kind to survive. The female power has been the force behind all the great leaders of the world. Therefore, it would be necessary to realize the role and importance of women resource in the development, social transformation and national rejuvenation.

The Review taken in the light of the hypothesis and objectives of the present study. The researcher felt that the reality, intensity and consistency of
the problems of women bidi workers and women in general are same. Therefore, the present need is to take a broad outlook in the aspects of health, education and conferring of equal status as a part of women's emancipation.

The 3rd Chapter then deals with Profile of Nashik District and Sinnar. The status of women bidi workers in these places are the focus of study in the following chapter.
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REFERENCE OF WOMEN STUDIES

   Ibid, pg. 63.


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