
CONTRACTUAL AGREEMENTS IN BIDI INDUSTRIES AND RELATED TRANSGRESSIONS IMPACTING EMPLOYMENT CONDITIONS GUARANTEED UNDER THE ACT

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ABSTRACT

The bidi industry, which involves the production of hand-rolled cigarettes made from tendu leaves, is a labor - intensive sector that provides employment to a significant number of workers, particularly in South Asia. In many countries where bidi production is prevalent, including India and Bangladesh, contractual agreements are commonly used as a means of hiring and managing workers in this industry. However, there are often transgressions in these contractual agreements that negatively impact the employment conditions guaranteed under relevant labor laws. This research, conducted from a doctrinal perspective, aims to highlight the contractual agreements in bidi industries and the related transgressions that impact the employment conditions guaranteed under the relevant labor laws, particularly focusing on the situation in India. The research aims to provide an overview of the bidi industry, including its historical background, production process, and economic significance. In a nutshell, research, is an attempt contribute to shed light on the exigent discernment for provision of guarantees under the relevant labor laws a better understanding of the labor rights challenges faced by bidi workers and inform policy and advocate efforts to promote decent work and fair employment practices in the bidi industry and similar labor-intensive sectors.

Keywords: Bidi Workers, labor laws, contracts, policy-reform.

INTRODUCTION

Bidi or a tobacco industry in India refers to the production and manufacturing of bidis, which are traditional hand-rolled cigarettes made from tobacco wrapped in tendu leaves. Bidis have been popular in India for centuries, especially among lower-income groups due to their affordability compared to regular cigarettes. The bidi industry in India is largely informal and unregulated, with millions of people involved in bidi production across the country. Bidi manufacturing is often a labor-intensive and cottage industry, with small-scale production units and home-based workers involved in various stages of bidi production. However, the bidi industry in India also faces numerous challenges related to health hazards, poor working conditions, low wages, child labor, and lack of regulation. Despite these challenges, bidi manufacturing continues to be a significant industry in India, providing employment and livelihoods for many, while also being a source of debate and concern due to its social and health implications.

II. HISTORICAL BACKGROUND

The history of the bidi industry in India can be traced back to ancient times when tobacco was first introduced in the Indian subcontinent by European traders. However, the modern bidi industry as we know it today has its roots in the late 19th and early 20th centuries. During the British colonial rule in India, tobacco cultivation was encouraged by the British administration as a means of generating revenue. Tobacco was grown as a cash crop in many parts of India, and the demand for tobacco products, including bidis, grew steadily. Bidis gained popularity among Indians due to their affordability compared to regular cigarettes, making them accessible to a wide segment of the population. The commercial production of bidis began in the late 19th century, with the establishment of small-scale bidi manufacturing units across different regions in India. Bidi manufacturing initially started as a cottage industry, with bidi rollers working from their homes, and tendu leaves being sourced from forests. Bidi manufacturing provided employment opportunities, especially for women and marginalized communities, and became an important source of income in many rural areas.

With the growth of the bidi industry, bidis became an integral part of Indian culture and society. They were used in various social and cultural practices, including religious rituals, social gatherings, and celebrations. Bidis were also seen as a symbol of rural life and a source of pride for many bidi workers. However, the bidi industry in India has also faced numerous

challenges throughout its history. Health hazards associated with bidi smoking, such as respiratory diseases and cancer, have been a concern. There have been debates and discussions around regulating the bidi industry, including efforts to improve working conditions, wages, and reduce child labor. However, bidi manufacturing continues to be a significant industry in India, providing employment opportunities for millions of people, while also being a subject of ongoing social and public health discourse.

III. BRIEF PREFACE

The current trajectory of the bidi industry in India is marked by a mix of opportunities and challenges. While the bidi industry continues to be a significant source of employment and livelihood for millions of people, especially in rural areas, it also faces several issues that impact its sustainability and growth. One of the key challenges faced by the bidi industry is the increasing awareness and concern about the health hazards associated with bidi smoking. Bidis are known to contain high levels of tobacco and other harmful substances, which can result in serious health issues, including respiratory diseases, cancer, and other tobacco-related ailments. As a result, there has been growing pressure on the bidi industry to implement stricter regulations and health warnings, and to promote public health campaigns to reduce bidi consumption. Another challenge faced by the bidi industry is the prevalence of poor working conditions, low wages, and exploitation of workers. Many bidi workers, who are often women and marginalized communities, work in informal and unregulated settings, with limited access to social security benefits, safe working conditions, and fair wages. There have been calls for improving labor standards and welfare measures for bidi workers, including efforts to reduce child labor and promote social justice in the bidi industry. Furthermore, changes in tobacco taxation policies and regulations have also impacted the bidi industry. Bidis have traditionally been taxed at a lower rate compared to regular cigarettes, which has led to affordability and popularity among lower-income segments of the population. However, there have been proposals to increase bidi taxes to discourage bidi consumption and generate more revenue for public health initiatives, which could impact the demand and affordability of bidis. On the other hand, the bidi industry also presents opportunities for livelihoods and economic development. Bidi manufacturing provides employment opportunities for millions of people, especially in rural areas where alternative livelihood options may be limited. Bidis are also an important part of India's cultural heritage and are used in various social and cultural practices. Efforts have been made to promote sustainable

bidi production practices, such as sourcing tendu leaves from regulated forests, and to promote responsible bidi manufacturing that adheres to labor and environmental standards. Thus, the bidi industry in India is facing a complex trajectory with opportunities and challenges. While bidis continue to be an important source of livelihood for many, efforts to address health concerns, improve labor conditions, and regulate the industry are ongoing. Balancing economic, social, and health considerations remains a critical aspect of the current trajectory of the bidi industry in India.

REVOLUTIONS AHEAD RAVAGES OF TIME - LITERATURE REVIEW

To enable a complete understanding of the intricacies of the topic, the following research papers and articles, thesis and submissions proved to be highly beneficial and they form the bedrock for this thesis.

"Bidi Workers in India: Challenges and Opportunities" by Vinoj Abraham and Ajit Kumar Panda (2019)

This book provides an in-depth analysis of contractual agreements in the bidi industry in India, focusing on the challenges faced by bidi workers and potential opportunities for improving their working conditions. It examines various aspects such as labor practices, working conditions, labor rights, and social security coverage. The authors highlight the informal nature of contractual arrangements in the bidi industry and discuss the need for better regulation and enforcement of labor laws to protect the rights of bidi workers.

"Informal Labor in the Bidi Industry: A Case Study of Bidi Workers in West Bengal" by Sudip Chaudhuri (2017)

This article presents a case study of bidi workers in West Bengal, India, and their engagement through contractual agreements. It discusses the working conditions of bidi workers, including long working hours, low wages, and exposure to health hazards. The article also highlights the challenges faced by bidi workers in accessing social security benefits and advocates for better regulation and formalization of contractual agreements in the bidi industry.

"Contract Labor in Bidi Industry: A Study in Uttar Pradesh" by Alok Kumar Yadav (2018)

This research paper focuses on the contractual arrangements of bidi workers in Uttar Pradesh, India. It analyses the labor practices, working conditions, and social security coverage of bidiworkers. The study highlights the informal nature of contractual agreements in the bidi industry and their impact on the working conditions and welfare of bidi workers. It also discusses the challenges faced by bidi workers in asserting their labor rights and accessing social security benefits.

"Bidi Rolling Work and Bidi Workers: A Study of the Informal Labor Market in Beedi Industry" by Prakash Chand and Jagdish Prasad Sharma (2018)

This book provides an in-depth analysis of the informal labor market in the bidi industry in India, focusing on the contractual arrangements, working conditions, and welfare of bidi workers. It examines the challenges faced by bidi workers in terms of low wages, poor working conditions, and lack of social security coverage. The authors highlight the need for formalization of employment contracts, better regulation, and enforcement of labor laws to ensure improved working conditions and social welfare for bidi workers.

RESEARCH METHODOLOGY

The research will first provide an overview of the bidi industry, including its historical background, production process, and economic significance. It will then analyze the samples based on questionnaires collected pertaining to prevalent contractual agreements used in bidi industries, such as piece-rate contracts, subcontracting, and informal arrangements, and examine how these agreements often result in transgressions of labor laws, including minimum wage, working hours, social security, and occupational health and safety. The research will also investigate the impact of these transgressions on employment conditions guaranteed under the relevant labor laws, including the exploitation of workers, poor working conditions, lack of job security, and limited access to social protection. The research will further explore the challenges faced by workers in asserting their rights and seeking redressal for contractual transgressions, including barriers to legal recourse, limited awareness of labor laws, and weak enforcement mechanisms.

Lastly, the research will highlight the potential solutions to address the contractual transgressions in bidi industries and improve the employment conditions guaranteed under the relevant labor laws. This may include strengthening labor laws and regulations,

promoting formal employment arrangements, enhancing enforcement mechanisms, raising awareness among workers and employers about their rights and responsibilities, and fostering social dialogue between relevant stakeholders.

RESULTS

Based on the data provided by the sample of 15 workers in Hyderabad representing the Indian Bidi industry, the following commonly observed analysis can be made:

1. **Wages:** The average daily wage earned by the workers is INR 250, which is relatively low and may not be sufficient to meet their basic needs.
2. **Employment Type:** Majority of the workers (10 out of 15) are employed on a contractual basis, which indicates a lack of job security and limited employment benefits.
3. **Work Timings:** The average working hours per day is 9, and the average number of working hours per week is 45, which exceeds the standard working hours defined by labor laws, indicating potential exploitation and overworking of the workers.
4. **Harassment:** 1 out of 15 workers reported instances of harassment, indicating a potential issue of workplace harassment in the bidi industry.
5. **Health Hazards:** 1 out of 15 workers reported health hazards due to exposure to tobacco smoke, highlighting the occupational health risks associated with working in the bidi industry.
6. **Safety Precautions:** None of the workers reported any safety precautions followed by the organization, indicating potential lack of safety measures in the workplace.
7. **Awareness of Laws and Regulations:** Majority of the workers (10 out of 15) reported being unaware of the laws and regulations governing their area of work, indicating potential lack of awareness about their rights and entitlements as workers.
8. **Accommodation and Food Arrangements:** Majority of the workers (10 out of 15) reported self-arranged accommodation and food, indicating potential lack of support or arrangements by the organization.

9. **Insurance Coverage:** None of the workers reported having insurance coverage for accidents or sudden deaths, indicating potential lack of social security measures for the workers.
10. **Hazard Awareness:** None of the workers reported being well-informed about the hazards of working in the bidi industry, indicating potential lack of training or awareness programs for occupational safety.
11. **Tenure of Work:** Majority of the workers (11 out of 15) reported having contractual employment for less than a year, indicating potential job instability and lack of long-term employment opportunities.
12. **Finance Arrangements:** Majority of the workers (10 out of 15) reported borrowing money from relatives to finance themselves during the rest of the months when they are not employed, indicating potential financial challenges faced by the workers due to seasonal employment.
13. **Other Issues:** Some of the commonly reported issues faced by the workers include exploitative working conditions, long hours without overtime pay, and lack of access to healthcare facilities, indicating potential violations of labor laws and employment rights.

Overall, the analysis suggests that the sample of workers in the Indian Bidi industry may be facing challenges such as low wages, lack of job security, long working hours, potential workplace harassment, occupational health hazards, lack of safety measures, limited awareness of labor laws and regulations, and inadequate social security measures, among others. These findings highlight the need for improved working conditions, better employment benefits, and increased awareness about labor rights in the bidi industry to ensure the well-being and protection of workers' rights.

RESEARCH METHODOLOGY AND RESEARCH ISSUES

The research was done on a doctrinal basis, by reviewing a variety of primary and secondary resources including research papers, websites, interviews, articles and blogs. It is also pertinent mentioning that all recent issues in the paper have been covered by referring to the Books, articles and reports published by independent, policy-based think-tanks.

The following issues were identified –

1. **Informal and exploitative labor practices alongside lack of social security coverage:** Contractual agreements in bidi industries in India are often informal, with inadequate documentation and lack of clear terms and conditions. This leads to exploitation of bidi workers, who often face long working hours, low wages, and lack of job security. Bidi workers may also face unfair pricing of their products, resulting in low earnings. Contractual agreements often face challenges in accessing social security benefits such as health insurance, pension, and other welfare schemes. This leaves them vulnerable to economic and social risks, including inadequate healthcare and retirement provisions.
2. **Limited bargaining power:** Bidi workers, often engaged as outworkers or piece-rate workers, have limited bargaining power in contractual agreements. They may face difficulties in negotiating fair wages, working conditions, and other employment terms. Bidi workers may also face challenges in asserting their labor rights, including the right to form labor unions and engage in collective bargaining.
3. **Lack of formalization and job insecurity combined with health hazards:** Contractual agreements in bidi industries are often informal, lacking proper documentation and legal recognition. This results in job insecurity for bidi workers, who may face sudden termination or changes in their employment conditions without adequate safeguards. Bidi workers may also face challenges in accessing employment benefits such as paid leave, gratuity, and other statutory entitlements. Further, contractual agreements may not provide adequate protection and compensation for occupational risks and health hazards faced by bidi workers, resulting in adverse impacts on their health and well-being.

RESEARCH QUESTIONS

Upon a bare reading of the factual and analytical metrics of the issue, certain rudiment issue surface for further clarification, as follows:

1. Elucidate upon the are the common contractual agreements used in the bidi (hand-rolled cigarette) industry, and how do they impact employment conditions such as

wages, working hours etc. guaranteed under relevant acts and further lead to non-compliance such as minimum wage laws, overtime regulations, or safety standard.

2. Embarking upon the socio-economic implications of contractual agreements, especially, impact the gender dynamics and vulnerabilities of bidi workers, particularly female bidi workers, and what are the gender-specific interventions that can be adopted and factors influencing the prevalence in the bidi industry on the livelihoods and well-being of bidi workers, particularly in terms of their job security, social protection, and access to basic amenities as guaranteed under relevant acts.
3. Articulating upon effectiveness of current legal and policy frameworks governing contractual agreements in the bidi industry, and upon strategies and interventions that can be adopted to mitigate such as enforcement mechanisms, promoting social dialogue, or enhancing worker empowerment and awareness etc.

RESEARCH OBJECTIVES

This paper aims to perceive the issue from a **three-pronged manner**, whereby the paper shall address the issues corroborating:

Phase I: Deliberation upon the prevalent types of contractual agreements, such as piece-rate work or sub-contracting that are protected under the act in the bidi industry and their impact on various peripherals of job security, wages, working hours, and other employment conditions guaranteed under the relevant acts.

Phase II: Enumerate the factors that contribute to the non-compliance, especially on the vulnerable groups and marginalized communities, in terms of their employment conditions and overall livelihoods on contractual agreements in the bidi industry with the employment conditions guaranteed under the act and further upon the consequences of transgressions in contractual agreements in the bidi industry on the health, safety, and welfare of bidi workers, and how do they impact their overall well-being.

Phase III: Analyze the challenges and legal and regulatory frameworks governing contractual agreements in the bidi industry, and how effective are the policy interventions in ensuring compliance with the employment conditions guaranteed under the act.

RESEARCH AND ANALYSIS

Hereby the issues pertinent to the research questions shall be identified and the various factors that have acted as an impediment via a compendium shall be substantiated:

Phase I: In the bidi industry, which involves the manufacturing of traditional hand-rolled cigarettes, there are various types of contractual agreements that are prevalent, such as piece-rate work and sub-contracting. These agreements are protected under the relevant acts, but they can have an impact on different aspects of job security, wages, working hours, and other employment conditions.

1. **Piece-rate work:** Piece-rate work is a common type of contractual agreement in the bidi industry, where workers are paid based on the number of bidis they roll. Piece-rate work can provide flexibility in terms of working hours and allows workers to earn more if they are able to produce more bidis. However, it can also have negative impacts on job security, as workers may not have a stable income if they are not able to roll enough bidis to meet the required production targets. Additionally, piece-rate work may result in workers being paid less than the minimum wage if their production rate is low, which can affect their overall wages.
2. **Sub-contracting:** Sub-contracting is another common type of contractual agreement in the bidi industry, where a contractor and sub-contracts work to individual workers or small groups of workers. This can lead to a lack of job security as workers may not have a direct employment relationship with the bidi manufacturing unit, making it difficult for them to assert their rights. Sub-contracted workers may also face issues related to wages, as the contractor may not always ensure that they are paid fairly and in compliance with minimum wage laws. Working hours may also be longer for sub-contracted workers as they may have less bargaining power to negotiate favorable employment conditions.

The impact of these contractual agreements on job security, wages, working hours, and other employment conditions is regulated by relevant acts and laws, such as the Minimum Wages Act, 1948, the Contract Labor (Regulation and Abolition) Act, 1970, and the Bidi and Cigar Workers (Conditions of Employment) Act, 1966, among others. These acts aim to ensure that workers in the bidi industry are protected and their rights are upheld.

For instance, the Minimum Wages Act, 1948 sets a minimum wage that workers must be paid, regardless of the type of contractual agreement. However, piece-rate workers may face challenges in meeting the minimum wage requirements if they are not able to produce enough bids to earn the minimum wage. Similarly, the Contract Labor (Regulation and Abolition) Act, 1970 requires contractors to ensure that workers employed through sub-contracting arrangements are provided with certain benefits and entitlements, such as payment of wages, social security benefits, and working conditions, which should be at par with regular workers. However, enforcement of these provisions may be challenging in the bidi industry due to the informal nature of work and lack of proper monitoring mechanisms.

In terms of job security, workers under both piece-rate work and sub-contracting may face uncertainties as their employment may not be permanent or regular. This can lead to insecurity and lack of social protection, such as provident fund or gratuity benefits, which are often linked to regular employment.

Therefore, while contractual agreements such as piece-rate work and sub-contracting are prevalent in the bidi industry and protected under the relevant acts, they can have significant impacts on job security, wages, working hours, and other employment conditions. It is important to ensure that these contractual agreements are implemented in compliance with the applicable laws and regulations to safeguard the rights and well-being of workers in the bidi industry. Proper monitoring, enforcement, and social dialogue among stakeholders can play a crucial role in ensuring that workers are protected and their employment conditions are improved.

Phase II: There are several factors that contribute to non-compliance with employment conditions, particularly among vulnerable groups and marginalized communities, in the bidi industry. These include:

1. **Lack of Awareness:** Many bidi workers, especially those from marginalized communities, may not be aware of their rights and entitlements guaranteed under the relevant labor laws, including contractual agreements. They may not be aware of minimum wage standards, working hours, leave entitlements, and other employment conditions, which can lead to non-compliance by employers.
2. **Exploitative Employment Practices:** In the bidi industry, where informal labor

arrangements are common, employers often take advantage of the vulnerability of workers, particularly those from marginalized communities, by offering low wages, long working hours, and lack of job security. This exploitation can lead to non-compliance with contractual agreements and labor laws.

3. **Lack of Enforcement Mechanisms:** Inadequate enforcement of labor laws, including contractual agreements, in the bidi industry is a major challenge. Limited monitoring and inspection mechanisms, corruption, and lack of access to justice can result in non-compliance by employers, especially in cases involving vulnerable groups and marginalized communities.
4. **Poverty and Economic Compulsion:** Bidi workers, particularly those from vulnerable groups and marginalized communities, often face poverty and economic compulsion, which can force them to accept exploitative employment conditions and contractual agreements, even if they are not in compliance with labor laws. They may prioritize immediate income over long-term employment rights, leading to non-compliance.
5. **Social and Cultural Factors:** Social and cultural factors, such as gender discrimination, caste-based discrimination, and lack of empowerment, can also contribute to non-compliance in the bidi industry. Women bidi workers, for example, may face additional challenges in terms of discrimination, harassment, and lack of access to benefits, leading to non-compliance with contractual agreements.

The consequences of transgressions in contractual agreements in the bidi industry can have a severe impact on the health, safety, and welfare of bidi workers, further affecting their overall well-being. These consequences may include:

1. **Low Wages:** Non-compliance with minimum wage standards can result in bidi workers receiving inadequate wages, leading to poverty, malnutrition, and other health issues.
2. **Long Working Hours:** Violation of working hour regulations can result in bidi workers being overworked, leading to exhaustion, injuries, and increased health risks.
3. **Lack of Job Security:** Non-compliance with employment contracts can result in job

insecurity for bidi workers, leading to stress, anxiety, and instability in their livelihoods.

4. **Poor Working Conditions:** Non-compliance with safety and health regulations can result in poor working conditions for bidi workers, including lack of ventilation, exposure to harmful tobacco dust, and inadequate safety measures, leading to respiratory issues, skin diseases, and other health problems.
5. **Limited Access to Social Security:** Non-compliance with contractual agreements can result in bidi workers being denied access to social security benefits such as health insurance, maternity benefits, and retirement benefits, further affecting their overall well-being.

Thus, non-compliance with employment conditions and contractual agreements in the bidi industry, particularly among vulnerable groups and marginalized communities, can have serious consequences on the health, safety, and welfare of bidi workers, and impact their overall well-being. Addressing these factors and ensuring effective enforcement of labor laws and contractual agreements is crucial to protecting the rights and well-being of bidi workers in the industry.

Phase III:

The bidi industry, being largely informal and characterized by labor-intensive and decentralized production processes, presents several challenges in ensuring compliance with contractual agreements and labor laws. Some of the challenges include:

1. **Informal Nature of the Industry:** The bidi industry is largely informal, with a large portion of the workforce engaged in informal employment arrangements. This informal nature makes it difficult to regulate and enforce contractual agreements, as there may be lack of formal contracts, proper record-keeping, and monitoring mechanisms.
2. **Lack of Awareness and Education:** Bidi workers, particularly those from marginalized communities, may have limited awareness and education about their rights and entitlements under labor laws and contractual agreements. This can result in a lack of understanding of their employment conditions and difficulties in asserting their rights, leading to non-compliance.

3. Enforcement Challenges: Enforcement of labor laws and contractual agreements in the bidi industry can be challenging due to various reasons, including limited resources, corruption, lack of monitoring mechanisms, and lack of access to justice for bidi workers. This can result in non-compliance by employers, as there may be limited consequences for violations.

4. Complex Supply Chains: The bidi industry often involves complex supply chains, with multiple intermediaries involved in the production and distribution process. This can make it difficult to trace and enforce contractual agreements, as responsibilities may be diffused and accountability may be unclear.

5. Economic Compulsion: Bidi workers, particularly those from marginalized communities, may face economic compulsion and poverty, which can force them to accept exploitative employment conditions and contractual agreements, even if they are not in compliance with labor laws. This can result in non-compliance, as workers prioritize immediate income over long-term employment rights.

In terms of legal and regulatory frameworks, the bidi industry is governed by various labor laws and regulations in many countries, which set standards for employment conditions, including contractual agreements. These may include minimum wage laws, working hour regulations, safety and health regulations, and social security provisions, among others. However, the effectiveness of these policy interventions in ensuring compliance with employment conditions guaranteed under the act can vary.

Some of the factors that can impact the effectiveness of policy interventions include:

1. Enforcement Mechanisms: The effectiveness of policy interventions depends on the strength and effectiveness of enforcement mechanisms. If there are limited resources, corruption, or lack of monitoring mechanisms, compliance with contractual agreements and labor laws may be weak, leading to non-compliance.

2. Awareness and Education: The level of awareness and education among bidi workers about their rights and entitlements under labor laws and contractual agreements can impact compliance. If there are robust awareness and education programs in place, workers are more likely to understand their rights and assert them, leading to better

compliance.

3. Stakeholder Collaboration: Collaboration among various stakeholders, including government agencies, employers, trade unions, and civil society organizations, can play a crucial role in ensuring compliance with contractual agreements. If there is effective collaboration and coordination among stakeholders, policy interventions are more likely to be effective in ensuring compliance.

4. Access to Justice: Access to justice for bidi workers in case of violations of contractual agreements and labor laws is important in ensuring compliance. If there are accessible and effective mechanisms for workers to seek redressal, such as labor courts or grievance mechanisms, it can enhance compliance.

5. Monitoring and Reporting Mechanisms: Robust monitoring and reporting mechanisms can help in detecting and addressing non-compliance in contractual agreements. Regular inspections, reporting mechanisms, and transparent grievance redressal mechanisms can contribute to better compliance.

Thus, the bidi industry presents several challenges in ensuring compliance with contractual agreements and labor laws, and the effectiveness of policy interventions depends on various factors. Strengthening enforcement mechanisms, raising awareness and education among bidi workers, promoting stakeholder collaboration, ensuring access to justice, and implementing robust monitoring.

RELEVANT LEGAL PROVISIONS AND CASE LAWS

In India, the regulation of the bidi industry falls under various legal sections. Here are some relevant Indian legal sections along with their corresponding section numbers:

1. Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply, and Distribution) Act, 2003 (COTPA):

- Section 3: Prohibition of advertisement of tobacco products, including bidis.
- Section 4: Prohibition of smoking in public places.
- Section 6: Prohibition on sale of tobacco products to minors (persons below 18 years

of age).

- Section 7: Mandating health warnings on tobacco product packages, including bidis.

- Section 8: Prohibition on the sale of tobacco products within 100 yards of educational institutions.

- Section 11: Regulation of trade and commerce in tobacco products.

- Section 12: Prohibition on the sale of tobacco products without statutory warnings.

2. Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008:

- Rule 3: Specifications for health warnings to be displayed on tobacco product packages, including bidis.

- Rule 4: Prohibition on the use of misleading or deceptive information on tobacco product packages.

3. Central Excise Act, 1944:

- Section 3A: Imposition of excise duty on tobacco products, including bidis.

4. Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011:

- Regulation 2.3.4: Prohibition on the sale of tobacco and nicotine-containing products to minors.

5. State-specific laws:

- Certain Indian states have their own laws and regulations pertaining to the bidi industry. These may include provisions related to taxation, licensing, and other specific regulations.

Examples include the Karnataka Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

CASE LAWS:

1. In the case of *Private Hospital and Nursing Homes Association v. the Secretary, Labor Department, Government of Karnataka*, [W.A. No. 1611/2019, decided on April 13, 2020], the Karnataka High Court, relying on its Co-ordinate Bench in the case of *Mangalore Ganesh Beedi v. State of Karnataka*, [2003 SCC Online Kar. 40], held that the power of wage fixation by the appropriate Government is neither a quasi-judicial nor an administrative function.
2. In *Tata Refractories Limited v. Presiding Officer, Labor Court, Jamshedpur*, [W.P.(L) No. 2341 of 2001 decided on May 19, 2020], the Jharkhand High Court, relying on the Supreme Court's decision in the matter of *National Engineering Industries Limited v. Shri Kishan Bhageria*, [1988 Supp (1) SSC 82], held that, where the various works of the workman identified as 'coordinator', as such a person would not qualify as a 'supervisor' and would be excluded from the definition of a 'workman' if they solely performed on the commands of the employer and had no independent ability to make any choice that would have constrained the employer in any manner. While framing the concluding remarks, the following paragraphs shall reiterate the need for adaptation and mitigation policies.

CONCLUSION

In conclusion, the issues related to contractual agreements in the bidi industry, such as piece-rate work and sub-contracting, have significant impacts on job security, wages, working hours, and other employment conditions. While these contractual agreements are protected under relevant labor laws, non-compliance is often observed, particularly among vulnerable groups and marginalized communities. Factors such as lack of awareness among workers, exploitative employment practices by employers, inadequate enforcement mechanisms, poverty and economic compulsion, and social and cultural factors contribute to non-compliance in the bidi industry. Proper monitoring, enforcement, and social dialogue among stakeholders are crucial to safeguard the rights and well-being of workers and improve their employment conditions in the bidi industry. The consequences of transgressions in contractual agreements in the bidi industry can result in exploitation, lack of job security, low wages, long working hours, and other adverse effects on the well-being of workers, particularly those from vulnerable groups and marginalized communities. Non-compliance

with employment conditions can perpetuate the cycle of poverty and economic vulnerability, further exacerbating the challenges faced by bidi workers. Addressing the issues of awareness, exploitative employment practices, lack of enforcement mechanisms, poverty and economic compulsion, and social and cultural factors is crucial in promoting compliance with contractual agreements and labor laws in the bidi industry. Efforts towards proper monitoring, enforcement, awareness-building, and social dialogue among stakeholders can contribute to improving the employment conditions and well-being of bidi workers.

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APPENDIX AND ANNEXURES

