

# ***Beedi and Cigar Workers (Conditions of Employment) Act, 1966<sup>1</sup>***

[Act 32 of 1966 as amended upto Act 41 of 1993<sup>2</sup>]

[30th November, 1966]

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1. Pub. in Gaz. of India, Extra., Part II, S. I, dt. Dec. 1, 1966.

2. Pub. in Gaz. of India, Extra., Part II, S. 1, dt. May 22, 1993.

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**BEEDI AND CIGAR WORKERS (CONDITIONS OF  
EMPLOYMENT) ACT 1966**

**(NO. 32 OF 1966)<sup>1</sup>**

(30th December, 1966)

*An Act to provide for the welfare of the workers in beedi and cigar establishments and to regulate the conditions of their work and for matters connected therewith.*

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows :

**1. Short title, extent and commencement.**—(1) This Act may be called the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed by the State Government for different areas and for different provisions of this Act.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “adult” means a person who has completed eighteen years of age;

(b) “child” means a person who has not completed fourteen years of age;

(c) “competent authority” means any authority authorised by the State Government by notification in the Official Gazette to perform all or any of the functions of the competent authority under this Act and for such areas as may be specified therein;

(d) “contractor” means a person who, in relation to a manufacturing process, undertakes to produce a given result by executing the work through contract labour or who engages labour for any manufacturing process in a private dwelling-house and includes a sub-contractor, agent, munshi, thekedar or sattedar;

(e) “contract labour” means any person engaged or employed in any premises by or through a contractor, with or without the knowledge of the employer, in any manufacturing process;

(f) “employee” means a person employed directly or through any agency, whether for wages or not, in any establishment [or godown]<sup>2</sup> to do any work, skilled, unskilled, manual or clerical, and includes—

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1. Received the Assent of the President of India on 30th November, 1966 and published in the Gazette of India, Extraordinary, Part II, Section I, dated December 1, 1966/Agrahayana 10, 1888 Saka, pages 515-526 (S). For Statement of Objects and Reasons, see Gazette of India, Extraordinary, Part II, Section 2, dated December 11, 1965.

2. Ins. by Act 41 of 1993.

- (i) any labour who is given raw materials by an employer or a contractor for being made into beedi or cigar or both at home (hereinafter referred to in this Act as “home worker”) and
  - (ii) any person not employed by an employer or a contractor [or both]<sup>3</sup> but working with the permission of, or under agreement with, the employer or contractor;
- (g) “employer” means—
- (a) in relation to contract labour, the principal employer, and
  - (b) in relation to other labour, the person who has the ultimate control over the affairs of any establishment or who has, by reason of his advancing money, supplying goods or otherwise, a substantial interest in the control of the affairs of any establishment, and includes any other person to whom the affairs of the establishment are entrusted, whether such other person is called the managing agent, manager, superintendent or by any other name;
- (h) “establishment” means any place or premises including the precincts thereof in which or in any part of which any manufacturing process connected with the making of beedi or cigar or both is being, or is ordinarily, carried on and includes an industrial premises;
- (hh) “godown” means any warehouse or other place, by whatever name called used for the storage of—
- (i) any article or substance required for any manufacturing process; or
  - (ii) beedi or cigar or both<sup>4</sup>
- (i) “industrial premises” means any place or premises (not being a private dwelling-house), including the precincts thereof, in which or in any part of which any industry or manufacturing process connected with the making of beedi or cigar or both is being, or is ordinarily, carried on with or without the aid of power [and includes a godown attached thereto] ; <sup>5</sup>
- (j) “Inspector” means an Inspector appointed under subsection (1) of section 6;
- (k) “manufacturing process” means any process for, or incidental to, making, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal as beedi or cigar or both;
- (l) “prescribed” means prescribed by rules made by the State Government under this Act;

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3. Ins. by Act 41 of 1993

4. Ibid.

5. Ibid.

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- (m) "principal employer" means a person for whom or on whose behalf any contract labour is engaged or employed in an establishment;
- (n) "private dwelling-house" means a house in which persons engaged in the manufacture of beedi or cigar or both reside;
- (o) "State Government", in relation to a Union territory, means the Administrator thereof;
- (p) "week" means a period of seven days beginning at midnight on Saturday;
- (q) "young person" means a person who has completed fourteen years of age but has not completed eighteen years of age.

**3. Industrial premises to be licensed.**—Save as otherwise provided in this Act, no employer shall use or allow to be used any place or premises as an industrial premises unless he holds a valid licence issued under this Act and no such premises shall be used except in accordance with the terms and conditions of such licence.

**4. Licences.**—(1) Any person who intends to use or allows to be used any place or premises as industrial premises shall make an application in writing to the competent authority, in such form and on payment of such fees as may be prescribed, for a licence to use, or allow to be used, such premises as an industrial premises.

(2) The application shall specify the maximum number of employees proposed to be employed at any time of the day in the place or premises and shall be accompanied by a plan of the place or premises prepared in such manner as may be prescribed.

(3) The competent authority shall in deciding whether to grant or refuse a licence, have regard to the following matters:

- (a) the suitability of the place or premises which is proposed to be used for the manufacture of beedi or cigar or both;
  - (b) the previous experience of the applicant;
  - (c) the financial resources of the applicant including his financial capacity to meet the demands arising out of the provisions of the laws for the time being in force relating to welfare of labour;
  - (d) whether the application is made bona fide on behalf of the applicant himself or in benami of any other person;
  - (e) welfare of the labour in the locality, the interest of the public generally and such other matters as may be prescribed.
- (4) (a) A licence granted under this section shall not be valid beyond the financial year in which it is granted but may be renewed from financial year to financial year.

- (b) An application for the renewal of a licence granted under this Act shall be made at least thirty days before the expiry of the period thereof, on payment of such fees as may be prescribed, and where such an application has been made, the licence shall be deemed to continue, notwithstanding the expiry of the period thereof, until the renewal of the licence, or, as the case may be, the rejection of the application for the renewal thereof.
- (c) The competent authority shall, in deciding whether to renew a licence or to refuse a renewal thereof, have regard to the matters specified in sub-section (3).

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

(6) The competent authority may, after giving the holder of a licence an opportunity of being heard, cancel or suspend any licence granted or renewed under this Act if it appears to it that such licence has been obtained by misrepresentation or fraud or that the licensee has contravened or failed to comply with any of the provisions of this Act or the rules made thereunder or any of the terms or conditions of the licence.

(7) The State Government may issue in writing to a competent authority such directions of a general character as that Government may consider necessary in respect of any matter relating to the grant or renewal of licences under this section.

(8) Subject to the foregoing provisions of this section, the competent authority may grant or renew licences under this Act on such terms and conditions as it may determine and where the competent authority refuses to grant or renew any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

**5. Appeals.**—Any person aggrieved by the decision of the competent authority refusing to grant or renew a licence or cancelling or suspending a licence may, within such time and on payment of such fees, not exceeding twenty rupees, as may be prescribed, appeal to such authority as the State Government may, by notification in the Official Gazette, specify in this behalf, and such authority may by order confirm, modify or reverse any order refusing to grant or renew a licence or cancelling or suspending a licence.

**6. Inspectors.**—(1) The State Government may, by notification in the Official Gazette, appoint such of its officers or such officers of any local authority as it thinks fit to be Inspectors for the purposes of this Act and may assign to them such local limits as it may think fit.

(2) The State Government may, by notification in the Official Gazette, appoint any person to be a Chief Inspector who shall exercise the powers of an Inspector throughout the State.

(3) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**7. Powers of Inspectors.**—(1) Subject to any rules made by the State Government in this behalf, an Inspector may, within the local limits for which he is appointed—

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

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

(b) require the production of any prescribed register and any other document relating to the manufacture of beedi or cigar or both;

(c) enter, with such assistance as he thinks fit, at all times any place or premises including the residence of employees if he has reasonable grounds for suspecting that any manufacturing process is being carried on or is ordinarily carried on in any such place or premises;

(d) exercise such other powers as may be prescribed.

(2) If an Inspector has reasonable grounds for suspecting that any manufacturing process is being carried on in any establishment in contravention of the provisions of this Act, he may, after giving due notice to the employer or, in the absence of the employer, to the occupier, enter such establishment with such assistants, if any, as he may think fit.

(3) Every employer or occupier shall accord to the Chief Inspector or the Inspector, as the case may be, all reasonable facilities in the discharge of his duties under this Act.

**7A. Inspector not to disclose the source of any complaint, etc.—**

(1) No Inspector shall disclose the source of any complaint made to him regarding the contravention of any of the provisions of this Act.

(2) No Inspector shall, while making an inspection under this Act in pursuance of a complaint received by him, disclose to the employer or contractor concerned or any of his representatives that the inspection is being made in pursuance of a complaint :

Provided that nothing in this section shall apply to any case in which the person who has made the complaint has consented to disclose his name.]<sup>6</sup>

**8. Cleanliness**— Every industrial premises shall be kept clean and free from effluvia arising from any drain, privy or other nuisance and shall also maintain

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6. Ins. by Act 41 of 1993.

such standard of cleanliness including whitewashing, colour-washing, varnishing or painting, as maybe prescribed.

**9. Ventilation.**—(1) For the purpose of preventing injury to the health of the persons working therein every industrial premises shall maintain such standards of lighting, ventilation and temperature, as may be prescribed.

(2) Wherever dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the persons employed in any industrial premises, is given off by reason of the manufacturing process carried on in such premises, the competent authority may require the employer to take such effective measures as may prevent the inhalation of such dust, fume or other impurity and accumulation thereof in any workroom.

**10. Overcrowding.**—(1) No room in any industrial premises shall be overcrowded to an extent injurious to the health of the persons employed therein.

(2) Without prejudice to the generality of sub-section (1), there shall be in any workroom of such premises at least four and a quarter cubic metres of space for every person employed therein, and for the purposes of this sub-section, no account shall be taken of any space which is more than three metres above the level of the floor of the workroom.

**11. Drinking-water.**—(1) The employer shall make in every industrial premises effective arrangements to provide and maintain at suitable points conveniently situated for all persons employed therein, a sufficient supply of wholesome drinking-water.

(2) All such points shall be legibly marked “drinking-water” in a language understood by the majority of the persons employed in the industrial premises and no such point shall be situated within six metres of any washing-place, urinal or latrine except with the prior approval in writing of the competent authority.

**12. Latrines and urinals.**—(1) In every industrial premises, sufficient latrine and urinal accommodation of such types as may be prescribed shall be provided and shall be so conveniently situated as may be accessible to the employees at all times while they are in the industrial premises :

Provided that it shall not be necessary to provide separate urinals in industrial premises where less than fifty persons are employed or where the latrines are connected to a water-borne sewage system.

(2) The State Government may specify the number of latrines and urinals which shall be provided in any industrial premises in proportion to any number of male and female employees ordinarily employed therein and may provide for such further matters in respect of sanitation in the industrial premises including obligation of the employees in this regard as it may consider necessary in the interest of the health of the persons employed therein.

**13. Washing facilities.**—In every industrial premises, whether blending or sieving or both of tobacco or warming of beedi in hot ovens is carried on, the



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employer shall provide such washing facilities for the use of the employees, as may be prescribed.

**14. Creches**—(1) In every industrial premises wherein more than [thirty]<sup>7</sup> female employees are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such female employees.

(2) Such rooms shall—

- (a) provide adequate accommodation ;
- (b) be adequately lighted and ventilated ;
- (c) be maintained in a clean and sanitary condition ;
- (d) be under the charge of women trained in the care of children and infants.

(3) The State Government may make rules,—

- (a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section ;
- (b) requiring the provision in any industrial premises to which this section applies, of additional facilities for the care of children belonging to female employees, including suitable provision of facilities for washing and changing their clothing ;
- (c) requiring the provision in any industrial premises of free milk or refreshment or both for such children ;
- (d) requiring that facilities shall be given in any industrial premises for the mothers of such children to feed them at necessary intervals.

**15. First-aids**.—Every industrial premises shall provide such first-aid facilities as may be prescribed.

**16. Canteens**.—The State Government may, by rules, require the employer to provide and maintain in every industrial premises wherein not less than two hundred and fifty employees are ordinarily employed, a canteen for the use of the employees.

**17. Working hours**.—No employee shall be required or allowed to work in any industrial premises for more than nine hours in any day or for more than forty-eight hours in any week :

Provided that any adult employee may be allowed to work in such industrial premises for any period in excess of the limit fixed under this section subject to the payment of overtime wages if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

**18. Wages for overtime work**.—(1) Where any employee employed in any industrial premises is required to work overtime, he shall be entitled in respect of such overtime work, to wages at the rate of twice his ordinary rate of wages.

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7. Subs. for the word "fifty" by Act 41 of 1993.

(2) Where the employees in an industrial premises are paid on a piece-rate basis, the overtime rate shall be calculated, for the purposes of this section, at the time rates which shall be as nearly as possible equivalent to the daily average of their full-time earnings for the days on which they had actually worked during the week immediately preceding the week in which the overtime work has been done.

[*Explanation*—Where an employee had not worked on any day of the week immediately preceding the week in which the overtime work has been done, any week preceding such week in which he had actually worked shall be taken into account in calculating the overtime rate for the purposes of this subsection.]<sup>8</sup>

(3) For the purposes of this section, “ordinary rates of wages” means the basic wages plus such allowance, including the cash equivalent of the advantage accruing through the concessional sale to the employees of foodgrains and other articles as the employee is for the time being entitled to but does not include bonus.

(4) The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of foodgrains and other articles admissible to a standard family.

*Explanation I.*—“Standard family” means a family consisting of the employee, his or her spouse and two children requiring in all three adult consumption units.

*Explanation II.*—“Adult consumption units” means the consumption unit of a male above the age of fourteen years; and the consumption unit of a female above the age of fourteen years and that of a child shall be calculated at the rate of eight-tenths and six-tenths, respectively, of one adult consumption unit.

**19. Interval for rest.**—The periods of work for employees in an industrial premises each day shall be so fixed that no period shall exceed five hours and that no employee shall work, for more than five hours before he has had an interval for rest of at least half an hour.

**20. Spread-over.**—The periods of work of an employee in an industrial premises shall be so arranged that inclusive of his intervals for rest under section 19, they shall not spread over more than ten and a half hours in any day :

Provided that the Chief Inspector may, for reasons to be specified in writing, increase the spread-over to twelve hours.

**21. Weekly holidays.**—(1) Every industrial premises shall remain entirely closed, except for wetting of beedi or tobacco leaves, on one day in the week which day shall be specified by the employer in a notice exhibited in a conspicuous place in the industrial premises and the day so specified shall not

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8. Ins. by Act 41 of 1993.