

**WEST BENGAL BEEDI AND CIGAR WORKERS  
(CONDITIONS OF EMPLOYMENT) RULES, 1968<sup>1</sup>**

**CHAPTER-I**

**Preliminary**

1. **Short title.**—These rules may be called the West Bengal Beedi and Cigar Workers (Conditions of Employment) Rules, 1968.
2. **Definitions.**—In these rules, unless the context otherwise requires,—
  - (a) “the Act” means the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Act 32 of 1966);
  - (b) “Form” means a Form appended to these rules;
  - (c) “Government” means the State Government;
  - (d) “Section” means a section of the Act.

**CHAPTER-II**

**Licensing of Industrial Premises**

**3. Form of application for Grant of Licence and Licence Fees.—**

(1) Every application under sub-section (1) of section 4 for a licence to use or permit the user of any place or premises as an industrial premises shall be made in duplicate in Form No. 1.

(2) The application shall be accompanied by the following documents, namely :—

(a) plans, in triplicate drawn to scale showing,—

- (i) the site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place or premises, including adjacent buildings, structures, roads, drains and the like; and
- (ii) the plan, elevation and necessary cross-sections of, the details relating to natural lighting, ventilation, means of escape in case of fire, position of the plant and machinery, if any, used, aisles and passage-ways in or in relation to, the various buildings which are intended to be used for manufacturing processes;

(b) The treasury receipt showing that the appropriate fee for the licence as specified in rule 8 has been paid.

(3) The application in duplicate together with the documents specified in sub-rule (2) shall be sent by registered post or delivered by hand under acknowledgement to the competent authority.

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1. Originally published in the “Calcutta Gazette, Extraordinary”, dated December 18, 1968, in Labour Department Notification No. 2335-L.W./LW/IR-IO/68, dated 11th December 1968.

(4) Before granting a licence, the competent authority shall also take into consideration whether the site of any industrial premises is proposed to be altered, or whether any industrial premises has been closed, by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.

**4. Applications for Renewal.**—(1) Every application for renewal of a licence under clause (b) of sub-section (4) of section 4 shall be made in Form No. 1. The application shall be accompanied by the following documents, namely :—

- (a) the licence sought to be renewed ;
- (b) the treasury receipt showing that the appropriate fee for the renewal of the licence specified in rule 8 has been paid.

(2) The application together with the documents specified in sub-rule (1) shall be sent by registered post or delivered by hand under acknowledgement to the competent authority.

(3) The provisions of sub-rule (4) of rule 3 shall, so far as may be, apply to an application made under this rule.

**5. Form and Terms and Conditions of Licence.**—(1) A licence under section 4 shall be in Form No. II.

(2) Every licence granted or renewed under section 4 shall be subject to the following conditions, namely :—

- (i) the manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence ;
- (ii) the maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence ;
- (iii) power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises ;
- (iv) except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building on such premises ;
- (v) the licence shall not be transferable ;
- (vi) except as provided in rule 9, the fees paid for the grant, or as the case may be, renewal of the licence shall be non-refundable.

**6. Issue of Duplicate Licences.**—(1) If a licence is lost, stolen or destroyed, the licensee shall forthwith report the matter to the competent authority by whom the licence was granted, or, as the case may be, last renewed and may make an application to that authority for the issue of a duplicate licence.

(2) The application shall be accompanied by a treasury receipt showing that the fee for the issue of a duplicate licence as specified in rule 8 has been paid.



(3) On receipt of the application, the competent authority shall grant to the applicant a duplicate copy of the licence duly stamped "duplicate" in red ink.

**7. Appeals under section 5.**—An appeal under section 5 of the Act shall—

- (a) be made in writing within a period of thirty days from the date of receipt of the order sought to be appealed against;
- (b) be accompanied by a treasury receipt showing that the appropriate fee in respect of the appeal as specified in rule 8 has been paid.

**8. Fees.**—(I) The fees to be paid for the grant or renewal of a licence under section 4 shall be as specified in the Table below :—

**Table**

	Fees for industrial premises in which power-driven machinery is used	Fees for industrial premises in which power-driven machinery is not used
	(1)	(2)
	Rs.	Rs.
If the number of employees proposed to be employed on any day during the financial year for which the licence is required or renewed—		
(a) does not exceed ten ...	15	10
(b) exceeds ten but does not exceed twenty ...	30	20
(c) exceeds twenty but does not exceed fifty ...	75	50
(d) exceeds fifty but does not exceed one hundred	150	100
(e) exceeds one hundred but does not exceed two hundred and fifty ...	300	250
(f) exceeds two hundred and fifty but does not exceed five hundred ...	550	500
(g) exceeds five hundred	1,250	1,000

Provided that if the application for renewal is not made within the time specified in clause (b) of sub-section (4) of section 4, a fee of twenty five per cent, in excess of the fee ordinarily payable for the renewal of the licence shall be paid :

Provided further that the State Government or subject to the control of the State Government, the authority specified by the State Government under section 5, may, if it is satisfied that there is sufficient reason for the employer for not making the application for renewal before the expiry of the time limit specified in clause (b) of sub-section (4) of section 4, by an order, in writing, waive the payment of additional twenty-five per cent of fees in respect of the renewal of the licence applied for.

(2) The fee to be paid for the grant of a duplicate licence shall be rupees five.

(3) The fees payable in respect of an appeal under section 5 of the Act shall be—

- (a) rupees twenty in the case of an appeal against an order refusing to grant or renew a licence in respect of any place or premises, the maximum number of employees proposed to be employed whereon is two hundred and fifty or more;
- (b) rupees fifteen in the case of an appeal against an order refusing to grant or renew a licence in respect of any place or premises the maximum number of employees proposed to be employed whereon is one hundred or more, but less than two hundred and fifty;
- (c) rupees ten in the case of an appeal against an order refusing to grant or renew a licence in respect of any place or premises the maximum number of employees proposed to be employed whereon is less than one hundred.

(4) The fees payable specified in this rule shall be paid into the nearest Government Treasury under the head "XXXII—Miscellaneous Social and Development Organisations—Labour and Employment—Fees realised under the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

**9. Refund of Fees.**—(1) If the competent authority refuses to grant or renew any licence under section 4, it shall order the refund of the fees paid therefor.

(2) If no industry or manufacturing process connected with the making of beedi or cigar is carried on in an industrial premises at any time during the period of validity of the licence in respect thereof, the licence may, within a period of three months from the last date of the financial year for which the licence was granted or renewed, apply to the competent authority for the refund of the fee paid by him for such licence and the competent authority shall, after making such enquiry as he may deem necessary and after satisfying himself about the correctness of the statements made in the application, order refund of such fee.

### CHAPTER—III

#### Health and Welfare

**10. Cleanliness.**—(1) Every industrial premises shall be kept clean and free from effluvia, arising from any drain, privy or other nuisance and in particular—

- (a) accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and passages of work rooms and from staircases and passages and disposed of in a suitable manner.
- (b) the floor of every work room shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method;
- (c) all inside walls and partitions, of ceilings of rooms and of walls, sides and staircases shall—



- (i) where they are painted or varnished or where they have smooth impervious surface, be cleaned with fresh water and dried at least once in every period of fourteen months ;
- (ii) where they are painted or varnished, repainted or revarnished at least once in every period of five years ;
- (iii) in any other case, be kept white-washed or colourwashed at least once in every twelve months.

(2) The record of the dates on which white-washing, colourwashing, varnishing, painting or cleaning, as the case may be, was carried out under sub-rule (1) shall be entered by the employer in a register maintained in Form No. III.

**11. Ventilation.**—In every work-room or hall of an industrial premises, windows and other forms of openings for ventilation shall be provided in sufficient number to admit a continued supply of fresh air so as to keep the atmosphere inside such room or hall comfortable and free from dust, fumes and other impurity.

**12. Latrines.**—(1) Latrine accommodation shall be provided in every industrial premises at the rate of one latrine seat for every twenty male employees :

Provided that where the number of such male employees exceeds hundred it shall be sufficient if there is one latrine seat for every twenty male employees up to the first hundred and one seat for every fifty in excess thereof.

*Explanation.*—In calculating the number of seats required in accordance with the provisions of this sub-rule, any number of employees less than twenty, twenty-five or fifty, as the case may be, shall be reckoned as twenty, twenty-five or fifty.

(2) Where female employees are employed on any industrial premises, separate latrine accommodation shall be provided for them in accordance with the same scale as the scale for male employees specified in sub-rule (1).

(3) Every latrine shall be under cover and every seat in the latrine shall be so partitioned off as to secure privacy and each partition shall have a private door and fastenings.

(4) Where employees of both sexes are employed on any industrial premises, there shall be displayed outside each latrine block thereon a notice in the language understood by the majority of the employees reading "for men only" or, as the case may be, "for women only" and such notice shall also bear the picture of a man or a woman as the case may be.

**13. Urinals.**—(1) Urinal accommodation shall be provided in every industrial premises (other than industrial premises where less than fifty persons are employed or where the latrines are connected to a water-borne sewage system) and such accommodation shall not be less than 61 Cm. in length for every fifty employees :

Provided that where the number of employees employed on the premises exceeds five hundred, it shall be sufficient if there is one urinal for every fifty employees up to the first five hundred employees and one for every hundred in excess thereof.

*Explanation.*—In calculating the urinal accommodation required under this rule, any number of employees less than fifty or hundred, as the case may be, shall be reckoned as fifty or hundred.

(2) Where female employees are employed on an industrial premises, separate urinal accommodation shall be provided for them in accordance with the same scale as the scale for male employees specified in sub-rule (1).

(3) Where employees of both sexes are employed on any industrial premises, there shall be displayed at the entrance of each urinal a notice in the language understood by the majority of the employees, reading “for men only” or as the case may be, “for women only” and such notice shall also bear the picture of a man or a woman, as the case may be.

**14. Latrines and Urinals to be connected to sewage system wherever possible.**—When any general system of underground sewage with an assured water supply is provided for or exists in any particular locality, all latrines and urinals in an industrial premises in such locality other than a septic tank latrine, shall be connected with such sewage system if the industrial premises is situated within 30.5 metres of that sewage system.

**15. White-washing and Colour-washing of Latrines and Urinals.**—(1) The walls, ceilings and partitions of every latrine and urinal shall be white-washed or colour-washed and the same shall be repeated at least once in every period of four months.

(2) Nothing in sub-rule (1) shall apply in respect of walls and ceilings of, and portions of such walls, ceilings and partitions which are laid in glazed tiles or otherwise finished to provide a smooth-wise polished impervious surface, but such walls, ceilings, partitions or portions thereof shall be washed with suitable detergents and disinfectants at least once in every period of four months.

(3) The date on which the white-washing or colour-washing is carried out under sub-rule (1) or, as the case may be, washing with detergents and disinfectants is carried out under sub-rule (2) shall be entered by the employer in the register maintained in Form No. III.

**16. Construction and Maintenance of Drains.**—All drains work on an industrial premises for carrying waste or sullage water shall be constructed in masonry or other permeable materials and shall be regularly flushed and effluent disposed of by connecting such drains with suitable drainage lines :

Provided that where there is no such drainage line, the effluent shall be deoderised in order to render it innocuous and then disposed of.



**17. Water taps, etc., in latrines.**—Where piped water-supply is available, a sufficient number of water taps conveniently accessible shall be provided in or near latrines on an industrial premises and where there is no continuous supply of water, water cisterns with cans shall be provided for washing purposes in or near such latrines.

**18. Washing facilities.**—(1) There shall be provided and maintained in every industrial premises for the use of employees engaged in blending and sieving of tobacco or warming of beedis in hot ovens, adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable means of cleaning and such facilities shall be conveniently accessible and shall be made available in clean and orderly condition.

(2) If female employees are employed on any industrial premises, separate washing facilities on the same lines as those specified in sub-rule (1) in respect of male employees, shall be provided for such female employees in enclosed or screened places in such manner that the interior portions such places are not visible from any place where male employees work or pass through and the entrance to every such place shall bear a notice in the language understood by the majority of the employees reading "For women only" in bold and conspicuous letters and such notice shall also bear the picture of a woman.

(3) Water-supply for purposes of washing facilities under sub-rule (1) or sub-rule (2) shall be such as to provide at least 9 litres per day for each person employed in the industrial premises and such water shall be drawn from a hygienic source :

Provided that where an Inspector is satisfied that it is not practicable to make available water-supply in accordance with the scale specified under this sub-rule, he may by a certificate in writing permit the supply of a lesser quantity which shall in any case be not less than 4.5 litres per day for each employee.

**19. Creches.**—(1) The employer shall submit for the approval of the competent authority detailed plans in triplicate of the rooms to be constructed or adopted for use as creche under section 14.

(2) The creche shall conform to the following standards, namely :—

- (a) the creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable it shall not be situated in close proximity to any part of the industrial premises where obnoxious fumes, dust or odours are given off ;
- (b) the room or rooms used as creche shall be soundly constructed and all the walls and roof thereof shall be of heat-resisting materials and shall be water-proof ;
- (c) the floor and internal walls of the creche up to a height of 1.2 metres shall be so laid or finished as to provide a smooth impervious surface ;

- (d) the height of each room used as a creche shall be not less than 3.7 metres from the floor to the lowest part of the roof and there shall not be less than 1.9 square metres of floor area for each child to be accommodated therein ;
- (e) effective and suitable provision shall be made in every part of a creche for securing and maintaining adequate ventilation by the circulation of fresh air ;
- (f) the creche shall be adequately furnished and equipped and in particular there shall be made available—
  - (i) for each child of more than two years of age a suitable bedding,
  - (ii) for each child of not more than two years of age a suitable cot or cradle with the necessary bedding,
  - (iii) at least one chair or other similar sitting accommodation for the use of each mother while she is feeding or attending to her child, and
  - (iv) a sufficient supply of suitable toys for the older children.

(3) There shall be in or adjoining a creche a suitable washing room for the washing of the children and their clothing and such room shall conform to the following standards, namely :—

- (a) the floor and internal walls of the room up to a height of 0.9 metres shall be so laid or finished as to provide a smooth impervious surface ;
- (b) the room shall be adequately laid and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition ;
- (c) the supply of water for washing shall be from a hygienic source and if practicable shall be through taps ;
- (d) supply of at least 22.7 litres of water per day for each child shall be made available ;
- (e) an adequate supply of clean clothes, soap and clean towels shall be made available for the use of each child ;
- (f) adjoining the wash room, a septic type latrine shall be provided for the sole use of the children in the creche and the same shall be kept clean and in a sanitary condition.

(4) The employer shall make available at least half-a-pint of pure milk for each child on every day it is accommodated in the creche and the mother of such child shall, in the course of daily work, be allowed adequate intervals of not less than fifteen minutes to feed the child.

(5) In addition to providing milk in accordance with the provisions of sub-rule (4), the employer shall provide for children above two years of age who are accommodated in the creche an adequate supply of wholesome refreshment.



(6) The employer shall appoint a woman trained in the care of children and infants and sufficient number of ayahs for the purpose of looking after the children accommodated in a creche and he shall also provide suitable equipment and facilities for the purpose.

*Explanation.*—The number of ayahs to be appointed in the creche shall be calculated at the rate of one ayah for every thirty children.

(7) The employer shall provide for the staff employed in a creche suitable clean clothes for use while on duty in the creche.

*Explanation.*—In this rule, “child” means a child under six years of age of a female employee.

**20. First-aid.**—(1) In every industrial premises, there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards containing the equipment specified in sub-rule (2) and the number of boxes or cupboards to be so provided and maintained shall not be less than one for every hundred and fifty employees ordinarily employed at any one time in the premises.

(2) The first-aid boxes or cupboards shall be distinctively marked with a red-cross on a white background and shall contain the following equipments, namely :—

- (i) six small sterilised dressings ;
- (ii) three medium-size sterilised dressings ;
- (iii) three large-size sterilised dressings ;
- (iv) three large-size sterilised burn dressings ;
- (v) one (1 oz.) bottle containing a 2 per cent, alcoholic solution of iodine ;
- (vi) one (1 oz.) bottle containing salvolatile having the dose and mode of administration indicated on the label ;
- (vii) a snake-bite lancet ;
- (viii) one (1 oz.) bottle of pottassium permangante crystals ;
- (ix) one pair scissors ;
- (x) eyedrops ;
- (xi) adhesive plaster.

(3) Each first-aid box or cupboard shall be kept in the charge of a person who is trained in first-aid treatment and who shall always be readily available during the working hours of the industrial premises.

**21. Canteens.**—(1) The employer of every industrial premises wherein not less than 250 employees are ordinarily employed shall provide in, or near, the industrial premises, a canteen.

(2) The canteen shall not be situated within 15.2 metres of any latrine, urinal or any source of dust.

(3) The canteen building shall consist of at least a dining hall, kitchen, store room and pantry in addition to washing places separately for employees and for utensils.

(4) The minimum height of the building shall be not less than 3.7 metres and all the walls and roof shall be of suitable head-resisting materials and shall be water-proof. There shall be provision for adequate ventilation. The doors and windows shall be of fly-proof construction.

(5) The canteen shall be sufficiently lighted at all times when any person has access to it.

(6) (a) In every canteen—

- (i) all inside walls of rooms and all ceilings and passages and staircases shall be lime-washed or colour-washed at least once in each year or painted once in three years dating from the period when last lime-washed or colour-washed or painted, as the case may be;
- (ii) all wood-work shall be varnished or painted once in three years dating from the period when last varnished or painted;
- (iii) all internal structural iron or steel work shall be varnished or painted once in three years dating from the period when last varnished or painted :

Provided that the inside portion of the walls of the kitchen shall be lime-washed once in every four months ;

(b) The dates on which lime-washing, colour-washing, varnishing or painting is carried out shall be entered by the employer in the Register maintained in Form No. III.

(7) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause nuisance. Suitable arrangements shall be made for the collection and disposal of garbage.

(8) (a) The dining hall shall accommodate at a time at least 30 per cent of the employees working at a time.

(b) The floor of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs, shall be not less than 93 square metres per diner to be accommodated as specified in clause (a).

(c) A portion of the dining hall and service counter shall be partitioned off and reserved for women employees in proportion to their number. Washing places for women shall be separate and screened to secure privacy.

(d) Sufficient tables, chairs or benches shall be available for the number of diners to be accommodated as specified in clause (a).

(9) (a) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.



- (b) The furniture, utensils, and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.
  - (c) Food and food materials shall be stored in fly-proof safes and handled with the help of wooden ladles or suitable metal forces whichever is convenient. Vessels once used shall be scalded before being used again.
- (10) Food, drinks and other items served in the canteen shall be served on a no profit, no loss basis.

## CHAPTER-IV

### **Working hours, leave, appeals in cases of dismissal, etc.**

**22. Notice and register of periods of work.**—(1) Every employer shall exhibit in his industrial premises a notice in Form No. IV specifying clearly the daily hours of work, intervals for rest and weekly holiday allowed to the employees or, as the case may be, to each class of employees.

(2) Every employer shall maintain a register showing the hours actually worked including overtime in Form No. V.

**23. Method of calculating cash equivalent of concessional sale of foodgrains, etc.**—(1) The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed at the end of every wage period fixed under the provisions of the Payment of Wages Act, 1936 (Act 4 of 1936).

(2) For the purposes of section 18, the cash equivalent of the advantage accruing through the concessional sale of foodgrains and other articles to an employee required to work overtime shall be computed as a sum of equivalent to the difference between the value of such foodgrains and other articles at the average market rates prevailing during the wage period in which the employee worked overtime and the concessional price thereof.

**24. Register of leave with wages.**—(1) The employer shall in respect of employees employed in his industrial premises keep an up-to-date register in Form No. VI [hereinafter referred to as the Register of Leave with Wages (Regular Employees)] :

Provided that if the competent authority is of opinion that any muster roll or register maintained by the employer gives the particulars required for the enforcement of the provisions of sections 26 and 27, he may by order in writing permit such muster roll or register to be treated as the register required to be maintained under this sub-rule.

(2) The employer shall in respect of the employees who are permitted to work in their houses (hereinafter referred to as the home-workers) maintain an up-to-date register in Form No. VII [hereinafter referred to as the Register of Leave with wages (Home-workers)].

**25. Leave Book.**—(1) The employer shall provide each employee (including a home-worker) with a book in Form VI or VII, as the case may be (hereinafter referred to as the Leave Book).

(2) The Leave Book shall be the property of the employee and the employer shall not demand it except for making entries therein and shall not keep it for more than a week at a time.

(3) If an employee loses his Leave Book, the employer shall provide him with a duplicate copy on payment of six paise.

**26. Appeals under section 31.**—(1) The appellate authority for the purposes of sub-section (2) of section 31 shall be the Deputy Labour Commissioner of the area concerned.

(2) An employee who is discharged, dismissed or retrenched may prefer an appeal under sub-section (2) of section 31, to the appellate authority specified under sub-rule (1) within a period of thirty days from the date of communication of the order of such discharge, dismissal or retrenchment:

Provided that an appeal may be admitted after the said period of thirty days if the appellants satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

(3) The notice to be given by the appellate authority under clause (b) of sub-section (2) of section 31 shall—

(a) in the case of a notice to an employer, be in Form No. VIII; and

(b) in the case of a notice to an employee, be in Form No. IX;

and every such notice shall be sent to the party concerned by registered post with acknowledgment due.

## **CHAPTER-V**

### **Miscellaneous**

**27. Disputes relating to issue of raw materials by the employer.**—

(1) Any dispute between an employer and an employee or employees in relation to—

(a) the issue by the employer of raw materials to the employee;

(b) the rejection by the employer of beedi or cigar or both made by an employee; or

(c) the payment of wages for the beedi or cigar or both rejected by the employer;

may be referred in writing by the employer or the employee or employees to the Inspector, Shops and Establishments/Minimum Wages Inspector of the area



concerned who shall, after making such enquiry as he may consider necessary and after giving the parties an opportunity to represent their respective cases decide the dispute and record the proceedings in Form No. X.

(2) Any party to the dispute aggrieved by the decision thereon under sub-rule (1) may prefer an appeal within a period of thirty days from the date of the decision to the Supervising Inspector, Shops and Establishments, Labour Officer of the area concerned :

Provided that the Supervising Inspector or the Labour Officer may admit an appeal after the said period if the appellant satisfies such authority that he had sufficient cause for not preferring the appeal within that period.

**28. Supervision of distribution of raw materials.**—No employer shall, if he is required so to do by an Inspector by an order in writing, distribute, except under the supervision of the Inspector making the order or the supervision of another Inspector, raw materials to such employee or employees and during such period as may be specified in the order.

**29. Limit with regard to the rejection of beedis or cigars.**—(1) No employer or contractor shall ordinarily reject a substandard or chhat or otherwise more than five per cent of the beedis or cigars, or both, received from a worker including a home-worker.

(2) Where any beedi or cigar is rejected as substandard or chhat or otherwise on any ground other than the ground of wilful negligence of the worker, the worker shall be paid wages for the beedis or cigars so rejected at one-half of the rate at which wages are payable to him for the beedis or cigars or both, which have not been so rejected.

**30. Payment of wages to a home-worker.**—The wages due to home-worker shall be paid at the place where raw materials are supplied to him :

Provided that an Inspector may, if he considers it expedient so to do in the circumstances of any case, specify in respect of any home-workers any other place or places at which wages shall be paid.

**31. Precautions against Fire and means of escape in case of Fire.**—(1) In every industrial premises, the employer shall provide buckets of substantial construction, full of water or sand and/or chemical fire extinguishers in suitable number and at suitable places depending on the size of the premises and the number of workers working thereon to the satisfaction of the Inspector.

(2) Every industrial premises shall be provided with adequate means of escape in case of fire for the employees working therein and without prejudice to the generality of the foregoing provision—

- (a) each room in the industrial premises shall in relation to its size and the number of employees employed in it be provided with an adequate number of exits for use in case of fire though not necessarily confined to such use, so positioned that each person will have a reasonably free and unobstructed passage from his place of work to an exit;

- (b) no exit for use in case of fire shall be less than 1.22 metres in width and 1.97 metres in height ;
- (c) in case of a building or part of a building of more than one storey and in which not less than twenty employees work at any one time, there shall be provided at least one substantial stairway permanently constructed either inside or outside the building and which affords direct and unimpeded access to ground level ;
- (d) in the case of building or part of a building in which twenty or more persons work at any one time above the level of the ground floor, or which is situated below the ground level, the means of escape shall include at least two separate and substantial stairways permanently constructed either inside or outside the building and which afford direct and unimpeded access to ground level ;
- (e) every stairway in the building which affords a means of escape in case of fire shall be provided with a substantial handrail which if the stairway has an open side shall be on that side, and if the stairway has two open sides, such handrails shall be provided on both sides ;
- (f) at least one of the stairways provided shall be of fire resisting materials ;
- (g) no fire escape stair shall be constructed at an angle greater than 45 degree from the horizontal ;
- (h) no stairway shall be less than 1.14 metres in width :

Provided the Chief Inspector may in respect of any existing industrial premises or of any building taken for use as the industrial premises, after the Act came into force, relax the above standards to such extent and subject to such conditions as he may think reasonably necessary, by an order in writing.

**32. Returns.**—The employer in respect of every industrial premises shall send to the competent authority on or before the 10th day of every month a monthly return in Form No. XI and furnish to that authority an annual return in Form No. XII on or before the 30th April of every year.

**33. Maintenance of certain registers.**—(1) Every employer shall, in respect of the employees employed in the industrial premises, maintain a muster roll in Form No. XIII, and entries therein shall be made at the commencement of the work each day.

(2) Every employer shall provide free of cost to each home-worker two books in form No. XIV (hereinafter referred to as the “home-workers’ log books”) and the home-worker shall keep a record of entries made therein and supply of Books shall be so arranged that one Book remains with the home worker at all times during the period between two successive supplies of raw materials by the employer. Entries in part I of the Form No. XIV (Home Workers’ Log-Book) shall be made and signed by the employer himself or by the authorized representative of the Beedi Company or Beedi employer. The



date-wise entries made in Part II of the Form No. XIV (Home-Workers' Log-Book) shall be done by the authorized Contractor or Sub-Contractor or Agent or Munshi or Thekedar or Sattedar and by the Home-Worker. At the end of the month, the date-wise entries in Part II of the said Form duly signed by the Contractor, Sub-Contractor, Agent, Munshi, Thekedar or Sattedar, and the Home-Worker is to be countersigned by the employer himself, or by the authorized representative of the Beedi Company or the Beedi employer":<sup>2</sup>

(3) Every employer shall maintain a Home-workers' Employment Register in Form No. XV containing the names and particulars of all the home-workers employed under him and the entries in the register shall be made and kept up-to-date on the basis of the entries in home-workers' log books.

(4) Every employer shall maintain a visitor's book in which an Inspector visiting the industrial premises may record his remarks regarding any defects that may come to his notice at the time of his inspection and the employer shall produce such book whenever required so to do by the Inspector.

(5) Every employer shall maintain a register of over-time work in Form No. XVI.

(6) Every employer shall exhibit in some conspicuous part of the industrial premises a notice containing an abstract of the Act and the rules in English and in the language understood by the majority of the employees employed in the industrial premises.

(7) Every register referred to in this rule shall be preserved for a period of three years from the date of the last entry noted therein and shall be readily available for inspection during working hours of the industrial premises.

**34. Record of outside work.**—The record to be maintained by the employer of the work permitted under sub-section (1) of section 29 to be carried on outside the industrial premises shall be in Form No. XVII.

**35. Information required by Inspector.**—(1) Every employer shall furnish to an inspector such information as the Inspector may require for the purpose of satisfying himself whether any provision of the Act or of the rule made thereunder has been, or is being, duly carried out.

(2) Where any information is required by an Inspector during the course of his inspection and the required information is readily available, the employer shall forthwith furnish such information to the Inspector; and where any requisition for information is made by the Inspector at any other time, the information sought for shall be supplied by the employer within ten days from the date of receipt of the requisition.

**36. Notice to be sent by Registered Post.**—<sup>1</sup>Every notice or order under the Act or the rules made thereunder addressed to any employer or beedi or cigar worker, shall be presumed to have been duly served if such notice has been sent by registered post.

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2. Amended by Notification No. 85-LW/2B-01/08 dated 24.01.08

**FORM No. I**

[See rules 3 and 4.]

**Application for grant or renewal of licence for the financial year, under the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.**

1. Full name of the industrial premises.
2. (i) Full postal address and situation of the industrial premises.  
(ii) Full address to which communications relating to the industrial premises should be sent.  
(iii) Full name and address of the applicant.
2. (A) Whether the power driven machinery is used in the industrial premises for manufacturing process.
3. Maximum number of employees proposed to be employed on any one day during the financial year.
4. Full name and residential address of the person who shall be the employer for the purposes of the Act.
5. If the employer is a partnership, company, etc., full name and residential address of other partners or directors, etc. (See Note I at the end.)
6. Financial resources of the employer (e.g., particulars and value of movable and immovable properties, bank reference, income-tax assessment, etc.)
7. Whether the employer is a trade mark holder registered under the Trade and Merchandise Marks Act, 1958.
8. Value of beedis or cigars or both manufactured at the industrial premises during the preceding financial year.
9. Previous experience of the applicant in the industry.



10. Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing industrial premises and, if so, the reasons for such alteration.
11. Whether any industrial premises was closed by the applicant during the period of twelve month immediately preceding the date of the application and, if so, the reasons therefor.
12. Source of obtaining tobacco.
13. Whether the beedis or cigars or both manufactured by the applicant\* will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958, or any other person.
14. Whether the plans of the premises are enclosed.
15. (a) Amount of fee remitted—  
Rs. (Rupees     )  
(b) Name of the Sub-Treasury...  
(c) Chalan No. and date enclosed.

I hereby declare that the particulars furnished by me in the form are to the best of my knowledge and belief accurate.

Date :

Signature of applicant\*

Note 1. —Where an industrial premises is run or proposed to be run by the contractor for or on behalf of another person or persons or company, the said other person or persons or company, etc., is under the Act the employer and particulars to be entered for “employer” in the Form should be in regard to such person, persons or company, etc.

\*The application for licence may however be made either by the contractor or the employer.

Note 2.—(1) This form shall be completed in ink in block letters or type  
(2) If any person named against item 5 is a minor the fact shall be stated clearly.

**FORM No. II**

[See rule 5]

Licence under section 4 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966

**LICENCE**

Licence No. Fee Rs.

Registration No.

Licence is hereby granted to

Valid only for the premises described below for use as an industrial premises employing not more than ..... employees on any one day during the year ..... subject to the conditions specified in annexure.

The licence shall remain in force till the 31 st day of March.....

Description :

Name of industrial premises.....

Situation of the industrial premises.....

Permission is also granted for the installation of power-driven machinery.

Date :

.....

Signature and seal of the  
competent authority



RENEWAL

[See rule 4]

Date of renewal

Fees paid for renewal.

Date of expiry

.....  
Signature and seal of the  
competent authority

Date : .....

ANNEXURE

This licence is subject to the following conditions:—

1. The manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence.
2. The Maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence.
3. Power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises.
4. Except with the prior permission in writing of the competent authority the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building or such premises.
5. The licence shall not be transferable.

## FORM No. III

[See rule 10(2), 15(3), 21(6)(b)]

**Record of white washing, colour-washing, varnishing, painting and cleaning**

Part of the industrial premises (e. g., name of room)	Parts white-washed, colour-washed, painted or varnished (e. g., walls, ceilings, wood work, etc.)	Treatment, whether white-washed, colour washed, painted or varnished or cleaned	Date on which white-washing, colour-washing or painting or varnishing or cleaning was carried out according to English Calendar (Date, Month, Year)	Remarks	Signature of the employer
1	2	3	4	5	6



**FORM No. IV** Figure 1,2,3 relates to 1st, 2nd and 3rd shifts or relays  
 [See rule 22(1)]

**Notice of periods of work**

Name of the industrial premises	Place						District	Remarks
	Men			Women and young persons				
Periods of work	(Total number of men employed)			(Total number of women and young persons employed)			(Group letter) (Nature of work)	
	(A)	B	C)	(D	E	F)		
1 2 3	1 2 3	1 2 3	1 2 3	1 2	1 2	1 2		
On working days—								
From								
To								
From								
To								
On partial working days—								
From								
To								
From								
To								
Weekly holidays—								
Date on which this notice comes into force								

A  
B  
C  
D  
E  
F

**FORM No. V**

[See rule 22(2)]

**Register showing hours of work Including overtime—weekending .....**

Name of the employee	Whether young person or not	Total hours worked during the week	Date on which over-time work is done and extent of such over-time on each occasion	Extent of over-time worked during the week
1	2	3	4	5



Separate Page shall be allotted to each employee

**FORM No. VI**

[See rule 24(1) and 25(1)]

**Register of Leave with wages-Regular Employees**

**LEAVE BOOK**

Name and Address of the Establishment	Name of the employee :	Date of joining the establishment :
	Father's/Husband's Name :	Date of discharge :
	Adult/young person :	Date and amount of payment made in lieu of leave due :

Serial No. (\*)

Date of entry into service.

**Leave at Credit**

1. Calendar year of service
2. Wage period from ..... to .....
3. Number of days of work performed during the calendar year .....
4. Balance of leave from the preceeding year.
5. Leave earned during the year mentioned in column (1).
6. Total of columns (4) and (5) .....
7. Leave enjoyed from ..... to .....
8. Balance of leave at credit .....
9. Normal rate of wages, i.e. daily average of full time earnings in cash.
10. Cash equivalent of advantage accruing through concessional sale of food grains etc.
11. Rate of wages for the leave period [total of columns (9) and (10)].
12. Date and amount paid .....
13. Remarks .....

Separate page shall be allotted to each employee

**FORM No. VII**

[See rules 24(2) and 25(1).]

**REGISTER OF LEAVE WITH WAGES**

**(HOME-WORKERS)**

**LEAVE BOOK**

1. Name of Establishment ...
2. Serial No. ...
3. Name of employee and age ...
4. Father's/Husband's name ...
5. Home address ...
6. Date of entry into service ...
7. Date of discharge ...
8. Amount paid in lieu of leave ...
9. Calendar year of service ...
10. No. of days worked during the year ...
11. Balance of leave from preceding year ...
12. Leave earned during the year mentioned in column (9). ...
13. Total of columns (11) and (12) ...
14. Leave enjoyed from...to... ...
15. Balance of leave to credit ...
16. Normal rate of wages, i.e. daily average of full-time earnings in cash ...
17. Cash equivalent of advantage accruing through concessional sale of food grains, etc., if any. ...
18. Rate of wages for the leave period (total of columns 16 and 17) ...
19. Date and amount paid ...
20. Remarks ...



**FORM No. VIII**

[Sec rule 26(3) (a)]

**Notice to the employer under clause (b) of  
sub-section (2) of section 31**

Shri \_\_\_\_\_ Has appealed to the Appellate Authority under clause (a) of sub-section (2) of section 31 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, against the orders of his discharge/dismissal/retrenchment. A copy of his appeal/petition is enclosed.

The appeal has been posted for hearing on the..... day of.....19.....at.....a.m./ p.m. at You should appear before the Appellate Authority on that day and answer the claims. You must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence. In default of your appearance on that day the matter will be heard and determined in your absence.

Appellate Authority

**FORM No. IX**

[Sec rule 26(3) (b)]

**Notice to the employee under clause (b) of  
sub-section (2) of section 31**

Your appeal has been posted for hearing on the..... day of.....19.....at.....a.m./p.m., at.....you should appear before the appellate Authority on that day to prove the claim. You must be prepared to produce on that day all the witnesses on whose evidence and all documents upon which you intend to rely in support of your case. In default of your appearance on that day, the matter will be heard and determined in your absence.

Appellate Authority

**FORM No. X**

[Sec rule 27(i)]

**Record of decision or Order**

1. Serial No.
2. Date of application.
3. Name or names, parentage, address or, addresses of applicants or some or all of the applicants.
4. Name and address of the employer.
5. Substance of the dispute.
6. Plea of parties and their examination, if any.
7. Documents seen.
8. Substance of the evidence taken.
9. Finding and brief statement of the reasons therefor.
10. Decision.

Date

Signature



**FORM No. XI**

[Sec rule 32]

**MONTHLY RETURN**

1. Name of the industrial premises and full postal address.
2. No. and date of licence issued under the Act.
3. Months to which the return relates.
4. Name of the employer.
5. Name of the Principal Employer if the Employer is working as contractor for principal employer.
6. Quantity of beedi and /or cigar tobacco released by the central Excise department.
7. Quantity of beedi and /or cigars tobacco supplied by the principal employer.
8. Number of beedis and/or cigars manufactured by the employer in industrial premises.
9. Number of beedis and/or cigars manufactured by the employer in places other than industrial establishment, i.e. workers working in their homes.
10. Number of beedis and/or cigars sold and to whom.

Date

Signature of employer

**FORM No. XII**

[See rule 32]

**Annual Return for the year ending March 20.....**

1. Name and address of the industrial premises.
2. Number and date of licence.
3. Name of the employer.
4. Name of the principal employer if the employer is working as contractor for a principal employer.

5. \*Average number of employees employed daily in the industrial premises :
- Men
  - Women
  - Young persons
  - Male
  - Female

6. Average monthly number of home workers 'employed (i.e., who work in their homes)\*\*

7. Normal hours worked per week in the industrial premises.

8. Number of days worked in the year in the industrial premises.

9. Number of employees who were granted leave during the calendar year—  
Young persons : (a) employed in the industrial premises.

(b) employed in homes.

Other than young persons : (a) employed in the industrial premises.

(b) employed in homes.

10. Number of female employees who were given maternity benefit during the year

(a) employed in industrial premises.

(b) employed in homes.

Certified that the information furnished above is to the best of my knowledge and belief correct.

Date.....

Signature of the employer

Note : Partial attendance for less than half a shift of working day shall be neglected and attendance for half a shift or more shall be treated as full attendance.

\*The average daily number shall be calculated by dividing the aggregate number of attendance of working days by the number of the working days in the year. Attendance on separate shift, e.g., night and day shifts shall be counted separately.

\*\*The average shall be calculated by dividing the aggregate number of workers on the Home-workers Employment Register during each of the preceding twelve months, by 12.



**FORM No. XIII**

[See rule 33(1)]

**Muster Roll of Employees**

Date : .....

Name and Address of the industrial premises :

Serial No.	Name	Designation	Group	Relay	Shift number	Period of work	Remarks
1	2	3	4	5	6	7	8

“FORM No. XIV”<sup>3</sup>

[See rule 33(2)]

**HOME WORKERS' LOG BOOK**

**Part—I**

- A. 1. Name of the home worker :  
2. Address of the Home-Worker :  
3. Month (Period) :  
4. P.F. A/C No. :
- B. 1. Name of the Beedi Company/Beedi Employer :  
2. Address of the Head Office /Branch office Where the contractors/sub-contractor/Agent/Munshi/Thekedar/Sattedar deposit finished Product  
3. Code No. of the Contractor/Sub-Contractor/Agent/Munshi/Thekedar/Sattedar issued by the Beedi Company/Beedi employer :

Signature of the employer or the authorised representative of the Beedi Company or Beedi employer

**Part-II**<sup>4</sup>

Date	Raw materials supplied	No. of Beedis Manufactured	No. of Beedis rejected	Rate of wages per 1000 Beedis rolled	Total wages carried	Deduction of PF @ .....% of total wages
1	2	3	4	5	6	7

Net wages received	Remarks if any	Date & Signature of Contractor/ Sub-Contractor/Agent/Munshi/Thekedar/Sattedar	Date & Thumb Impression/Signature of home-worker
8	9	10	11

3. Amended by Notification No. 85-LW/2B-01/08 dated 24.01.08

4. Corrigendum No. 724-LW/2B-01/08 dated 02.07.08

**FORM No. XV**

[See rule 33(3)]

**Home Workers' Employment Register**

Month ending :

(Beedis manufactured should be shown in respect of each home worker below the appropriate date)

Wages paid—Dates :

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Name of Worker Address of home



**FORM No. XVI**

[See rule 33(5)]

**REGISTER OF OVERTIME WORK**

Month ending : ..... 199 .....

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1. Name.
2. Designation.
3. Date on which overtime has been worked.
4. Extent of overtime.
5. Total overtime worked or production in case of piece workers.
6. Normal hours.
7. Normal rate of pay.
8. Over-time rate of pay.
9. Normal earnings.
10. Overtime earnings.
11. Cash equivalent of advantage accruing through the concessional sale of food grains, etc.
12. Total earnings.
13. Date on which overtime payment made.

**FROM No. XVII**

(See rule 34)

**Record of outside work**

Number and date of Government's order permitting work  
outside the industrial premises

Date	Place or places where outside work was permitted	Nature of work	Name of employees	Remarks
1	2	3	4	5