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

UTTAR PRADESH RULES

THE UTTAR PRADESH BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) RULES, 1969

English translation of Shrama Vibhag, Noti. No. 5686(ST)/XXXVI-A—279(ST)-65, dated September 26, 1969, published in U.P. Gazette, Part I-ka, dated 11th October, 1969, p. 2299

In exercise of the powers under Section 44 of the **Beedi and Cigar Workers (Conditions of Employment) Act, 1966** (Act No. 32 of 1966), and in confirmation of Government Notification No. 843(ST)/XXXVI-A—279(ST)-65, dated February 4, 1969, the Governor is pleased to make the following rules, after their previous publication as required by sub-section (3) of the said section of the said Act:

IndiaCode

CHAPTER I

PRELIMINARY

[1][**1. Short title.**—These Rules may be called the Uttar Pradesh Beedi and Cigar Workers (Conditions of Employment) Rules, 1969.]

2. Definitions.—In these rules, unless the context otherwise requires—

(*a*) "Act" means the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Act No. 32 of 1966);

(*b*) "Form" means a Form appended to these rules;

(*c*) "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 allow to be used any place or premises as an industrial premises shall be made in duplicate in Form 1.

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

(*i*) plans in triplicate showing—

(*a*) 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

(*b*) the plan, elevation and necessary cross-sections of, the details relating to natural lighting, ventilation, means

1. *Subs.* by Noti. No. 2365/V/76-36-3-4(V)-71-CA-32-1966-Rule-1966-AM(2)-1977, dated July 31, 1978 (1978 LLT-V-374).

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;

(*ii*) 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 acknowledgment to the competent authority.

(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 Section 4 shall be made in Form I. 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 (2) shall be sent by registered post or delivered by hand under acknowledgment 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 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 under Section 4 is lost, stolen or destroyed, the licensee shall forthwith report the matter to

the competent authority by whom the licence was issued, 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.**—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.

[2][8. **Fees.**—(1) 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	3
	Rs.	Rs.
If the number of employees proposed to be employed on any day during the financial year for which the licences are required or renewed—		
(*a*) Does not exceed ten,	75	50
(*b*) exceeds ten but does not exceed twenty,	150	100
(*c*) exceeds twenty but does not exceed fifty,	375	250
(*d*) exceeds fifty but does not exceed hundred,	750	500
(*e*) exceeds hundred but does not exceed hundred and fifty,	1500	1250
(*f*) exceeds two hundred and fifty,	2750	2500

2. *Subs.* by Noti. pub. in 1978 LLT-V-374.

Column-2

Rule as hereby substituted

2. The fees to be paid for the grant of a duplicate license shall be rupees twenty.

3. The fees payable in respect of an appeal under section 5 of the Act shall be-

(a) rupees fifty in the case of an appeal against an order refusing to grant or renew a license in respect of any place or premises the maximum number of employees proposed to be employed where or is one hundred or more,

(b) rupees thirty, in any other case.

4. The fees payble as specified in this rule shall be paid into the nearest State Government treasury under the relevant head of account of the Government

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 licensee 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) In every industrial premises—

(*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, side 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, re-painted or re-varnished at least once in every period of five years;

(*iii*) in any other case, be kept white-washed or colour-washed at least once in every twelve months.

(2) The record of the dates on which white-washing, colour-washing, varnishing, painting or cleaning as the case may be, was carried out under

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Amended by Notification No. 788/36-1-2001-3 BC-90, dated May 3, 2001

sub-rule (1), shall be entered by the employer in a register maintained in Form 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-five 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 old 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) Subject to the proviso attached to Section 12 urinal accommodation in every industrial premises shall not be less than six metres 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 odd 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).

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 in every period of four months.

(2) Nothing in sub-rule (1) shall apply in respect of wall and ceilings of, and partition in a latrine or urinal or any portions of such walls, ceilings and partitions which are laid in glazed tiles or otherwise finished to prove a smooth-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 dates 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 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 permeatable 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 deodorised in order to render it innocuous and then disposed of.

17. Water, 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 convenient, 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 of such places are not visible from any place where male employees work or pass through and the entrance to every such place shall beat 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 27.3 liters 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 no case be 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 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 not be 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 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 the 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 cm. 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 *ayhas* to be appointed in the creche shall be calculated at the rate of one *ayha* 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.

[3][**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 cupboard shall be distinctively marked with a red cross on a white background and shall contain the following equipment, 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 (28·350 grams) bottle containing a 2 per cent alcoholic solution of iodine;

(*vi*) one 28·350 grams) bottle containing salvolatile having the dose and mode of administration indicated on the label;

(*vii*) a snake-bite lancet;

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3. *Subs.* by Noti. No. 3970(ST)/XXXVI-A—240(ST)-70, dated 6-9-1971 [Ref. 1971 LLT(V) 140].

(*viii*) one (28·350 grams) bottle of potassium permanganate crystals.

(*ix*) one pair of scissors;

(*x*) eye drops;

(*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 other 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 heat-resisting materials and shall be water-proof. There shall be provision for adequate ventilation. The doors and windows shall be of flyproof 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 in three years dating from the period when 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 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 a 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 utensil, 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 ladless or suitable metal forceps 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 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 an employee actually worked including overtime in Form 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 No. 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 emplayee required to work overtime shall be computed as a sum 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 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 give the particulars required for the enforcement for 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 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 Form 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 losses his leave book, the employer shall provide him with a duplicate copy on payment of six paise.

[4][**26. Appeals under Section 31.**—(1) The appellate authority for the purposes of sub-section (2) of Section 31 shall be all the Regional Assistant Labour Commissioners, all Regional Deputy Labour Commissioners, and Regional Additional Labour Commissioner, Kanpur.

(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 appeallate 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 thc case of a notice to an employer be in Form VIII, and

(*b*) in the case of a notice to an employer be in Form IX and every such notice shall be sent to the party concerned by registered post acknowledgment due].

CHAPTER V

MISCELLANEOUS

[4][**27. Dispute relating to issue of raw-material 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 material to the employee ;

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

4. *Subs.* by Noti. pub. in 1978 LLT-V-374.

(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 employee or employees to the Labour Officer or Conciliation Officer of the area, who shall after making such enquiry as he may consider necessary and after giving the parties an opportunity to represent their respective case, decide the dispute and record the proceedings in Form 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 Regional Assistant Labour Commissioner, the Regional Deputy Labour Commissioner or the Regional Additional Labour Commissioner, Kanpur :

Provided that the Regional Assistant Labour Commissioner, the Regional Deputy Labour Commissioner or the Regional Additional Labour Commissioner 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 as sub-standard 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 sub-standard or chhat or otherwise on any ground other than the ground of wilful negligence of the workers, the workers shall be paid wages for the beedis or cigar so rejected at one-half of the rate at which wages are payable to them for the beedis or cigars or both which have not been so rejected.

30. Payment of wages to a home-worker.—Where raw materials are supplied to a home-worker at his home the wages due to him shall also be paid at his home :

Provided that an Inspeetor 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. Protection against fire.—In every industrial premises the employer shall provide adequate fire-fighting equipment.

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 XI and furnish to that authority an annual return in Form 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 on the industrial premises, maintain a muster roll in Form XIII, and entries therein shall be made at the commencement of the worker each day.

(2) Every employer shall provide free of cost to each home-worker two books in Form XIV (hereinafter referred to as the home-workers' log-books) and the home-worker shall keep a record of the daily work done by him, the number of beedis and cigars manufactured by him and the wages received by him in the said book and the supply of books shall be so arranged that one book remains with the home-workers at all times during the period between the successive supplies of raw materials by the employer.

(3) Every employer shall maintain a home-workers employment register in Form XV containing the names and particulars of all the home-workers employed under him and the entries in the register shall be made and keep up-to-date on the basis of the entries in the 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 overtime work in Form XVI.

(6) An abstract of the Act, and the rules made thereunder shall be displayed in some conspicuous part of every industrial premises.

(7) Every register referred to in these rules 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 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 whetber 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 the 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.—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.

FORM No. I

(*See* Rules 3 and 4)

Application for grant or renewal of licence for the financial year

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 address of the applicant.*

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, full name and residential address of other partners or directors. (*See* Note 1 at the end)

6. Financial resources of the employer *e.g.*, particulars and value of movable and immovable properties, bank reference, income-tax assessment.

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 months 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. Amount of fee Rs. (rupees) paid in Treasury on , *vide* challan no. 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 are run or proposed to be run by a contractor for or on behalf of another person or persons or company, the said other person or persons or company 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.

*The applicant for licence may, however, be either the contractor or the employer.

Note 2.—(1) This form shall be completed in ink in block letters or typed.

(2) If any person named against Item 5 is a minor the fact shall be stated clearly.

FORM No. II

(*See* Rule 5)

Licence No. Fee Rs.

Registration No.

Licence is hereby granted to

valid only for the premises described below for use as 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 31st day of March.....
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 (RULE 4)

Date of renewal	Fees paid for renewal	Date of expiry
1.		
2.		
3.		
4.		

Date *Signature and seal of the competent authority.*

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 on such premises.

5. The licence shall not be transferable.

FORM No. III

[*See* Rules 10(2), 14(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, painted or varnished or cleaned	Date on which white-washing, colour-washing, painting or varnishing or cleaning was carried out according to the English calendar (Date Month Year)	Remarks	Signature of employer

FORM No. IV

[*See* Rule 22(1)]

Notice of periods of work

Name of the industrial premises	Place			Figures 1, 2, 3, relate to 1st, 2nd and 3rd shifts or relays District					
	Period of work Men			Women and young persons			Description of groups		Remarks
	(Total number of men employed			(Total number of women and young persons employed			Group letter	Nature of work	
	A	B	C	D	E	F	(	)	
	123 2 3	123	123	123	12	12	12		
On working days									
From								A	
To								B	
From								C	
To								D	
O								E	
								F	
On partial working days—									
From									
To									
From									
To									
Weekly holidays									

Date on which this notice comes into force—

FORM No. V

[*See* Rule 22(2)]

Register showing hours of work including overtime
Week ending.....

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

Separate page shall be allotted to each employee.

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FORM No. VI

[*See* Rules 24(1) and 25(1)]

Register of Leave with Wages (Regular Employees)
Leave Book

Serial No. Date of entry into service	Name of establishment	Adult/young person Name Father's Name Date of joining the establishment Date of discharge Date and amount of payment made in lieu of leave due
1	2	3

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 preceding 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 to 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 foodgrains, *etc.*
11. Rate of wages for the leave period [total of columns (9) and 10)].
12. Date of 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.

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

FORM No. VIII

[*See* Rule 26(3)(*a*)]

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

Sri 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 days of 196 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

[*See* 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. . 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

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FORM No. X

[*See* Rule 27(1)]

Record of Decisions of Order

1. Serial Number.
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 the examination, if any.
7. Documents seen.
8. Substance of the evidence taken.
9. Finding and brief statement of reasons therefor.
10. Decision.

Date

Signed.

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FORM No. XI

(*See* Rule 32)

Monthly Return

1. Name of the industrial premises and full postal address.
2. Number and date of licence.
3. Month to which the return relates.
4. Name of the employer.
5. Name of the principal employer if the employer is working as contractor for principle employer.
6. Quantity of beedi and/or cigar tobacco released by the Central Excise Department.
7. Quantity of beedi and/or cigar tobacco supplied by the principal employer.
8. Number of beedis and/or cigars manufactured by the employer in industrial establishment.
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

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 industral permises.
	(*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 the industrial premises.

(*b*) Employed in the homes.

Cerified 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 shifs, *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 12 months by twelve.

FORM No. XIII

[*See* Rule 33(1)]

Muster-roll of employees

Date.....

Name and address of the industrial premises

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

FORM No. XIV

[*See* Rule 33(2)]

1. Name of the home-worker.
2. Address of the home where manufacturing process is carried on.
3. Month.

Account of the work done at homes

Date	Whether work was done	No. of beedis/cigars manufactured	Wages received
1	2	3	4

Total number of days worked in the month.

Date and signature or thumb-impression of the home-worker.

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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)

Name of worker	Address of home	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

FORM No. XVI

[*See* Rule 33(5)]

Register of overtime work

Month ending.....19 .

Name	Designation	Date on which overtime has been worked	Extent of overtime	Total overtime worked or production in case of piece workers	Normal hours	Normal rate of pay
1	2	3	4	5	6	7

Overtime earnings	Normal earnings	Overtime earnings	Cash equivalent of advantage accruing through the concessional sale of foodgrains *etc.*	Total earnings	Date on which overtime payment made
8	9	10	11	12	13

FORM No. XVII

[*See* Rule 34]

Record of outside work

Name and date of Government Order permitting work outside the industrial premises.....

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

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NOTIFICATION

(1)

Appellate Authority

English translation of Shram Anubhag-5, Noti. No. 3689(V)/XXXVI-5—5(V)-71, dated December 11, 1975, published in U.P. Gazette, Extra., dated 11th December, 1975, p. 1

In exercise of the powers under Section 5 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Act No. 32 of 1966), the Governor is pleased to specify all the Additional Labour Commissioners in Uttar Pradesh to be appellate authorities for the whole of Uttar Pradesh to whom an appeal may lie under Section 5 of the said Act against the decision of the competent authority.

(2)

Competent Authority

English translation of Shram Anubhag-5, Noti. No. 4099(V)/XXXVI-5—5(V)-71, dated December 11, 1975 published in U.P. Gazette, Extra., dated 11th December, 1975, p. 2

In exercise of the powers under Section 2(*c*) of the Beedi and Cigar

Workers (Conditions of Employment) Act, 1966 (Act No. 32 of 1966), the Governor is pleased to authorise all Assistant Labour Commissioner and all Deputy Labour Commissioners in Uttar Pradesh to perform all the functions of the competent authority under the said Act within the local limits of their respective jurisdiction.

(3)

English translation of Shram Vibhag, Anubhag-3, Noti No. 1440(V)/ XXXVI-3—28(V)-77, dated August 16, 1977, published in U.P. Gazette, Part 1, dated 27th August, 1977, p. 2415

In exercise of the powers under sub-section (*c*) of Section 2 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Act No. 32 of 1966), the Governor is pleased to authorise the Additional Labour Commissioner, Allahabad and the Regional Additional Labour Commissioner, Kanpur to perform all the functions of the competent authority under the said Act within the local limits of their respective jurisdiction.

(4)

Exemption to Home Workers

English translation of Shram Anubhag-3, Noti. No. 1638(V)/XXXVI-3-4(B.C.)-78, dated February 23, 1979, published in U.P. Gazette, Extra., dated 23rd February, 1979, p. 2

In exercise of the powers under Section 41 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Act No. 32 of 1966), the Governor is pleased to exempt from the provisions of Sections 26 and 27 of the said Act, the home workers, subject to the following conditions:

(1) That in lieu of the period of leave earned under provisions of sub-section (1) of Section 26 of the said Act the home workers shall be paid additional financial advantage in fortnightly instalments;

(2) That the amount of this additional financial advantage shall be equal to 5 per cent of the wages for the total number of beedis made by the home workers;

(3) That this additional financial advantage shall be payable from 1977 and the amount of arrear on this account shall be paid in three equal instalments on March 31, 1979, June 30, 1979 and September 30, 1979;

(4) That this exemption shall not be applicable in respect of any women employee.

(5)

Beedi and Cigar Establishments—Payment of Wages Act and Rules Applied to U.P.

English translation of Shram Anubhag-3, Noti. No. 219(V)/74-5—99(V)-74, dated 19th April, 1975, published U.P. Gazette, Part 1-A, dated 19th April, 1975, p. 967

In exercise of the powers under sub-section (1) of Section 28 of the

Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Act No. 32 of 1966), the Governor is pleased to direct that with effect from the date of publication of this Notification in the Official Gazette, the provisions of the Payment of Wages Act, 1936 (Act No. IV of 1936), and the rules made thereunder shall apply to all or any class of employees in establishment or class of establishments to which the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, applies.

(6)

English translation of Shram Anubhag, Noti. No. 837/XXXVI-3—6(BC.)-89, dated July 25, 1990, published in U.P. Gazette, Extra., Part 4, Section (kha), dated 25th July, 1990, p. 2

In exercise of the powers under sub-section (1) of Section 6 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Act No. 32 of 1966) read supersession of Notification No. 3826(ST)/279(ST)-65, dated August 9, 1971, the Governor is pleased to appoint the following officers to be the Inspectors for the purposes of the said Act for the whole of Uttar Pradesh :—

1. Labour Commissioner, Uttar Pradesh.
2. All Additional Labour Commissioners.
3. All Deputy Labour Commissioners.
4. All Assistant Labour Commissioners.
5. All Labour Enforcement Officers.

———