

THE MADHYA PRADESH BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) RULES, 1968

Notification No. 2153-2702-XVI dated the 29th March, 1968*.— In exercise of the powers conferred by Section 44 of the **Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (No. 32 of 1966)**, the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 44 of the said Act.

CHAPTER I

Preliminary

1. Short title.— These rules may be called the **Madhya Pradesh Beedi and Cigar Workers (Conditions of Employment) Rules, 1968.**

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

- (a) “Act” means the **Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (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 I.

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

- (a) plans in triplicate 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 challan showing that the appropriate fee for the licence as specified in Rule 8 has been paid.

* Published in M.P. Rajpatra (Asadharan) dated 31-3-1968 Pages 665-692

See MPLT 1968 Part II [85] Page 165.

(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 an 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. Application 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 challan showing that the appropriate fee for 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 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 alteration 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 granted 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, 1st 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 challan 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 redink.

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 copy of the order appealed against and a treasury challan showing that the appropriate fee in respect of the appeal as specified in Rule 8 has been paid.

8. Fees.—¹[(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)
	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	37.50	30.00
(b) exceeds ten but does not exceed twenty	75.00	50.00
(c) exceeds twenty but does not exceed fifty	180.00	125.00
(d) exceeds fifty but does not exceed hundred	375.00	250.00
(e) exceeds hundred but does not exceed two hundred and fifty	750.00	625.00
(f) exceeds two hundred and fifty	1500.00	1250.00

(2) The fees to be paid for the grant of a duplicate licence shall be Rs. 15/-.

1. Substituted by Notification No. 2-1-91-XVI-A(4) dated 4-2-1993. Published in M.P. Rajpatra (Asadharan) dated 4-2-1993 Page 62(1). See MPLT 1993 Part II [19] Page 11.

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

- (a) Rupees 50/-, 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 wherein is one hundred or more;
- (b) rupees twenty-five in any other case].

(4) The fees payable specified in this rule shall be paid into the nearest Government treasury under the head of account "XXXII-Miscellaneous-Social and Developmental Organisation-A-Labour and Employment- (11). Fees realised under Beedi and Cigar Workers (Conditions of Employment) Act.

9. Refund of fees.— If the competent authority refuses to grant or renew any licence under Section 4, it shall order the refund of the fees paid thereof.

CHAPTER III

Health and Welfare

10. Cleanliness.— (1) Every industrial premises shall be kept clean and free from effuvia, 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, 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, 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 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 upto 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 odd 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 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 upto the first five hundred employees and one for every hundred in excess thereof.

Explanation.— In calculating the urinal accommodation required under this rule, an 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 with 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 partitions 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 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 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 deodorized 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 of 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 woman only" in bold and conspicuous letters and such notice shall also bear the picture of a woman.

(3) Water supply for purpose of washing facilities under sub-rule (1) or sub-rule (2) shall be such as to provide at least 27.3 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 creches 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 upto 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 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 upto a height of 0.9 c.m. 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 cup-boards 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 cup-boards shall be distinctively marked with a red cross on a white background and 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 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 not be 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 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 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 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 0.93 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 forceps whichever is convenient. Vessels once used shall be scalded before being used again.

(10) Food, drink 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 holidays 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 V.

23. Method of calculating cash equivalent of concessional sale of food-grains, 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 (Central Act 4 of 1936).

(2) For the purpose of Section 18, the cash equivalent of the advantage accruing through the concessional sale of food-grains and other articles to an employee 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 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 VII (hereinafter referred to as the Register of Leave with Wages of 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 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 ¹[Assistant Labour Commissioner or Labour Officer as the case may be].

²[(1-a) Notwithstanding anything contained in sub-rule (1), the Labour Commissioner may, by order in writing, transfer any appeal from the appellate authority to any of the Deputy Labour Commissioners or from one appellate authority to another. The Deputy Labour Commissioner or the other appellate authority, as the case may be, to whom the appeal is transferred may, subject to directions in the order of transfer, proceed either *de novo* or from the stage at which the appeal was so transferred.]

(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 appellant 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 VIII; and

(b) in the case of a notice to an employee, be in Form IX,

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

1. Substituted by Notification No. F. 4(c) 6-98-XVI-A dated 12-6-2000. Published in M.P. Rajpatra (Asadharan) dated 16-6-2000 Page 705. See MPLT 2000 Part II [97] Page 169.

2. Inserted by Notification No. 1588-1242-XVI dated 15-3-1973. Published in M.P. Rajpatra Part IV (Ga) dated 5-10-1973 Page 726. See MPLT 1973 Part II [322] Page 400.

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 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 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 Labour Officer or the Assistant Labour Officer :

Provided that the appellate authority 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 Beedi 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 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 home-workers.— (1) 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 Inspector may, if he considers it expedient so to do in the circumstances of any case, specify in respect of any home worker 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 work each day.

¹[(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-book) and the home-worker shall keep a record in the log book of the quantum of raw materials received, the number of beedis or cigars supplied by him, number of standard beedis/cigars, the number of sub-standard or *chhat* beedis/cigars, the wages receivable and received by him for the standard beedis/cigars, sub-standard or *chhat* beedis/cigars. The book shall be made of good quality paper duly bind and will contain sufficient number of pages to last one year. The supply of books shall be so arranged that one book remains with home worker at all times during the period between the two successive supplies or 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 kept 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 over time work in Form XV.

(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 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 XVII.

35. Information required by Inspectors.— (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 rules made thereunder has been or is being duly carried out.

1. Substituted by Notification No. F. 4 (6)-4-79-Lab.XVI dated 10-6-1980. Published in M.P. Rajpatra Part IV (Ga) dated 1-8-1980 Page 330. See MPLT 1980 Part II [185] Page 143.

(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.

¹**[35A. Power of Inspectors.**— In addition to the powers specified in Section 7 of the Act, an Inspector shall, for the purpose of the enforcement of the Act, have powers subject to the provisions of the Act, to conduct before a Court any complaint or other proceedings arising under the Act, or in discharge of his duties as an Inspector, and secure such evidence as may be necessary for the purpose.]

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 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, etc., full name and residential address of other partners or directors, etc. (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, etc.)
7. Whether the employer is a trade mark holder registered under the Trade and Merchandise Marks Act, 1958

¹ Inserted by Notification No. 6543-XVI dated 12-10-1971. Published in M.P. Rajpatra Part IV (Ga) dated 29-10-1971 Page 615. See MPLT 1971 Part II [341] Page 335.

8. Value of beedi 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 the applicant*

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

Note.— (1) Where an industrial premises is run or proposed to be run by, a contractor for or on behalf of another person or persons or company, etc., 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.

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

(ii) If any person named against item 5 is a minor, the fact shall be stated clearly.

FORM II

[See Rule 5]

Licence

Licence No.

Fee Rs.

Registration No.

Licence is hereby granted to

Valid only for the premises described below for the 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 31st day of March

Name of the 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 (1)	Fees paid for renewal (2)	Date of expiry (3)
1.		
2.		
3.		
4.		

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 III

[See Rules 10(2), 15(3), 22(6)(b)]

Record of White-washing, Colour-washing, Varnishing and 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
(1)	(2)	(3)
Date on which white-washing, colour-washing, painting or varnishing or cleaning was carried out according to the English Calendar		
Date	Month	Year
(4)	(5)	(6)
Remarks		Signature of employer

FORM IV

[See Rule 22 (1)]

Notice of Periods of Work

Figures : 1, 2, 3 related to 1st, 2nd and 3rd shifts or relays

Name of the industrial premises:	Place :					
Period of work	Men			Women and Young persons		
	(Total number of men employed)			(Total number of women and young person employed)		
(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (1)	(2) (1) (2)	(1) (2)
On working days						
From						
To						

From

To

On partial working days

From

To

From

To

Period of work

District :

Period of work			Description of groups		Remarks
(1)	(2)	(3)	Group letter	Nature of work	
On working days			()	A	
From				B	(1)
To				C	
From				D	
To				E	
On partial working days				F	
From					
To					
From					
To					

Weekly Holidays

Date on which this notice comes into force :

Employer

FORM 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 (such occasion)	Extent of overtime worked during the week
(1)	(2)	(3)	(4)	(5)

FORM VI

[See Rule 24(1) & 25(1)]

Register of Leave with Wages (Regular Employees)

Separate page shall be allotted to each employee

Leave Book

Serial No.	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
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 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 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 VII

[See Rule 24(2) & 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. 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 at 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 food-grains, etc., if any
17. Rate of wages for the leave period [Total of columns (15) and(16)]
18. Date and amount paid
19. Remarks

FORM VIII

[See 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 order of his discharge/dismissal/ retrenchment. A copy of his appeal petition is enclosed.

The appeal has been posted for hearing on the day of 20 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 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 of20 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

FORM X

[See Rule 27(1)]

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.....

Signed

FORM XI

[See Rule 32]

Monthly Return

1. Name of the industrial premises and full postal address
2. No. 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 Principal 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. No. 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 the Employer

FORM 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 at 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 correct to the best of my knowledge and belief.

Date Signature

Note.— Partial attendance for less than half a shift or 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 shifts, 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 month by twelve.

FORM XIII

[See Rule 33 (2)]

Muster Roll of Employees

Name and address of the industrial premises Date

S. No.	Name	Designation	Group
(1)	(2)	(3)	(4)

Relay	Shift number	Period of work	Remarks
(5)	(6)	(7)	(8)

[FORM XIV

[See Rule 33(2)]

Home Workers' Log Book

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

Account of Work done at Home

Date (1)	Raw Material supplied to the worker			Signature or thumb impression of the worker (5)	No. of beedis received by the employer (6)
	Tendu patta (2)	Tobacco (3)	Thread (4)		

No. of standard beedis (7)	Number of sub-standard or chhat beedis (8)	Wages payable to worker		Wages paid to the worker (11)
		For standard beedis (9)	For sub-standard or chhat beedis (10)	

Date (12)	Amount of wages to date in arrears (13)	Signature or thumb impression of the worker (14)	Signature of the Employer (15)

1. Substituted by Notification No. F. 4 (6)-4-79-Lab.XVI dated 10-6-1980. Published in M.P. Rajpatra Part IV (Ga) dated 1-8-1980 Page 330. See MPLT 1980 Part II □ [185] Page 143.

FORM XV

[See Rule 33(3)]

Home Workers' Employment Register

Month ending year

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	to 31

FORM XVI

[See Rule 33(5)]

Register of Overtime Works

Month ending.....20.....

Name	Designation	Date on which overtime has been worked	Extent of overtime	Total overtime worked or production in case of piece workers
(1)	(2)	(3)	(4)	(5)

Normal hours	Normal rate of pay	Overtime rate of pay	Normal earnings	Overtime earnings
(6)	(7)	(8)	(9)	(10)

Cash equivalent of advantage accruing through the concessional sale of foodgrains, etc.	Total earnings	Date on which overtime payment made
(11)	(12)	(13)

FORM 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)

Date	Amount of wages to	Signature of thumb	Signature of the
Overtime (2)	Normal earnings (1)	Overtime	Normal rate (1)