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

THE BEEDI WORKERS WELFARE CESS RULES, 19771 In exercise of powers conferred section 7 of the Beedi Workers welfare cess Act, 1976 (56 of 1976), the central Government hereby make the followtng rules, 1. Short title and commencement—These rules may be called THE namely:— WORKERS WELFARE CESS RULES, 1977. (2) They shall come into force on the fifteenth day of February, 1977

2. Definitions.—(l) In these rules, unless the context otherwise requires,_ (a) "Act" means the Beedi Workers Welfare Cess Act, 1976 (56 of 1976); (b) "Cess" means the cess levied and collected under sub-section (1) of section 3 of the Act; (c) "Commissioner" means a Welfare Commissioner appointed under sub-section (1) of section 8 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976); (d) words and expressions used herein and not defined but defined in the Central Excises and Salt Act, 1944 (1 of 1944)2 or the rules thereunder, have the meanings, respectively assigned to them in that Act or the rules

3. Application of Act 1 of 1944 and the rules made thereunder.—Save as otherwise provided in these rules, the provisions of the Central Excises and Salt Act, 1944 (1 of 1944)2 and the rules made thereunder, including the provisions relating to refund of duty, shall, so far as may be, apply in relation to the levy and collection of the cess as they apply in relation to the levy and collection of the duty of excise on tobacco under the Act

4. Recovery of excise duty.—The duty of excise levied under section 3 of the Act on tobacco issued to any person from a warehouse for any purpose in connection with the manufacture of beedi, shall be collected by the Central Excise Officer-in-charge of the warehouse

5. Return regarding collection of cess.—The Collector of Central Excise Of every region shall send to the Commissioner concerned on or before the end Of every month a return indicating the amount of cess collected and credited to the Fund during the previous month

1. Vide G.S.R. 54(E), dated 2-2-1977, published in the Gazette of India, Ext., Pt. 11, S. pp. 163-164

2. Now se Scanned with OKEN Scanner THE BEEDI WORKERS WELFARE FUND RULES, 19781 In exercise of the powers con erred by section 12 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976), the entral Government hereby make the following rules, namely:—CHAPTER 1 GENERAL 1. Short title and commencement.—(l) These rules may be called THE BEEDI WORKERS WELFARE FUND RULES, 1978. (2) They shall come into force on the date of their publication in the Official Gazette

2. Definitions.—ln these rules, unless the context otherwise requires,— (1) "Act" means the Beedi Workers Welfare Fund Act, 1976 (62 of 1976); (2) "Advisory Committee" means an Advisory Committee constituted under section 5 of the Act; 2[(2-A) The agency for the purposes of the provisions of the Act and rules framed thereunder shall satisfy the following criteria, namely:— (a) it shall be a legal entity; (b) it shall have the necessary set up in the area in which project to provide welfare measures and facilities, is proposed to be undertaken and also gained the relevant experience for a minimum period of three years; (c) it shall have the objective to serve the social and economic needs of the community as a whole and mainly the weaker sections and unorganised sections like beedi workers. It must no work on profit motive but on no profit no loss basis; (d) the activities of the agency shall be open to participation by all citizens of India irrespective of the religion, caste, creed, sex, race, place of birth or any of them; (e) it should have the necessary flexibility, professional competence and organisational skills to implement programme particularly in respect of unorganised work force; (f) it declares that it will adopt, constitutional and non-violent means for achieving its objectives; and (g) it is committed to secular and democratic concepts and methods of functioning;] (3) "Central Advisory Committee" means a Central Advisory Committee constituted under section 6 of the Act; (4) "Chairman" means the Chairman of an Advisory Committee or the Central Advisory Committee, as the case may be; (5) "Commissioner" means a Welfare Commissioner appointed by the Central Government under section 3, for any State or States concerned; (6) "Form" means

form in Schedule V; (7) "Fund" means the Beedi Workers Welfare Fund; 1. Vide G.S.R. 1232, dated 25-9-1978

2. Inserted by G.S,R. 750, dated 22-9-1989 (w.e.f. 7-10-1989). Scanned with OKEN Scanner BEEDI WORKERS WELFARE FUND RULES, 1978 30 (8) "member" means a member of an Advisory Committee or the Central Advisory Committee, as the case may be; (9) "Schedule" means a Schedule appended to these rules; (10) "section" means a section of the Act; (11) "treasury" means any Government Treasury or sub-treasury

CHAPTER 11 CENTRAL ADVISORY COMMITTEE, ADVISORY COMMITTEEs AND SUB-COMMITTEES 3. Composition.—(l)(a) The Central Advisory Committee shall consist of the following persons, to be appointed by the Central Government, namely:— 3 [O) Chairman; two Vice-Chairman, of whom one shall be an officer of the Central Government; and the other either a representative of the employers or a representative of the persons engaged in Beedi establishments;] (iii) two officer of the Central Government to be nominated by the Government, ex officio; 5[(iv) such number of Welfare Commissioners as may be nominated by the Central Government, ex officio;] (v) such number of persons of represent the owners of establishments, factories or contractors who are engaged in manufacture of beedis as are equal in number to the aggregate of those provided in sub-clauses (ii) to (iv) to be appointed, after consultation with such organisations, if any, of the owners of beedi factories or establishments or contractors, as may be recognised by the Central Government in this behalf; (vi) such number of persons, of whom one shall be a woman to represent the persons employed in the manufacture of beedis employed by any establishment or factory; directly or through any agency, employers or contractor as are equal in number to those provided in sub-clause (v) to be appointed after consultation with such organisations, if any, of the person so employed as may be recognised by the Central Government in this behalf.] (b) An officer of the Central Government shall be appointed by that Government as Secretary of the Central Advisory Committee and shall be entitled to attend and take part in the meetings of the Committee, but shall not be entitled to vote. (2)(a) Each Advisory Committee constituted under section 5 shall consists Of the following persons, to be appointed by the Central Government, namely:— (i) the Chairman; (ii) the Commissioners having jurisdiction in the State or States for which the Advisory Committee is constituted, who shall be the Vice- Chairman, ex officio: Provided that where more than one Commissioner is appointed to the Committee the Central Government may appoint any one of them to be the 3. Substituted by G.S.R. 40(E), dated 22-1-1991 (w.e.f. 22-1-1991)

4. Substituted by G.S.R. 629(E), dated 1-9-2009 (w.e.f. 1-9-2009)

5. Substituted by G.S.R. 78(E), dated 19-2-1998 (w.e.f. 20-2-1998). Scanned with OKEN Scanner BEEDI WORKERS WELFARE FUND RULES, 1978 31 (iii) one representative each of the concerned State Government or State Governments, as the case may be, ex officio; (iv) a member of the State Legislature appointed in consultation with the Government or Governments of State or States concerned; (v) such number of persons to represent the owner of beedi establishments or factories or contractors who are engaged in the manufacture of beedis, as are equal to the aggregate of those provided in sub-clauses (ii) and (iii), to be appointed after consultation with the organisations of the owners of beedi establishments or factories or contractors, if any, as may be recognised by the Central Government in this behalf; (VI) such number of persons to represents the persons employed in the manufacture of beedis, as are equal to the aggregate of those provided in sub- clauses (ii) and (iii) to be appointed after consultation with the organisations Government in this behalty.ed' if any, as may be recognised by the Central a woman, if no woman has been appointed under sub-clause (v) or sub-clause (vi).] (b) An officer of the Beedi Workers Welfare Organisation of the State or States concerned shall be appointed as the Secretary of the Advisory Committee and the Secretary so appointed shall be entitled to attend and take part in the meetings of the Committee, but shall not be entitled to vote

4. Term of office of members.—(l)(a) A member (other than an ex officio member) shall unless he resign his office or dies or otherwise vacates his office at an earlier date, hold office for a period not exceeding three years as may be specified by the Central Government in each case while making the appointment, from the date of publication in the Official Gazette of the notification appointing him as a member of the Advisory Committee or the Central Advisory Committee, as the case may be, and shall be eligible for reappointment: Provided that an outgoing member shall continue in office until the appointment of his

successor is notified in the Official Gazette. (b) An ex officio member shall hold office during the pleasure of the Central Government. (2) A member appointed to fill a casual vacancy shall hold office for as long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred. If a member is unable to attend a meeting of the Central Advisory Committee or the Advisory Committee, then in the case of a member appointed under sub-clause (iv) or sub-clause (v) of clause (a) of sub-rule (1) of rule (3) or under sub-clause (v) or sub-clause (vi) of clause (a) of sub-rule (2) of that rule the Central Government may in consultation with body which is represented by him in the Central Advisory Committee or the Advisory Committee, as the case may be, depute a member in his place to attend the meeting and in other cases may nominate a substitute in his place to attend the meeting and such deputed or nominated member shall have all rights of a member in respect of that meeting.] 6. Substituted by G.S.R. 703, dated 6-8-1982 (w.e.f. 21-8-1982). Scanned with OKEN Scanner BEEDI WORKERS WELFARE FUND RULES, 1978 5. A non-official member other than the Chairman of an 32 Advisory Committee may resign his office by writing under his hand (2) The Chairman of an Advisory Committee may resign his office by addressed to the Chairman. writing under his hand addressed to the Central Government. (3) The resignation shall take effect from the date of its acceptance or on the expiry of thirty days from the date of its receipt by the Chairman or, as the case may be, by the Central Government, whichever is earlier. 7 * * Before a non-official member leaves India he shall intimate to the Chairman the date of his departure from and date of his expected return to India, and if he intends to be absent from India for a period longer than six months, he shall tender his resignation

7. Vacation of office.—A non-official member shall be deemed to have vacated his office— (a) if he becomes of unsound mind or is declared insolvent; or (b) if he is convicted for any offence which in the opinion of the Central Government involves moral turpitude; or (c) if he is absent from three consecutive meetings of the Advisory Committee or the Central Government, as the case may be, without leave of absence from the Chairman; or (d) if in the opinion of the Central Government, it is not desirable that he should continue to be a member of the Advisory Committee or the Central Government as the case may be; (e) in the case of a member of a State Legislature, on his ceasing to be member of such State Legislature; (f) if he ceases to represent the interest for representing which he was appointed. 8[8. Allowances payable to member.—(l) Every non-official member including a non-official member co-opted under section 7 shall be entitled to receive travelling allowance, daily allowance and conveyance allowance in accordance with the instructions contained in Ministry of Finance O.M. NO F• 6(26)/EIV / 59, dated 5th September, 1960 as for the time being in force. (2) The allowance under rule shall be admissible only on production of a certificate by the non-official members to the effect that they have not claimed or drawn travelling allowance or conveyance allowance in respect Of journeys and halts from any other source.] CHAPTER 111 PROCEDURE RELATING TO MEETINGS 9. Disposal of business.—(l) Every question which an Advisory Committee or the Central Advisory Committee is required to take into consideration shall be considered either at a meeting or, if the Chairman so directs, by sending the necessary papers to every member for opinion: 7. Omitted by G.S.R. 703, dated 6-8-1982 (w.e.f. 21-8-1982)

8. Substituted by G.S.R. 251, dated 6-4-1990 (w.e.f. 21-4-1990). Scanned with OKEN Scanne R. 13] BEEDI WORKERS WELFARE FUND RULES, 1978 33 provided that the papers are sent to the members by registered post with acknowledgment due and with the request that the views of the members should reach the office of the Advisory Committee or the Central Government, as the case may be, within a specified period: provided further that the papers will not be sent to a member who is absent from India. (2) When a question is referred to the members for opinion by sending papers, any member may request that the question be considered at a meeting and thereupon the Chairman may, and if the request is made by three or more members shall direct that it be so considered. (3) If not less than three members of an Advisory Committee or the Central Advisory Committee request the Chairman to refer any matter to the Committee, the Chairman shall refer that matter to it accordingly. 9[10. Time, place and date of meeting.—An Advisory Committee or the Central Advisory Committee shall meet at least once a year at such places and on such dates and at such times as may be appointed by the Chairman.] 11. Notice of meetings and list of business.—(l) Notice shall be given to every member present in India of the time and place fixed for each ordinary meeting at least fifteen days before such meeting and every member shall be furnished with a list of business to be considered at the meeting. (2)(a) An 9 [urgentl meeting of an

Advisory Committee or the Central Advisory Committee may be called by the Chairman thereof to discuss matters on which a decision had to be taken immediately. (b) Notice shall be given either by registered post or by telegram or in person to every member present in India, of the place, time and of an 9[urgent] meeting at least four days before such meeting and every member shall be furnished with a list of business to be considered at the meeting. (3) No business which is not included in the list shall be considered at a meeting without the permission of the Chairman

12. Presiding at meeting.—The Chairman shall preside at every meeting at which he is present and in his absence the Vice-Chairman shall preside

13. Quorum.—No business shall be transacted at a meeting whether it be an ordinary or emergency meeting of an Advisory Committee or. the Central Advisory Committee unless at least one-third of the total number of members Of the Advisory Committee or the Central Advisory Committee, as the case may be, having the right to vote are present and at least one of the member so present is the Chairman or the Vice-Chairman: Provided that if at any meeting less than one-third of the total number of members are present the Chairman or in the absence of Chairman the Vice- Chairman may adjourn the meeting to a date not less than seven days from the date of the meetings informing the members present and sending registered notice to the other member that he proposes to dispose of the business at the adjourned meeting irrespective of the quorum and it shall thereupon be lawful to dispose of the business at the adjourned meeting whether there is quorum or not

9. Substituted by G.S.R. 703, dated 6-8-1982 (w.e.f. 21-8-1982). Scanned with OKEN Scanner [R. 14 BEEDI WORKERS WELFARE FUND RULES, 1978 34 14. Recommendation by majority.—(l) Every question of a meeting of the Advisory Committee or the Central Advisory Committee shall be decided by a majority of votes of the members present and voting on that question, but the minority shall in all cases have the right of requiring their dissent to be noted. (2) Every question referred to the members for opinion shall unless the Chairman in pursuance of sub-rule (2) of rule 9 reserves it for consideration at a meeting be decide in accordance with opinion of the majority of members recording opinion within the time specified. (3) In the case of an equals division of votes or opinion the Chairman shall have an additional or casting vote whether the matter is considered at the meeting the Central Advisory Committee or the Advisory Committee or by sending the papers for the opinion of members

15. Minutes of meetings.—The proceedings of each meeting of an Advisory Committee or the Central Advisory Committee shall be circulated to all members present in India, as soon as may be after the meeting, and shall be read out and confirmed at the next meeting of the Committee, and shall be signed by the Chairman or as the case may be, the Vice-Chairman or other person presiding at such next meeting and shall thereafter be recorded in a minute book, which shall be kept for permanent record

16. Headquarters of an Advisory Committee or the Central Advisory Committee.—The headquarters of the Central Advisory Committee shall be in New Delhi and the headquarters of an Advisory Committee shall be at such place or places as may be fixed by the Central Government from time to time. 101* * The Welfare 17. Executive of an Advisory Committee.— Commissioner shall be the Chief Executive of an Advisory Committee and exercise the executive functions of the Committee on its behalf

18. Staff powers of the Commissioner.—The Commissioner may authorise the staff of the Advisory Committee to give assistance to any member of an A dvisory Committee or of a sub-Committee of the Advisory Committee or any other Authority exercising executive or advisory functions in connection with the Act

19. Conditions of service of persons appointed under section 8.—Persons appointed under section 8 shall be governed by such rules relating to the terms and conditions of service as are applicable to Central Government Servants

20. Schemes of expenditure.—(l) The Commissioner shall have power subject to the provisions in the sanctioned budget to incur expenditure on administrative staff and welfare schemes: Provided that— (i) he shall have no powers to sanction any scheme not included in the budget, if it involves expenditure exceeding Rs. 50,000 non-recurring and Rs. 5,000 recurring a year; and (ii) any new schemes within these limits shall require the approval of the Finance sub-Committee beforg any expenditure on it is incurred. (2) The Commissioner may sanction without reference to the Advisory Committee, expenditure on contingencies supplies and services and purchases 10. Omitted by G.S.R. 703, dated 6-8-1982 (w.e.E 21-8-

1982). Scanned with OKEN Scanne BEEDI WORKERS WELFARE FUND RULES, 1978 R. 27] 35 of articles required for the smooth and efficient running of the organisation under him subject to financial provision in the sanctioned budget and to the condition that the expenditure on any single object or service shall not exceed Rs. 4,000 non-recurring and Rs. 800 recurring. POWERS OF ADVISORY COMMITTEES 21. Budget.—(l) The annual budget as prepared by the Commissioner in consultation with the Finance sub-Committee shall be considered by the Advisory Committee concerned each year and thereafter a copy of the budget, as approved by the Advisory Committee, shall be forwarded not later than the 1st day of October each year for sanction to the Central Government which may make such alterations therein as it considers necessary before according its sanction. (2) The budget to be forwarded to the Central Government shall be accompanied by detailed self-contained notes explaining new schemes included therein

22. Other matters to be considered by an Advisory Committee.—An Advisory Committee shall consider the budget and any other matter that may be laid before it by the Commissioner with permission of the Chairman

23. Committee to be informed of expenditure.—A memorandum setting forth any grant made or expenditure since the last meeting shall be laid at each meeting of an Advisory Committee

24. Finance sub-Committee.—(l) An Advisory Committee shall elect from among its members, two persons of whom one shall be a person to represent owners of establishments or factories or contractors who are engaged in the manufacture of beedis, and the other to represent the persons employed in the manufacture of beedis to constitute a Finance sub-Committee of which the Commissioner shall be an additional member and Chairman. (2) An Advisory Committee may at any time co-opt a person or persons to the Finance sub-Committee and any person so co-opted shall exercise all the powers and functions of a member of the Finance sub-Committee, but shall not be entitled to vote and shall not solely by reason of being so co-opted be a member of the Advisory Committee. (3) Notice of every meeting of the Finance Committee shall be sent to the Chairman of the Advisory Committee who may attend such meeting if he so desires and if he does so attend, he shall notwithstanding anything contained in sub-rule (1), preside at the meeting and shall be entitled to vote

25. Duties of the Finance sub-Committee.—The duties of the Finance sub- Committee shall be to frame schemes of expenditure, to advise on the budget drawn up by the executive of the Advisory Committee and on the accounts of the Advisory Committee and also in regard to all expenditure and to consider all schemes referred to in clause (ii) of the proviso to rule 20

26. Other sub-Committees.—An Advisory Committee may, as and when considered necessary, constitute from its members, as many sub-Committees as it may deem necessary for considering and reporting on such matter as may be specifically assigned to it

27. Meeting of the sub-Committees.—The meeting and proceeding of the Finance sub-Committee and any; other sub-Committees which may be COnstituted under rule 26 shall be governed by the provisions herein continued Scanned with OKEN Scanner [R. 28 BEEDI WORKERS WELFARE FUND RULES, 1978 for regulating the meetings and proceeding of an Advisory Committee in so far as the same are applicable

CHAPTER IV GRANTS AND WELFARE STANDARDS 28. In each case in which a grant is made by or with the approval of the Central Government to a state Government, a ll[local authority/agencyl the owner of an establishment or factory or contractor engaged in the manufacture of beedis, in aid of any scheme approved by the Central Government for the purposes of the Act, the Central Government may impose conditions necessary for ensuring— (a) that the work for which the grant is made is duly and promptly executed and the money is actually utilised for the purpose for which It IS granted; (b) that the data on which the grant is calculated are in accordance with facts; (c) that any particulars which the Central Government may from time to time require for the proper discharge of its responsibilities are promptly supplied. (d) that all necessary facilities for inspection are accorded to persons duly authorised by the Central Government for the purpose of satis • g itself that the provisions of clause (a) are complied with or for che • g the correctness of any particulars supplied under clause (c) or for the collection of any such particulars; (e) that proper accounts of the money granted are kept and are submitted for adult by such persons as the Central Government may authorise in the behalf; (j) that an additional statement of account

together with a certificate of a Registered Accountant or other recognised body ot auditors to the effect that the accounts are correct, is furnished by the grantee; and (g) that the labour employed on regular basis and that employed on contract basis are given 12[samel welfare facilities. (2) Before making a grant to a State Government a ll[local authority/ agency], or the owner of establishment or factory or contractor who is engaged in the manufacture of beedis, the Central Government shall require such State Government, local fulfilment of the conditions imposed by the Central Government under sub-rule (1). (3) It shall be the condition of ever bond executed under sub-rule (2) that in the event of the State Government, l[local authority/ agency] or owner Of the establishment or factory or contractor violating any condition imposed under sub-rule (1) such State Government, ll[local authority/agency], or owner or contractor shall be liable to pay to the Central Government a sum not exceeding the amount paid as grant by way of penalty in addition to the refund of the entire remaining grant, and where the amount of penalty and the remaining grant is huge, payment may be allowed in two or three instalments

11. Substituted by G.S.R. 750, dated 22-9-1989 (w.e.f. 7-10-1989)

12. Substituted by G.S.R. 703, dated 6-8-1982 (w.e.f. 21-8-1982). Scanned with OKEN Scanne BEEDI WORKERS WELFARE FUND RULES, 1978 R. 31] 29. Standard of dispensary or hospital The standard of dispensary service to be provided by owners of establishments or factories or contractors who are engaged in the manufacture of beedis for the purpose of etting the grant-in-aid envisaged in clause (c) of sub-section (1) of section 4 of Act shall be as specified in Schedule 11, hereinafter in this rule and in rules 30 and 31 referred to as the prescribed standard. (2) There shall be maintained an independent dispensary or hospital at the site of each establishment or factory engaged in the manufacture of beedis according to the prescribed standard: provided that a common main dispensary may be maintained for several establishments or factories engaged in the manufacture of beedis with branch dispensaries attached to each establishment or factory engaged in the manufacture of beedis subject to the following conditions, namely:— (i) the common main dispensary shall maintain the standards prescribed for the aggregate number of workers of all the establishments or factories engaged in the manufacture of beedis served by it or the standard maintained by it during the year 1975, whichever is higher; (ii) every branch dis ensary shall have a qualified doctor and a qualified pharmacist (compounder ; (iii) the common main dispensary shall be so situated that none of the establishment or factory engaged in the manufacture of beedis served by it is more than fifteen kilometers away from it; and (iv) the common main dispensary shall maintain an ambulance van for taking serious cases of injury and sickness from the branch dispensaries to the common main dispensary. (3) The Commissioner -may if he is satisfied that any dispensary or hospital is being efficiently run and served the purpose for which it is established, waive any of the requirements specified in the prescribed standard: Provided that no such dispensary or hospital shall contain any room other than a store room which is less than four metres by three metres in area: Provided further that a Registered Medical Practitioner may be appointed to be incharge of a dispensary catering to more than 250 workers, only if he has ten years experience as medical officer in independent charge of a dispensary

30. Inspection.—The dispensary services maintained by establishments or factories or contractors engaged in the manufacture of beedis shall be inspected at intervals not exceeding one year by such medical or other officer as may be authorised by the Commissioner for \the purpose or by the Commissioner himself whenever he considers it necessary and the inspecting Officer or the Commissioner, as the case may be, shall, if the dispensary conforms to the prescribed standard issue a certificate in Form "A" which shall be valid for a period of one year from date of issue

31. Submission of periodic returns.—Every owner or contractor engaged in the manufacture of beedis, who maintain a dispensary service accordmg to the prescribed standard shall submit to the Commissioner— (i) In January and July of each year a statement showing the total number Of persons employed by him in the manufacture of beedis during the preceding six months; and Scanned with OKEN Scanner [R. 32 BEEDI WORKERS WELFARE FUND RULES, 1978 38 (ii) In January of each year a certified statement of expenditure incurred on the dispensary during the preceding twelve months

32. Standard of maternity centre.—(l) The standard of maternity centre to be provided by owners or contractors who are engaged in the manufacture of beedis for the purpose of getting the grants-in-aid envisaged in clause (c) of sub-section (1) of section 4 of the Act shall be as specified in Schedule Ill, hereinafter in this rule and as in rules 33, 34 and 35 referred to as the prescribed standard. (2) There shall

be maintained as independent maternity centre at each establishment engaged in the manufacture of beedis according to the prescribed standard: Provided that a common main maternity centre may be maintained for several establishments of factories engaged in the manufacture Of beedis with branch maternity centre attached to each establishment or factory engaged in the manufacture of beedis subject to the following conditions, namely:— (i) the common main maternity centre shall maintain the prescribed standard for the aggregate number of workers of all the establishments or factories engaged in the manufacture of beedis served by it or the standard maintained by it during the year 1975, whichever is higher; (ii) every branch maternity centres shall have a qualified doctor and a qualified compounder, (iii) the common main maternity centre shall be so situate that none of the establishments manufacturing beedis served by it is more than fifteen kilometres away from it; and (iv) the common main maternity centre shall maintain an ambulance van for taking serious cases from the branch maternity centres to the common maternity centre. (3) The Commissioner may, if he is satisfied that a maternity centre is being efficiently run and serves the purpose for which it is established, waive any of the requirements specified in the prescribed standard: Provided that the functions of a lady health visitor may be performed by a fully qualified and registered midwife who has not less than ten years experience as a midwife: Provided further that a lady medical licentiate may be appointed to be incharge of a maternity centre catering to more than 1,000 workers if she has ten years experience as a medical officer in independent charge of a maternity centre

33. Inspection.—The maternity centre maintained by owners Of establishments or factories or contractors engaged in the manufacture Of beedis shall be inspected at intervals not exceeding one year by such medical or other officers as may be authorised by the Commissioner for the purpose or self whenever he considers it necessary and the by the Commissioner inspecting officer orthe ommissioner, as the case may be, shall, if the centre conforms to be prescribed standard, issue a certificate in Form B, which shall be valid for a period of one year from the date of issue

34. Submission of periodic returns.——Every owner of an establishment or factory or a contractor engaged in the manufacture of beedis who maintains a Scanned with OKEN Scanner BEEDI WORKERS WELFARE FUND RULES, 1978 R. 391 39 maternity centre according to the prescribed standard shall submit to the commissioner in January of each year a certified statement of the expenditure incurred on the maternity centre during the preceding twelve months, 35. Extent of grant-in-aid.—Every owner of an establishment or factory or a contractor engaged in the manufacture of beedis who maintains a dispensary or a maternity centre for the benefit of workers employed in his establishment which conforms to be prescribed standard under rules 29 and 32, as the case may be and is subject to inspection under rules 30 and 33, as the case may be, if he desires to carry on improvement on the facilities existing on the 1st April, 1976 be eligible for such grant-in-aid in respect of non-recurring expenditure on such improvement as the Central Government may decide, subject to the condition that it shall not exceed 50 per cent of the said expenditure

36. Standard of facilities for education and recreation.—(l) The standard of facilities for education and recreation of workers to be provided by owners of establishments or factories or contractors who are engaged in the manufacture of beedis for the purpose of getting grant-in-aid as envisaged in clause (c) of sub-section (1) of section 4 of the Act shall be as specified in Schedule IV hereinafter in this rule and in rules 37, 38 and 39 referred to as the prescribed standard. (2) There shall be maintained an independent welfare centre at each establishment or factory engaged in the manufacture of beedis according to the prescribed standard. (3) The Commissioner may, if he is satisfied that the centre is being efficiently maintained and serves the purposes for which it is established, waive any of the requirements specified in the prescribed standard

37. Inspection.—The welfare centre maintained by owners of establishments or factories or contractors engaged in the manufacture of beedis shall be inspected at intervals not exceeding one year by such officer as may be authorised by the Commissioner for the purpose or by the Commissioner himself whenever he considers it necessary and the inspecting officer or the Commissioner, as the case may be, shall, if the centre conforms to the prescribed standard issue a certificate in

38. Submission of periodic returns.—Every owner of an establishment or factory or contractor engaged in the manufacture of beedis who maintains a welfare centre according to the prescribed standard shall submit to the Commissioner— (i) immediately on the establishment of the welfare centre, adequate proof to the satisfaction of the Commissioner showing the capital expenditure incurred on the construction and equipment of the welfare centre; and (ii) in January, each year a certified statement of the expenditure incurred on the welfare centre during the preceding twelve months: Provided that the statements shall not include expenditure, if any, incurred On repairs and replacements. 39• Extent of grant-in-aid.—pvery owner pf an establishment engaged in the manufacture of beedis who maintains a welfare centre for the benefit of the Workers employed in his establishment which conforms to the prescribed Standard under rule 36 and is subject to inspection under rule 37 be eligible to a Scanned with OKEN Scanner [R. 40 BEEDI WORKERS WELFARE FUND RULES, 1978 40 grant-in-aid which shall not exceed 50 per cent of the amount spent by the owner of the establishment in the construction and equipment of the welfare centre subject to the maximum of Rs. 10,000. MISCELLANEOUS owner of an 40. Statistics and other information. establishment, factor or contractor engaged in the manufacture of beedis shall maintain such registers as the Central Government may specify and shall also furnish such statistics and other information as that Government or any person so authorised may, by written order, require for the purposes of the Act, in

Form D and within such time (being not less than thirty days from the date on which the order is served on the person concerned), and m such manner, as may be specified in the order. The agency shall maintain such registers as the Central Government may specify and shall also furnish such statistics and other informations that Government or any person so authorised may by written order, require for the purposes of the Act, in Form D-l within such time (being not less than 30 days from the date on which the order is served on the person concerned), and in such manner, as may be specified in that order.] (2)(a) The Commissioner may require that executive authority of any local body such as Municipality, District Board, Panchayat Boards, Block Development Units in any State or Union Territory where persons are engaged in the manufacture of beedis to prepare a register of beedi workers residing within the jurisdiction of that authority. (b) The registers referred to in clause (a) shall contain the following particulars relating to the beedi workers in the area under the jurisdiction of the local authority: I. Name 2. Age 3. Sex 4. Address 5. Place of work 6. Distance of place of work from their residence 7. Name of person or establishment by whom employed 8. Name of the trade mark holder. (c) Officers deputed by the Commissioner shall be afforded all necessary facilities by the owners and local authorities to collect statistics or other information from the register referred to in clause (a) for the purposes Of (3) Any owner of an establishment or factory or contractor engaged in the manufacture of beedis who, without reasonable excuse fails to furnish the statistics or other information required under sub-rule (1) or furnished statistics or other information contaming a statement, entry or detail which is not to the best of his knowledge or belief true or any executive authority 13. R. 40 renumbered as sub-R. (1) thereof by G.S.R. 750, dated 22-9-1989 (w.e.f. 7-10-1989)

14. Inserted by G.S.R. 750, dated 22-9-1989 (w.e.f. 7-10-1989). .. Scanned with OKEN Scanner BEEDI WORKERS WELFARE FUND RULES, 1978 SCH. 11] 41 enumerated under sub-rule (2), who, without reasonable excuse, fails to prepare a register as required under that sub rule shall be punishable with fine 41. Identity card 15 [(1)1 The owner of an establishment factory or contractor engaged in the manufacture of beedis shall issue to every employee an identity qard in Form E on which a photograph of the worker would also be affixed. Any owner of an establishment, factory or contractor engaged in the manufacture of beedis who without reasonable cause fails to issue to any employee an identity card as required under sub-rule (1) shall be punishable with fine which may extend to two thousand rupees.] 17[42. Power to file complaints.—Welfare Commissioners, Assistant Welfare Commissioners and Welfare Administrators shall have power to file complaint before the appropriate Court for breach of these rules.] SCHEDULE 1 18 SCHEDULE 11 (See rule 29) STANDARD OF DISPENSARY SERVICES 1. BUILDING I. 19[Dispensary catering for 1,000 workers or less—four rooms to be used as follows: (i) Consulting room (5 metres x 4 metres) (ii) Dressing room (5 metres x 4 metres) (iii) Dispensary and store room (5 metres x 4 metres). Covered waiting accommoda tion 15 square metres two latrines (flush type) each 2 metres x 3 metres] Minor operation room (5 metres x 4 metres)] 2. Dispensary catering for 1,001 to 2,000 workers—Six rooms to be used as follows: (i) consulting room for males (5 metres x 4 metres) (ii) consulting room for females (5 metres x 4 metres) (iii) Minor operation room (5 metres x 4 metres) (iv) Dispensary room (5 metres x 4 metres) (v) Laboratory room (15 to 18 square metres) (vi) Store room (5 metres x 4 metres) Covered waiting accommodation—20 square metres. Two latrines (flush type) each 2 metres x 3 metres 3. Dispensary catering for 2,001 workers or more—Nine rooms to be used as follows: (i) Consulting room for males (5 metres x 4 metres) (ii) Consulting room for females (5 metres x 4 metres) 15' R. 41 renumbered as sub-R. (1) thereof by G.S.R. 750, dated 22-9-1989 (w.e.f. 7-10-1989)

16. Inserted by G.S.R. 750, dated 22-9-1989 (w.e.f. 7-10-1989)

17. Inserted by G.S.R. 328(E), dated 11-4-2000 (w.e.f. 11-4-2000)

18. Schedule I omitted by G.S.R. 251 dated 6-4-1990 (w.e.f. 21-4-1990)

19. Substituted by G.S.R. 703, dated 6-8-1982 (w.e.f. 21-8-1982)

20. Inserted by G.S.R. 703, dated 6-8-1982 (we.f. 21-8-1982). Scanned with OKEN Scanner